

# **Human Rights Violations of Ethnic Azerbaijanis in Georgia**

**COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION  
(CERD)**

**108<sup>th</sup> session**

Tbilisi, Georgia

**Platform Salam** is a non-governmental organization established by ethnic/religious minorities of Georgia. The platform aims to organize non-dominant ethnic/religious groups for justice and equality. Organize them for preserving their identity, cultural heritage, language, and history. Platform Salam aims to achieve equality for the most oppressed and marginalized groups in Georgia through self-organization, and build a society of solidarity free from patriarchy, ethnocentrism, racism, xenophobia, and economic oppression.

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**Contact persons:**

**Ana Aptsiauri**

Human Rights Clinic, Ilia State University School of Law

Coordinator and Legal Practitioner

[ana.aptiauri.5@iliauni.edu.ge](mailto:ana.aptiauri.5@iliauni.edu.ge)

**Kamran Mamedli (Mamedov)**

Platform Salam

Board Member

[kamomamedovi@gmail.com](mailto:kamomamedovi@gmail.com)

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## Human Rights Violations of Ethnic Azerbaijanis in Georgia

### Introduction

The following report is submitted by Platform Salam, a CSO founded by ethnic Azerbaijani civil rights activists, the Human Rights Clinic of Ilia State University School of Law, and the Center for International Human Rights (CIHR) of Northwestern Pritzker School of Law. The document reports on human rights violations against ethnic Azerbaijanis living in Georgia and addresses issues related to the protection of social rights, political participation, and the right to environmental protection.

Georgia is considered a highly diverse country, ethnically, religiously, and linguistically. According to the 2014 General Population Census,<sup>1</sup> ethnic Georgians make up about 87 percent of the total population (3,688,600 people),<sup>2</sup> while other ethnic groups constitute 13 percent. The Azerbaijani community remains the largest non-dominant ethnic group with 233,024 people. Ethnic Azerbaijanis mostly live in two regions, Kvemo Kartli (177,032 people) and Kakheti (32,354 people), and in the city of Tbilisi (15,187 people). In other regions, the number of ethnic Azerbaijanis is very low. Outside of Tbilisi, most ethnic Azerbaijani people live in villages populated exclusively or almost exclusively by Azerbaijanis, often because they have been pushed out of the larger cities and towns. These villages are often located on the outskirts of municipalities (*e.g.*, the municipalities of Bolnisi or Dmanisi in the Kvemo Kartli region).

The Azerbaijani minority is a religious and linguistic minority, as well as an ethnic one. While the ethnic Georgian population is overwhelmingly Orthodox Christian, the members of the Azerbaijani community are predominantly Muslim. Moreover, the Azerbaijani community is among the national ethnic groups whose members continue to speak their own native language. Because of these differences in ethnicity, religion, and language, Azerbaijani people are particularly vulnerable to multiple forms of discrimination, social stigma, and exclusion. The dominant political discourse perceives ethnic, religious, and linguistic

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<sup>1</sup> National Statistics Office of Georgia, 2014 General Population Census Result, see:

<https://www.geostat.ge/en/modules/categories/739/demographic-and-social-characteristics>

<sup>2</sup> National Statistics Office of Georgia, Population, see: <https://www.geostat.ge/en/modules/categories/41/population>

minorities as a potential national security threat.<sup>3</sup> Despite recent improvements in public attitudes,<sup>4</sup> the combination of legal, institutional, and social barriers makes any integration process difficult.

## **II. Discrimination in education, including unequal access to preschool, primary and secondary education**

### **(A) Azerbaijani children are denied equal access to preschool education**

Azerbaijani children have far less access to preschool education than ethnic Georgian children. As of 2018 (the most recent statistics available), 82% of children in Georgia between the ages of three and five were enrolled in preschool.<sup>5</sup> But for Azerbaijani children, the rate was only 28.8%.<sup>6</sup> A similar disparity exists for children below the age of three. Overall, in Georgia, 65% of children below the age of three are enrolled in preschool. But in the regions densely populated by ethnic minorities, the rate is only 25.5%.<sup>7</sup>

The State has said that the absence of preschools in all villages is due to a lack of sufficient resources. But this cannot justify the discriminatory placement of the preschools that do exist. A primary reason for this disparity is the State's failure to provide preschools in Azerbaijani villages (*i.e.*, villages where the population is entirely, or almost entirely, Azerbaijani). Almost none of these villages has a preschool, even in areas where nearby ethnic Georgian villages do have preschools. For example:

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<sup>3</sup> Open Society Georgia Fund, *Ultrnationalist Narrative of Online Groups in Georgia*, 2019, p. 44, see: <https://osgf.ge/en/publication/ultrnationalist-narrative-of-online-groups-in-georgia/>

<sup>4</sup> For instance, a 2018 survey of public attitudes and awareness showed that 26% of the population thought the members of ethnic minorities did not face any issues in Georgia. In 2021, the number has decreased by 11%, reflecting a greater awareness of the challenges facing ethnic minorities. Similarly, positive attitudes toward diversity increased from 56% to 70% from 2018 to 2021, a 14 percentage point increase. For ethnic diversity, the data show a 12-point increase in positive attitudes from 56% to 68%. Council of Europe, *CRRC Georgia, Hate Crime, Hate Speech and Discrimination in Georgia: Attitudes and Awareness*, p. 32, see: <https://rm.coe.int/book-eng/1680a583d0>

<sup>5</sup> U.S Department of State, *2021 Country Reports on Human Rights Practices: Georgia*, see: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/georgia/>, citing multiple indicator cluster survey conducted in 2018 by the national statistics office GEO stat and the National Center for Disease Control and Public Health with UNICEF support.

<sup>6</sup> *Ibid.*

<sup>7</sup> *State Strategy for Civil Equality and Integration, and Action Plan*, p. 16, see: [https://smr.gov.ge/uploads/Files/\\_%E1%83%98%E1%83%9C%E1%83%A2%E1%83%94%E1%83%92%E1%83%A0%E1%83%90%E1%83%AA%E1%83%98%E1%83%90/Concept\\_ENG21.12.pdf](https://smr.gov.ge/uploads/Files/_%E1%83%98%E1%83%9C%E1%83%A2%E1%83%94%E1%83%92%E1%83%A0%E1%83%90%E1%83%AA%E1%83%98%E1%83%90/Concept_ENG21.12.pdf)

(a) Dmanisi Municipality:

65% of the population is ethnic Azerbaijani. Only 7 villages out of 57 have pre-schools.<sup>8</sup> There is not a single preschool in any of the villages densely populated by ethnic Azerbaijanis.<sup>9</sup>

(b) Bolnisi Municipality:

63% of the population is ethnic Azerbaijani. Only 3 villages out of 48 have pre-schools. There is not a single preschool in the villages densely populated by ethnic Azerbaijanis.<sup>10</sup>

(c) Sagarejo Municipality:

There are 27 pre-schools in all the villages densely populated by ethnic Georgians. There is not a single preschool in the villages densely populated by ethnic Azerbaijanis. Iormugharlo is one of the largest villages in the region. About 17,000 people, 33% of the population of Sagarejo Municipality live there. However, there is a single preschool that is available for only 30 students.<sup>11</sup>

(d) Tsalka Municipality:

39% of the population is ethnic Azerbaijani. There are only 7 pre-schools in the municipality – one in the city of Tsalka and another 6 in different villages. There is not a single preschool in the villages densely populated by ethnic Azerbaijanis.<sup>12</sup> Notably Tsalka is one of the poorest municipalities. 33.7% of the population lives in extreme poverty and gets a social allowance from the state.<sup>13</sup>

The State has recognized that the regions with high populations of ethnic minorities lack the necessary resources for preschool education, but it has failed to take action to correct this situation. In 2021, the State adopted a ten-year plan, entitled "State Strategy for Civil Equality and Integration 2021-2030", which recognized the problem of lack of access to preschool in areas densely populated by ethnic

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<sup>8</sup> Detailed information is available at: [https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y\\_nL5FQ](https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y_nL5FQ)

<sup>9</sup> Letter from Marneuli Municipality Hall, 20.09.2022.

<sup>10</sup> Detailed information is available at: [https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y\\_nL5FQ](https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y_nL5FQ)

<sup>11</sup> Ibid.

<sup>12</sup> Letter from Tsalka Municipality Hall, 27.09.2022

<sup>13</sup> Detailed information is available at: [https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y\\_nL5FQ](https://mtisambebi.ge/news/item/1569-skolamdeli-ganatlebis-xelmisaxvdomobis-sagangasho-monazemebi-qvemo-gartlshi?fbclid=IwAR1SjA9og7F9XY7Qua0rZfJNEB7SyFEjxmHYttcrRCpFzzRo3Vz7y_nL5FQ)

minorities.<sup>14</sup> This State Strategy plan acknowledges that making preschool education available in ethnic minority areas will require relevant infrastructure, adequate conditions for quality preschool education, and mobilization of resources.<sup>15</sup> But the State Strategy does not analyze the fundamental and structural causes of the existing problem, nor does it commit to providing preschools in Azerbaijani villages on the same basis as in ethnic Georgian villages.

The qualification of teachers and the lack of a unified vision for their training remain critically problematic.<sup>16</sup> In 2015, Georgia started the process of integrating Sustainable Development Goals into its national policy agenda. Goal 4 refers to quality education, which means ensuring inclusive and equitable education and creating lifelong learning opportunities for everyone.

In 2021, the Government of Georgia adopted State Strategy for Civil Equality and Integration 2021-2030. Must be noted, the strategy does not analyze the fundamental and structural causes of the existing problem. Although the document covers a ten years period, it fails to contain substantially new or crucial perspectives in terms of legislative, institutional, and political changes that would contribute to a more equal and equitable political and social environment for national ethnic minorities.

### **(B) Limited educational opportunities for Azerbaijani students in elementary and secondary school**

Azerbaijani students in elementary and secondary schools are not provided the same quality of education as ethnic Georgian students receive. Most of the school buildings in Azerbaijani villages are in dangerously poor physical condition, textbooks for the State curriculum have not been published in the Azerbaijani language, even though that is the language of instruction, and the schools in Azerbaijani villages fail to provide instruction in the national language (Georgian), impeding the students' integration into Georgian society and the many attendant opportunities.

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<sup>14</sup> Detailed information is available at: <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>

<sup>15</sup> Ibid.

<sup>16</sup> Public Defender (Ombudsperson) of Georgia, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 321, see: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf>

School buildings in Azerbaijani villages are dangerously dilapidated. Conditions in many schools are so bad that parents worry that their children could be injured if they attend school in these buildings. Furthermore, the lack of adequate infrastructure affects the accessibility and quality of education. In some cases, the usability and safety of schools cannot be guaranteed due to poor infrastructure. Many school buildings in densely populated villages are closed or are not useable. For example:

(a) Khutor Lezhbadini, Marneuli Municipality

The school building in the village of Khutor Lezhbadini is in extremely poor condition – so much so, that only four children have enrolled in the school. Most children living in Khutor Lezhbadini go to the schools in the other villages.



(b) Saparlo, Dmanisi Municipality

The school building is unusable and inaccessible for the children living in the village of Saparlo. After the restrictions of the Covid-19 pandemic were lifted, the children started the new semester at the local “Club” building, which was damaged. Currently, children go to school in the neighboring village.





(c) Mamishlo, Dmanisi Municipality

There are only two classrooms in the school building. The school only provides primary education.



(d) Chanakhshi, Marneuli Municipality

In 2019, a tender in the amount of 1,279,750 GEL was announced for the building of a new school in the village of Chanakhshi, with a deadline requiring that the work be completed within 160 calendar days from the conclusion of the contract. However, over three years later, the construction has not yet been completed; in fact, it has been stopped. Several weeks ago, it was learned that a new tender has been announced for the construction of the school building.



(e) Mamei (Kirovka), Marneuli Municipality

Due to the infrastructural problems, students have been attending the school in the neighboring village since the last spring semester. That creates multiple problems, mostly regarding travel. According to the Ministry of Education, it is impossible to repair the building. Additionally, the location where the building currently exists is not large enough for a school building at all.



As these examples illustrate, the lack of adequate infrastructure affects the accessibility and quality of education. In some cases, the usability and safety of schools cannot be guaranteed due to poor infrastructure. Many school buildings in Azerbaijani villages are closed or are not useable.

**(C) Failure to provide textbooks in the Azerbaijani language**

The State has not provided appropriate textbooks in schools where the language of instruction is Azerbaijani (or one of Georgia's other minority languages). According to Geostat's 2014 population census, the number of non-Georgian language school pupils was 54,325, which was 9% of the total number of pupils. The largest share of these pupils - 47.7% speak Azerbaijani, while 26.5% speak Russian, and 24.5% speak Armenian.<sup>17</sup> The Public Defender (Ombudsperson) of Georgia determined in 2021 that, up to then, no effective measures had been taken by the State to develop and publish textbooks on

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<sup>17</sup> Ibid.

language and literature for Azerbaijani, Russian and Armenian-speaking schools and to incorporate these textbooks in the teaching process in Georgia.<sup>18</sup>

#### **(D) Failure to adequately teach the Georgian national language in Azerbaijani-language schools**

According to Article 27 of the Constitution, elementary and basic education shall be compulsory in Georgia.<sup>19</sup> It is at this stage that the members of the ethnic minority should have the opportunity to learn the Georgian language. However, the State has failed to provide this opportunity.

To begin with, there are not enough Georgian language teachers in schools where the language of instruction is Azerbaijani. Additional challenges are posed by the qualifications of teachers,<sup>20</sup> the lack of bilingual books, and an undeveloped educational environment.<sup>21</sup> Teachers need further training in order to be qualified to teach the Georgian language to Azerbaijani-speaking students. But as of 2021, only 27% of teachers have been retrained.<sup>22</sup>

T<sup>23</sup>, an ethnic Azerbaijani human rights activist, put it this way:

*“When my father’s mother died, my older sisters stopped going to school, and I lived with my grandmother on my mother’s side. I knew that my fate depended on her. In our community, there are quite a few children who have never seen the school in their life, or only got an education up to the third or fourth grade. When the dominant group asks us why we do not know the Georgian language, we have two answers: on the one hand, it’s not taught properly in schools, and on the other hand,*

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<sup>18</sup> Public Defender (Ombudsperson) of Georgia, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 321, see: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf>

<sup>19</sup> Constitution Of Georgia, article 27.

<sup>20</sup> Social Justice Center, Critical Analysis of the State Strategy for Civic Equality and Integration, 2021, see: [https://socialjustice.org.ge/uploads/products/covers/ENG-StrategyDocumentEvaluation\\_1634294194.pdf](https://socialjustice.org.ge/uploads/products/covers/ENG-StrategyDocumentEvaluation_1634294194.pdf)

“More than 62.7% of teachers employed in non-Georgian language schools hold the status of practicing teacher and only 24% hold the status of senior teacher”, See. <https://bit.ly/3BRBPMb>

<sup>21</sup> Open Society Georgia Foundation, Contribution of the Georgian Civil Society Organizations to Eu-Georgia Human Rights Dialogue, p 12.

<sup>22</sup> Institute for Development of Freedom of Information, Overview of the education sector and identification of challenges faced by ethnic minorities and socially vulnerable groups, 2022, p. 5, see: [https://idfi.ge/public/upload/00\\_studies/EnG\\_IDFI\\_Education\\_2022.pdf](https://idfi.ge/public/upload/00_studies/EnG_IDFI_Education_2022.pdf)

<sup>23</sup> T’s full name is not being used, for reasons of privacy.

*school isn't accessible to everyone, especially for economically and ethnically underprivileged groups.*<sup>24</sup>

### **III. Discrimination in access to Education, through the failure to provide opportunities for proficiency in the official<sup>25</sup> language and language barriers**

#### **(A) Language barriers**

For many years already, the biggest challenge for ethnic minorities in Georgia is a lack of knowledge of the State language. The language barrier hinders the social integration of the members of the Azerbaijani community in Georgia. Among its many ill effects, the language barrier makes it impossible for most Azerbaijanis to access higher education. Without a university education, they are shut out of many opportunities in employment and public life. While it is commendable that primary and secondary education in Azerbaijani communities is conducted in the Azerbaijani language, the failure to also teach children the national language (described above) is a human rights violation that burdens them for life. For more than a decade, no new programs or policies for enhancing inclusive access to education for ethnic minorities have been developed by governmental bodies.<sup>26</sup>

Due to the language barriers, the members of the Azerbaijani community, as well as the other ethnic groups, are unable to properly enjoy public services. This challenge arises systematically, especially when receiving health care services, mainly due to the challenges in the field of primary health care in rural areas.<sup>27</sup> Communication problems have also been identified in institutions providing services necessary for the realization of social and economic rights of the different ethnic minorities, such as the Houses of Justice, territorial offices of the Social Service Agency, and branches of commercial banks.<sup>28</sup> Moreover,

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<sup>24</sup> see: <https://socialjustice.org.ge/ka/products/vin-vart-chven-iormughanloelebi>

<sup>25</sup> According to Article 2 of the constitution of Georgia, "the official language of Georgia shall be Georgian, and, in the Autonomous Republic of Abkhazia, also Abkhazian."

<sup>26</sup> Open Society Georgia Foundation, Implementation of EU-Georgia Association Agenda 2017-2020, Assessment by Civic Society, 2021, p. 31, see:

[https://osgf.ge/wp-json/wi/validate/v1/file?wifile=wp-content/uploads/2021/12/IMPLEMENT\\_OF\\_EU-GEORGIA\\_PRINT\\_28\\_02\\_2020.pdf](https://osgf.ge/wp-json/wi/validate/v1/file?wifile=wp-content/uploads/2021/12/IMPLEMENT_OF_EU-GEORGIA_PRINT_28_02_2020.pdf)

<sup>27</sup> Public Defender (Ombudsperson) of Georgia, Special Report on Situation of Equality and Combating and Preventing Discrimination, 2022, p. 21, see: <https://www.ombudsman.ge/res/docs/2022022413261538101.pdf>

<sup>28</sup> Ibid.

despite the right to adequate information about State programs and public services in a language understandable to non-dominant ethnic groups, the realization of this right in Georgia is problematic even in cases directly guaranteed by law. Even in the regions densely populated by ethnic Azerbaijanis, public information is usually only available in Georgian.

The State's failure to adopt measures to ensure that Azerbaijani students have the opportunity to become proficient in the national language during elementary and secondary school constitutes a form of discrimination against these children. As is recognized in the Convention on the Rights of the Child, the central purposes of education must include "[t]he development of the child's personality, talents and mental and physical abilities to their fullest potential," and "[t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin."<sup>29</sup> These goals cannot be achieved for ethnic Azerbaijani students to the same extent as for ethnic Georgian students, without providing Azerbaijani students with adequate language instruction to attain proficiency in the national language.

The UN Special Rapporteur on Minority Issues has emphasized the right to be taught the national language:

*"One aspect that is absolutely clear from an international legal point of view is that whatever the degree of use of a minority language as a medium of instruction, in private or public schools, students must always be afforded the opportunity of learning the official or majority language. . . . Put differently, whatever model or approach is in place in relation to the use of a minority language as a medium of instruction, children must always have an opportunity to effectively learn the official or majority language where they live."<sup>30</sup>*

Georgia's failure to implement effective measures to enable Azerbaijani elementary and secondary students to acquire proficiency in the Georgian language violates this obligation. The lack of access to

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<sup>29</sup> Convention on the Rights of the Child, art. 29(1)(a) and (d).

<sup>30</sup> UN Special Rapporteur on the Rights of Minorities, Education, language and the human rights of minorities, UN Doc. No. A/HRC/43/47 (9 Jan. 2020), ¶¶ 65-66, see: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/003/58/PDF/G2000358.pdf?OpenElement>

preschool for Azerbaijani children exacerbates this problem, since new languages are most easily learned when children are young. While it is true that what is called for here might be considered special measures in favor of Azerbaijani children and university students, that does not diminish the State's obligation to implement such measures. As this Committee has long recognized, such special measures are sometimes not only permissible but required. This is such a case. There is no way that the Azerbaijani ethnic and linguistic minority can enjoy equal rights unless the State, through its education programs, provides the opportunity to attain proficiency in the national language.

### **(B) 1+4 program and problems accessing higher education**

Access to higher education is critically challenging for Azerbaijani students. In order to enroll at universities, the majority of Azerbaijani-speaking applicants are entitled to take only one university entrance exam (general skills) in Azerbaijani. Those who are admitted study the Georgian language during the first year, before going on to the normal four years of university study. The Georgian Language Training program, known as the "1+4 program," was launched in 2010. The Program aims to teach the official language of Georgia to the members of ethnic minorities (Azerbaijanis, Armenians, Abkhazs, Ossetians) who cannot speak Georgian. The purpose of the program is to support non-Georgian speaking students in acquiring the Georgian Language skills – writing, reading, listening, and speaking – that are necessary for their university studies.

While this program is an important one, its effectiveness is very limited due to the low level of funding provided by the State. The high cost of the program and the generally low socio-economic status of Azerbaijani students make participation in this program virtually impossible for students whose costs are not covered by the State. Due to the low level of funds allocated by the State for the relevant language groups, most students who need this program remain without funding.<sup>31</sup> This problem has worsened over time, as the number of students eligible to participate has increased significantly since the 2010 inception of the program. According to the ordinance (N283) of the Government of Georgia on the amount of the State education grants and program funding, the annual amount of the State education

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<sup>31</sup> Public Defender (Ombudsperson) of Georgia, Special Report on Situation of Equality and Combating and Preventing Discrimination, 2022, p. 21, see: <https://www.ombudsman.ge/res/docs/2022022413261538101.pdf>

grant for Georgian-speaking students is 12,600,000 GEL (awarded on the basis of the Unified National Examinations).

However, the funding system is different for non-Georgian-speaking students. The State grant funding for students who are offered admission in the 1+4 program based on their scores on the Unified National Examinations administered in the Azerbaijani, Armenian, Abkhazian, or Ossetian languages is only 225,000 GEL (for each ethnic group).<sup>32</sup> As a result, only 100 students from each ethnic group have an opportunity to receive the State grant. According to the results of the Unified National Examinations in 2020, only 10.4% of the 1223 minority language entrants received a State education scholarship. This shows that a large proportion of students belonging to national minorities are left without the funding they need to attend the program.<sup>33</sup>

Access to higher education for the Azerbaijani community and other national ethnic minorities remains challenging. Although from 2010 to 2018 there has been an increase in the number of ethnic minority students in Georgia's higher education institutions,<sup>34</sup> the number remains too low. Additionally, the dropout rate for these students is high and the graduation rate is low. Ethnic Georgian students are much more likely than Azerbaijani students to complete a university degree program and graduate. Azerbaijani students face multiple systematic, social, and economical challenges. The lack of Georgian language competencies, lack of academic and cognitive development, low academic preparation, financial problems (annual payment, living expenses), and low-paid employment<sup>35</sup> are notable among the factors that produce their high dropout rate and low graduation rate.<sup>36</sup>

#### **IV. Refusal to permit Azerbaijanis to use surnames reflecting their language and culture**

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<sup>32</sup> Note: The annual payment for the state universities is 2,250 GEL.

<sup>33</sup> Public Defender (Ombudsperson) of Georgia, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 322, see: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf>.

<sup>34</sup> Institute for Development of Freedom of Information, Overview of the education sector and identification of challenges faced by ethnic minorities and socially vulnerable groups, 2022, p. 4, see: [https://idfi.ge/public/upload/00\\_studies/EnG\\_IDFI\\_Education\\_2022.pdf](https://idfi.ge/public/upload/00_studies/EnG_IDFI_Education_2022.pdf)

<sup>35</sup> Open Society Georgia Foundation, Contribution of the Georgian Civil Society Organizations to EU-GEORGIA Human Rights Dialogue, 2022, p. 11, see: <https://bit.ly/3dNxFgr>

<sup>36</sup> Tabatadze, Gorgadze, Gabunia, Study of the Higher Education Minority Quota System Policy in Georgia, p 74.

The family names of ethnic Azerbaijanis in Georgia typically end with the Russian Suffixes – ov, -ova, -ev, -eva. These surnames with Russian suffixes were given since the 1840s under the Russian Empire and especially during the Soviet Union.<sup>37</sup> Members of the Azerbaijani community would like to change their surnames to remove the Russian suffixes and to reflect their own identity, but Georgian law does not allow them to do so. Although Georgian law allows for changes of surnames in some circumstances, it does not permit such changes in the circumstances of the Azerbaijani community, thus discriminating against the Azerbaijani community. According to the Law of Georgia on Civil Status Acts, a citizen of Georgia, whose birth has been registered in Georgia, may change his/her surname.<sup>38</sup> A person may change his/her surname and take the surname of one of his/her direct ascendants (including the fourth-generation relatives (grandmother and grandfather of a grandmother/grandfather)).<sup>39</sup>

However, despite the existence of this legal mechanism, most ethnic Azerbaijanis are not able to change their surnames. To change one's surname, a person needs documentary proof of their ancestor's use of their preferred surname. But Georgian civil registry archives do not have data on family names dating back to the pre-Soviet period. Additionally, many ethnic Azerbaijani births were never recorded in the civil registries, so family names for many families do not appear in the civil registry archives. Without proof in the civil registry of prior ancestral names, it is not possible under Georgian legislation to change one's surname. To add to this problem, civil registry authorities informally advise applicants against trying to change their surnames.<sup>40</sup>

In August 2021, the members of Platform Salam organized an advocacy campaign #ReturnMySurname, in which they demanded to have the Russian endings of their surnames changed to Azerbaijani endings. For this campaign, the activists started collecting signatures to support a bill that would allow ethnic Azerbaijanis and other ethnic groups to remove or Alter Russian endings from their last names. As a result, Platform "Salam" collected about 27,000 signatures. However, on November 8, 2021, the Bureau of the Parliament of Georgia refused to accept the signatures to initiate the bill. In May 2022, the

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<sup>37</sup> For further information see: <https://www.facebook.com/SalamPlatform/videos/2782068378717113/>. It should be noted that other minority ethnic groups in Georgia (for instance, Yazidis) have had similar historical experiences.

<sup>38</sup> Law of Georgia on Civil Status Acts, art. 62, cl. 1, see: <https://matsne.gov.ge/en/document/view/1541247?publication=21>

<sup>39</sup> Ibid.

<sup>40</sup> OC-Media, Azerbaijani Activists in Georgia Want Family Names "Liberated from Occupation", 2021, see: <https://ocmedia.org/features/azerbaijani-activists-in-georgia-want-family-names-liberated-from-occupation/>



Parliament of Georgia prepared an alternative bill on the right to change surnames that have non-authentic, non-historical suffixes, but this proposed bill has several serious shortcomings. It must be noted, that the bill was developed in a “closed door” manner, with no involvement of the Azerbaijani community. Further, nothing has happened with this bill since May 2022; it has not been enacted into law.

## **V. Lack of access to political participation**

### **(A) Lack of equal participation in decision-making**

The members of the Azerbaijani community are excluded from both policy and decision-making processes and often become instrumentalized by political parties and leaders. The participation of ethnic Azerbaijanis in the policy-making process is extremely limited and formal most of the time on both central and local levels. During the reporting period, the Government of Georgia finalized work on the Human Rights Strategy 2022-2030. Not only did the document fail to address the problems faced by ethnic Azerbaijanis properly, but also the working process was closed for the members of community and civil rights society organizations. Moreover, the State Ministry of Georgia for Reconciliation and Civic Equality had excluded Salam Platform from working and participating on the 2021-2030 State Strategy for Civic Equality and Integration.<sup>41</sup>

Furthermore, the interests of ethnic Azerbaijanis are not represented by Georgian political parties. For instance, an analysis of the parties’ pre-election perspectives for the Parliamentary elections 2020 shows that most of their programs do not single out the issue of ethnic minorities in separate chapters or subchapters.<sup>42</sup> Minority issues are usually raised only when candidates are campaigning in the minority communities.

Article 5 (C) of the International Convention on the Elimination of All Forms of Racial Discrimination guarantees political participation without distinction as to the national or ethnic origin: “Political rights, in particular, the right to participate in the elections to vote and to stand for election on the basis of

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<sup>41</sup> Detailed information is available on: <https://netgazeti.ge/news/468029/>

<sup>42</sup> Social Justice Center, Equality Policy in the Parties’ Pre-election Perspectives – 2020, p. 4, see: [https://socialjustice.org.ge/uploads/products/pdf/Equality\\_in\\_Political\\_Parties\\_Programs\\_1606809839.pdf](https://socialjustice.org.ge/uploads/products/pdf/Equality_in_Political_Parties_Programs_1606809839.pdf)

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". Additionally, Article 5 (1) of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities declares the principle of participation during the policy-making process, "National policies and programs shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities".

### **(B) Lack of equal political representation**

Political representation of ethnic minorities on national and municipal levels is an important challenge. There is significant disproportionality in the percentage of ethnic minorities in the population and the percentage of ethnic Azerbaijani representatives in the parliament of Georgia or in municipal councils. According to T, an Azerbaijani human rights activist:

*"One-third of the population of Sagarejo municipality lives in Iormughanlo village.<sup>43</sup> However, we have only four representatives in the City Assembly, which is only 10 percent of the members of the Assembly. There was a similar practice during the previous government."*

*Both the government's and the opposition's approach to our community is problematic. Both political forces tell us that we don't deserve more seats in the city assembly".*

Only 15 or 63 municipal councils 63 have ethnic Azerbaijani or Armenian members. Even in the regions densely populated by Azerbaijani community, political representation remains critically low. For instance, in Bolnisi municipal council there are 13 ethnically Azerbaijanian (2 women) and 1 ethnically Armenian member out of 30,<sup>44</sup> in Gardabani 15 ethnically Azerbaijanian members (2 women) out of 36,<sup>45</sup> in Dmanisi 10 ethnically Azerbaijanian members out of 30,<sup>46</sup> in Marneuli 18 ethnically Azerbaijanian (5

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<sup>43</sup> Disclaimer: the village is densely populated with the Azerbaijani community.

<sup>44</sup> Members of the municipal council of Bolnisi; <https://bolnisi.gov.ge/sakrebulo/sakrebulos-tsevrebi>

<sup>45</sup> Members of the municipal council of Gardabani; <http://gardabani.gov.ge/sakrebulo/sakrebulos-tsevrebi>

<sup>46</sup> Members of the municipal council of Dmanisi; <https://www.dmanisi.gov.ge/en/sakrebulo/sakrebulos-tsevrebi>

women) and 2 ethnically Armenian members out of 32<sup>47</sup> and in Tetrtskaro – 1 ethnically Azerbaijani and 1 ethnically Armenian member.<sup>48</sup>

In the Kakheti region, where ethnic Azerbaijanis make up 10.1% of the population, Azerbaijani representation on municipal councils is way too low. Out of 8 municipal councils, only 3 have representatives from any ethnic minority groups – 1 ethnically Armenian member in Dedoplistskaro out of 30,<sup>49</sup> 3 ethnically Azerbaijani member in Lagodekhi out of 29,<sup>50</sup> and 4 ethnically Azerbaijani members in Sagarejo out of 39.<sup>51</sup> Although Azerbaijani representation on the municipal councils in Lagodekhi and Sagarejo is at about the 10% level, the level is zero in the remaining 6 municipal councils.

## VI. Environmental Justice issues

Ethnic Azerbaijanis will be disproportionately victimized by the environmental issues caused by the mining process in Bolnisi. This year, a mining company, Rich Metals Group (RMG), is planning to expand its activities to the predominantly Azerbaijani areas in Bolnisi Municipality. In Mushevani, Bolnisi Municipality Ethnic Azerbaijanis' livelihoods depend on their agricultural lands, and considering the history and reputation of this company, they will be left with poisoned soil and toxic waste, and a degraded environment.

Rich Metals Group (RMG) is a Netherlands-based company, and RMG Copper and RMG Gold are subsidiaries of Rich Metals Group. RMG Copper operates the Madneuli complex and Bolnisi mine. RMG Gold operates the Sakdrisi gold mine. RMG is considered as one of the large-scale polluters in Georgia. According to the Georgian CSO Green Alternative, this company is the first on the list of four large-scale polluters in Georgia. These companies are: (1) RMG, (2) Georgian Manganese, (3) Saknakshiri; and (4) HeidelbergCement.

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<sup>47</sup> Members of the municipal council of Marneuli <https://marneuli.gov.ge/sakrebulo/sakrebulos-tsevrebi>

<sup>48</sup> Members of the municipal council of Tetrtskaro; <http://tetrtskaro.gov.ge/sakrebulo/sakrebulos-tsevrebi>

<sup>49</sup> Members of the municipal council of Dedoplistskaro; <https://www.dedoplistskaro.gov.ge/en/node/399>

<sup>50</sup> Members of the municipal council of Lagodekhi; <https://www.lagodekhi.gov.ge/ge/sakrebulos-cevrebi>

<sup>51</sup> Members of the municipal council of Sagarejo; <https://www.sagarejo.gov.ge/ge/sakrebulos-cevrebi>

Activities of RMG Gold and RMG Copper cause significant health problems in Bolnisi and Dmanisi municipalities. According to the Business and Human Rights Research Centre,

*“RMG Copper has been linked to a number of environmental and health issues, including heavy metals pollution, water pollution and contamination of agricultural land. A study of the impacts of the Madneuli mining enrichment complex on the Bolnisi District found that more than half of the area is seriously contaminated with heavy metals, including copper, cadmium and zinc. These metals are easily absorbed by food plants such as spinach and turnips, which are then ingested by local populations.”<sup>52</sup>*

Heavy metal pollution has severe impacts on health, including organ damage, cancer, neurological disorders etc.

Predecessors to RMG Copper and RMG Gold Madneuli and Quartzite started their operations before Georgia passed the law on environmental impact assessment. According to Green Alternative, “there is no comprehensive study of the impact of the activities of these enterprises on the natural and social environment.”<sup>53</sup> In 2014, when RMG Gold completely destroyed the archaeological site Sakdrisi in Bolnisi Municipality, which according to international scientists was the oldest known gold mine in the world, dating back to 3000 BC, the company’s director publicly admitted that protection of the environment was not their priority.<sup>54</sup>

RMG Copper applied to the National Environment Agency of the Ministry of Environmental Protection and Agriculture of Georgia on May 23, 2022, requesting an environmental decision to allow planned open-pit mining in Mushevani Village, Bolnisi Municipality. According to the publicly available information, the mining license had been issued in 2011 and amended in 2021, so carrying out the additional activities (extending the mining territory) requires only an environmental decision. According

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<sup>52</sup> Details are available: <https://www.business-humanrights.org/en/companies/rich-metals-group-rmg-copper/?issue=368>

<sup>53</sup> Detailed information is available at: [https://greenalt.org/app/uploads/2022/08/GA\\_commts\\_RMG\\_Mushevani\\_28.07.2022.pdf](https://greenalt.org/app/uploads/2022/08/GA_commts_RMG_Mushevani_28.07.2022.pdf)

<sup>54</sup> Detailed information is available at: <https://agenda.ge/en/news/2014/1010>

to the Environmental Assessment Code of Georgia, a mining license/permit may be completed only after the environmental decision is issued.

RMG Cooper leased the license to extract gold and copper on the territory of 175.8 hectares (902.95 hectares in total), but the Environmental Impact Assessment (EIA) was only done for the 11.27 hectares. CSO Green Alternative advised against artificial division (using salami slicing tactics) and according to them, it is crucial that the whole licensed territory is studied first. There is a chance that the company will expand its activities until 2042 - the end of the license's term – which will have a disastrous effect on the communities living in the area. The National Environment Agency published the environmental impact assessment report of the planned activities. The agency organized public hearings for the Environmental Impact Assessment and accepted written comments from locals and CSO Green Alternative.

The village Mushevani, where 99% of the population is ethnic Azerbaijani, is opposing RMG Copper's plans to mine gold, silver, and copper on the outskirts of their village. The National Environment Agency received their petition in July and gave the company two months to address all issues mentioned in the petition. The residents of the village believe that the work of the RMG will destroy their village and they will need to leave their village after several years. Unfortunately, as the vast majority of ethnic minorities do not speak the state language, and the relevant documents (such as the impact assessment) were not translated into the language of the local people, there was no real participatory discussion with the residents of the village. Therefore, the residents are organized and working with Platform "Salam" to minimize the negative effects of RMG and, if possible, to stop RMG from mining in this area. RMG Copper's activities will also affect the cultural heritage sites in village Mushevani. The mining site, where intense explosions will take place, is only 1 kilometer away from the 10th -11th century church.

## **VII. Conclusions**

### **Proposed questions**

- What measures has the Government of Georgia taken to implement the recommendations given by CERD during its 89<sup>th</sup> session?

- What steps are taken to improve Georgian language teaching and learning at the primary education level?
- What actions are taken by the state to achieve a higher level of political participation for the members of the Azerbaijani community?
- What is the current status of efforts in drafting a law (e.g. Georgian Law on Civil Acts) on the name change issue?
- Could the state describe its special mechanisms responsible for eliminating discrimination, mistreatment, and hate speech against Azerbaijani people?

### **Proposed recommendations**

- Increase the access of Azerbaijani children to preschools and primary education, including children living in rural areas;
- Increase the funding of the “1+4 program” and make the Georgian language preparation course (the first year of the “1+4 program”) free for the citizens of Georgia;
- Strengthen the quality of the education of Azerbaijani people at schools where ethnic minorities will have the access to bi-lingual education; Ensure safe and secure schools and improve the infrastructure of school buildings;
- Take necessary steps to make sure that the school textbooks should proactively reflect the diversity of Georgia in terms of culture, religion, and ethnicity;
- Adopt a new law to enable Georgian citizens to return to their authentic names. The preparation process of the draft law should be inclusive and participated in by the ethnic minorities;
- Take appropriate measures to eliminate stigma and negative prejudices in society; Adopt specific policies or programs to promote tolerance toward the Azerbaijani community; Ensure that mechanisms to address discrimination based on ethnicity are available and accessible for the members of the Azerbaijani community; Organize campaigns and public meetings to promote tolerance toward ethnic and religious minorities and prevent hate speech.