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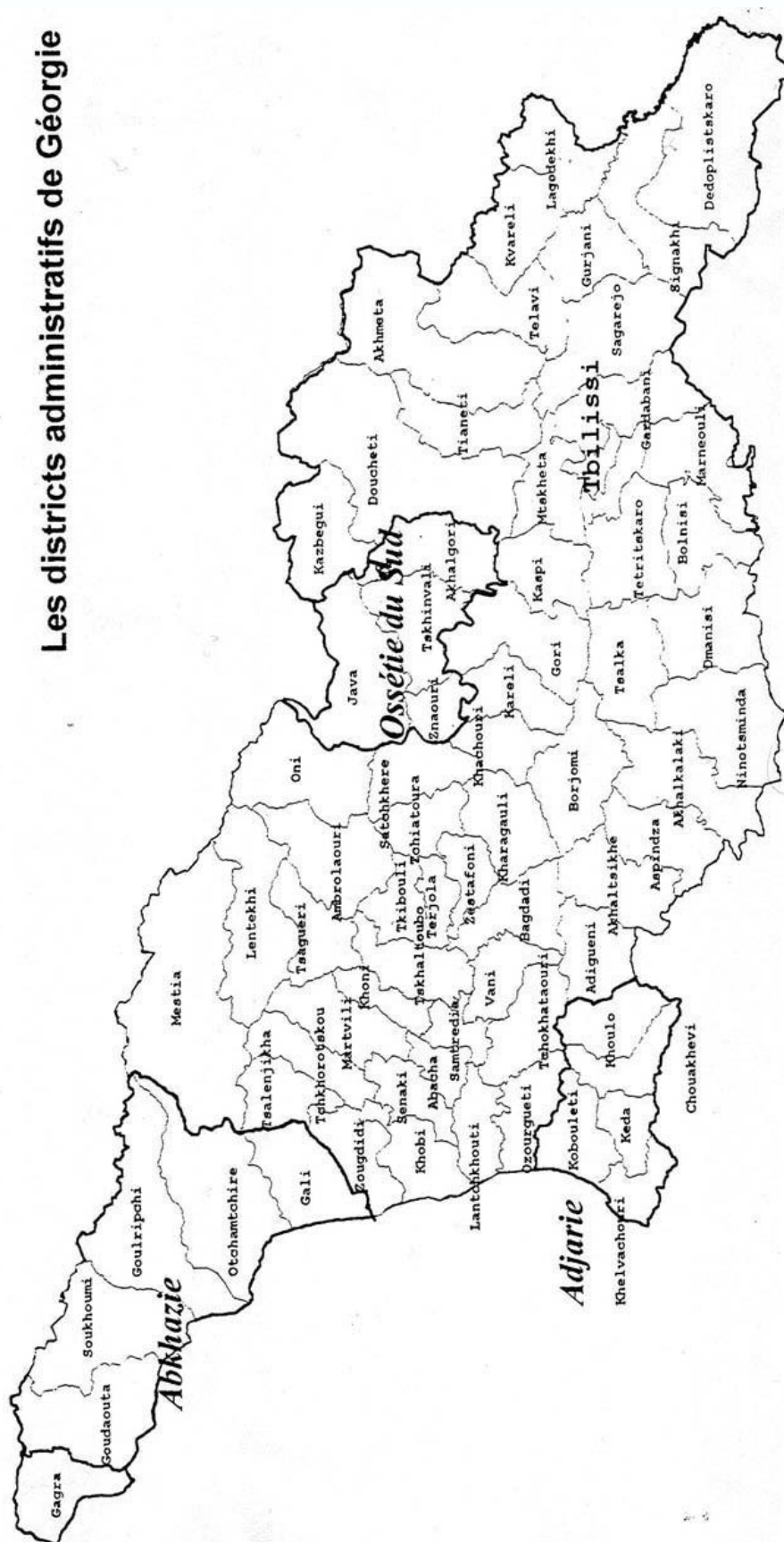
International Fact-finding Mission

Ethnic minorities in Georgia

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Les districts administratifs de Géorgie



Source : Jean Radvanyi

I. INTRODUCTION

a. Aims and outline of the mission

The FIDH appointed an international investigation mission on the rights and freedoms of ethnic minorities¹ in the Republic of Georgia. It took place from 15 to 24 July 2004, in Tbilisi and in the regions (Tsalka, Akhalkalaki, Akhaltsikhe).

This mission was set up within the context of a huge flood of asylum seekers from Georgia into Western Europe complaining of discrimination. The mission's aim was to assess the situation of minorities in Georgia. The mission has chosen to document the situation of the minorities in the areas where *de facto* sovereignty is exercised by the Georgian authorities. That immediately excludes studying the problems facing the populations of Abkhazia (principally the Abkhazians and the Armenians of Abkhazia) and of South Ossetia. The mission staff included Konstantinos Tsitselikis, senior lecturer in international law and specialist in human rights at the university of Thrace (Thessalonica - Greece) and Silvia Serrano, who has a doctorate in international relations specialising in the Caucasus, on sabbatical from the French National Committee for Scientific Research (CNRS). The mission also included Rodrigo Medina, from the CIMADE (the Ecumenical Support Service based in France).

The FIDH and the CIMADE have to thank the Human Rights Information and Documentation Center (Tbilisi), a member organisation of the FIDH, for its help and assistance in carrying out the mission.

b. The persons met by the mission

The mission met with:

- representatives of the central and local authorities : Elena Tevdoradze, deputy, chairwoman of the Parliamentary Commission for Human Rights and Civic Integration; Tsira Teloian, Ombudsman's office;
- Nikoloz Nikolaishvili, governor of Samtskhe-Javakhetia, as well as the deputy governors and the deputy gamgebeli (representatives of the executive at district level) ;
- members of the police : the chief of police of Tsalka and some of his deputies;
- elected representatives: several deputies from Samtskhe-Javakhetia and their assistants;
- religious representatives: the bishop of the diocese of Javakhetia, some priests and nuns from the Church of Georgia ;
- several authors of reports on ethnic minorities, including Emil Adelkhanov of the Caucasus Institute for Peace, Democracy and Development, Guram Svanidze, sociologist, and parliamentary adviser, Gaga Nijaradze of the International Center on Conflict and Negotiation, and Naira Gelashvili of the Caucasian House;
- journalists, including those from the provincial press, and the director of a documentary on the Kurds;
- NGOs (in particular Ucha Nanuashvili, Human Rights Information and Documentation Center ; Arnold Stepanian, Public Movement for Multinational Georgia ; David Adamov, National Congress of Assyrians of Georgia ; Agit Pir Shele Mirzoev, National Congress of Yezidi Kurds; Kyriakos Iordannis and other representatives of the Greek diaspora ; Ararat Eossoian, Centre for Aid for Reforms and Democratic Development; Guia Meskheli, Union of Meskheta ; Tsira Meskhishvili, Tolerance Association and correspondent of the OSCE ; Robert Muradian, Armenian Association and correspondent of the OSCE ; David Rstkian, Vikr) ;
- numerous representatives of the ethnic minorities.

1. To avoid any semantic confusion, we use the adjective "ethnic" to translate the Russian "natsional'niy". In Soviet times, every individual had a nationality (that is a "citizenship" or "grazhdanstvo") and an "ethnic group" ("natsional'nost"). These categories remain firmly embedded in the post-Soviet states.

II. GENERAL CONTEXT

a. General developments since the break-up of the Soviet Union

Georgia became an independent State in 1991. After years of trouble marked by two internal conflicts (in South Ossetia and in Abkhazia), the overthrow of the first President, Zviad Gamsakhurdia, and confrontations between the militias, as well as by the total collapse of the economy, the political situation calmed down after 1995, when the economy stabilised, at the expense, however, of growing inequality. More than a million and a half people have left Georgia over the last 15 years. When Eduard Shevardnadze was president, the country attempted a transition to democracy, as can be seen in the legislation and the existence of a free and independent press, a numerous associations and a civil society which, for a State of the former USSR, was particularly active. This context played an important role in the peaceful political takeover in November 2003. Rallies of several thousands of people who contested the falsified presidential election results led Eduard Shevardnadze to resign whilst new elections resulted in the victory of Mikhail Saakashvili, a young pro-western, with nationalist tendencies, lawyer, Saakashvili's willingness to promote democracy by occasionally authoritarian means paradoxically worsened the human rights situation².

At least 60 % of the country's population lives below the poverty threshold, most of them in chronic poverty³. The country's economy has slowed down, and the amount of investment has dropped by 4.5 % since 1998. The fight against poverty has therefore become a priority for Georgia. The defence of civil and political rights is inextricably linked with that of economic and social rights.

Soviet Georgia: the status of minorities

With its history of numerous movements of population over the past centuries and the weak demographic homogeneity of the Caucasus, Georgia was, in the Soviet period, along with the Federative Soviet Socialist Republic of Russia, the Republic in the Union which had the biggest proportion of minorities. According to the 1989 census, Georgians made up only two thirds of the population. Administrative documents recorded the citizenship and "ethnic group" (*natsional'nost'*) of each individual. It was possible to choose between the ethnic group of father's or mother's one even though this had to appear on a list of ethnic groups which was itself changing

and often arbitrary. This system encouraged a double allegiance, towards the Soviet State and towards one's "ethnic group", rather than identification with one's republic of residence. The choice of ethnic group could have important consequences insofar as the status of certain categories conferred privileges (quotas in the governing bodies, exemption from conscription, etc.). Some ethnic groups (but not all) were given administrative recognition, whilst others had to cope with semi-official discrimination. The Soviet Socialist Republic of Georgia comprised two autonomous republics (the Abkhazian Autonomous Soviet Socialist Republic and the Ajarian Autonomous Soviet Socialist Republic) and one autonomous district (the Autonomous District of South Ossetia). "The Soviet legacy is an essentially negative factor: the system of registry offices has helped favour ethnic identity in the minds of people to the detriment of social allegiance"⁴. It is to this legacy that modern Georgia owes its classification of minorities as "autochthonous" or "non-native", the latter category not being able to claim any territorial status.

Rise and fall of the national movement 1988-1991

In the 1980s, Georgia, like other Soviet republics, experienced a powerful upsurge in the national movement, which saw the presence of large numbers of minorities, suspected of being "fifth columnists" working secretly for Russia, as another obstacle to the creation of the National State and to emancipation from the Soviet yoke. Zviad Gamsakhurdia was able to pray for "Georgia for the Georgians" and scare the non-Georgians by speeches advocating their departure from the Republic⁵. In a context of growing mistrust among the different ethnic groups, in December 1990, he dissolved the autonomous status of South Ossetia. When Abkhazia restored the 1925 Constitution, which granted it independent status of Georgia, the militia of Gamsakhurdia's successor, Eduard Shevardnadze, tried, in August 1992, to reconquer the autonomous Republic by force. The conflicts in Ossetia (1992) and Abkhazia (1992-1994) ended in losing control of 18% of their territory, and by an ethnic cleansing: the 300,000 Georgians of Abkhazia (45% of the population of the Autonomous Republic of Abkhazia versus 17% of Abkhazians in 1989), were forced over a few days to flee to other regions of Georgia. The Ossetians living in the other regions of Georgia were forced to leave the country, the majority taking refuge in Russia. Autonomous or separatist protests were

making themselves heard in other regions peopled by non-Georgians (Kvemo-Kartli, Javakhetia).

Minorities at the time of independence

Independence is essentially seen as an opportunity for the Georgians (in the ethnic sense) to gain, through a proper State, control of their destiny. Even if all the residents of the Soviet Socialist Republic of Georgia obtained Georgian citizenship, society as a whole tacitly recognised that Georgians had a greater right to exercise this citizenship than the other groups, particularly if those other groups "had" another State (Russians, Azerbaijanis, Armenians, etc.).

The crisis in Abkhazia and in Ossetia, coupled with the inability of the international community to suppress it⁶, has had economic, political and legal consequences since 1992. In fact, the question of minorities is often understood through the prism of the Abkhazian and Ossetian conflicts reinforcing the widely held view that the minorities are a potential threat. This has led to a mixed policy, marked, on the one hand, by the mistrust which further marginalises the minorities, and, on the other hand, a conciliatory attitude towards them, particularly in the densely populated regions where the central authorities fear, rightly or wrongly, vague separatist impulses. In any case, it is the assertion of State sovereignty which is the priority and not controlling the minorities. The new president, Mikhail Saakashvili has shown himself to be very active in this domain, managing, in May 2004, to regain control of Ajaria whilst suffering, however, the opposite in South Ossetia where clashes flared up in the summer of 2004.

Moreover, political instability, armed conflicts, economic difficulties and insecurity have forced a large part of the population from the country. Since 1990, 1.5 million Georgian nationals have emigrated⁷. This phenomenon has an impact on the minorities in particular. They make up, according to the 2002 census, 16% of the population, as against one third in 1989⁸. The comparison between the 2002 figures and those of 1989, whatever reservations the census might incite, enables the changes to be measured: 284,000 Azeris today compared with 308,000 in 1989, 249,000 Armenians compared with 437,000, 68,000 Russians compared with 341,000, 7,000 Ukrainians compared with 52,000, 15,000 Greeks compared with 100,000, etc.⁹

Since 1997, ethnic group is no longer recorded on identity cards. Some political groups have pressed for it to be restored. Part of the population, of Georgian origin or not, see the failure to mention ethnic group as a loss of collective

identity and a proportion of the minorities feel this measure is a first step towards assimilation¹⁰. The recurrence of certain themes in the public debate and the opportunistic use made of them by certain political groups demonstrate the symbolic and still intense onus of the question. In view of the fragility of their State, there are many Georgians who fear an erosion of national sovereignty.

The new president's public priority to restore the sovereignty of the State throughout the country is sometimes combined with patriotic rhetoric which awakens fears, still deeply rooted in the minorities, of nationalism for which they will pay the price.

b. The legal framework

As soon as it gained its independence, Georgia became a member of international organisations (UNO, OSCE, Council of Europe) and has gradually harmonised its legal and political systems with the general international norms of human rights. The changing situation in Georgia with regard to human rights is closely linked with the country's international obligations and its respect for these. Monitoring is ensured by the international authorities, in particular by the Council of Europe. Though the observance of the laws has not always been strict and the human rights situation remains worrying¹¹, there is a reasonable degree of optimism for the future improvement in the situation due to Georgian legislation being made to conform with the rulings of the European Court of Human Rights since 1999.

In accordance with article 6 of the Georgian Constitution, the provisions of international treaties¹² directly apply and prevail over the legislation. The International Covenant on Civil and Political Rights (1994) and its second optional Protocol¹³, and the European Convention on Human Rights and its first Protocol are among the principal legal instruments which have been imposed on Georgia. On 21 January 2000, Georgia signed the framework Convention of the Council of Europe for the Protection of National Minorities. However, the process of ratification is still to be finalised and is dependent on a question more broadly connected to the reform of the legislative framework and of the political treatment of minorities. In November 2004, 68 Georgian NGOs sent the government an open letter asking it to take "positive action" initiatives, principally by speeding up the ratification of the framework Convention for the Protection of National Minorities and by urging all the elements in the Georgian Authorities to recognise it. Nevertheless, the government has not organised discussions on this subject with the minority groups concerned.

The legislation contains direct references to the rights laid down by the Constitution and to rights in specific spheres such as education and cultural rights which are not laid down by the Constitution. The 1995 Constitution establishes equality of rights and the principle of non-discrimination based on national, ethnic, linguistic or religious belonging¹⁴. It states also that the exercise of minority rights does not challenge sovereignty, the structure of the State, territorial integrity and the political independence of Georgia¹⁵, but it does nonetheless mention that this is a matter concerning the rights of minorities, implying reservations as to the protection of minorities rather than a guarantee to respect their differences.

The principal sphere for the protection of minorities in Georgia is, without a doubt, education. In accordance with the 1997 Law on Education, "the State, in accordance with recommendations from local administrative authorities shall take, for citizens whose mother tongue is not Georgian, measures to enable them to receive primary or secondary education in their own language". As a legal inheritance from the Soviet system, most of the minority languages are taught in the state schools, either as the teaching language or as a subject for linguistic study. In 2002, 38,000 were registered in Russian speaking schools or departments, 38,000 in Azerbaijani speaking schools or departments, and 26,000 in Armenian speaking schools or departments, 200 in Ossetian departments¹⁶. It is worth mentioning that the number of pupils taught in the national schools is in a steeper decline than that in the Georgian schools¹⁷.

Moreover, the departments of language and literature at the University of Tbilisi offer courses in Russian, Armenian, Azerbaijani, and Greek. Some teachers in the Armenian and Azeri schools are graduates of the Orbeliani Teacher Training University of Tbilisi, which has a chair of Armenian language and literature, and a chair of Azeri language and literature. It is interesting to note that the teaching of Greek in 15 special departments of the state schools is financed by the Greek government under its patronage. The Russian schools are very popular with the minorities in Georgia, which is not surprising given that Russian was the lingua franca for individuals from different minorities amongst themselves or with the Georgians, as well as in relations between individuals and the Soviet authorities¹⁸.

Moreover, in accordance with the 1997 Law on Culture, the minorities have been given wide latitude in organising their own cultural institutions (art. 19). Other legal clauses deal with the right to translation in the case of judicial proceedings.

The 1993 Law on Citizenship granted Georgian citizenship to all persons resident in the country from the time the law was adopted, without the prerequisite of knowing the language or having to pass an examination in the official language. Whilst article 8 of the Constitution of 1995 provides that "the official language of Georgia is Georgian, as well as Abkhaz in Abkhazia", article 38 acknowledges the right of citizens "to express themselves in their mother tongue in private and in public".

c. The limits of public policy with regard to the protection of the rights of minorities

Conscious of the absolute necessity of avoiding further conflicts like the ones which flared up at the start of the 1990s in Abkhazia and South Ossetia, and thanks to the vigilance of the international community, the Georgian authorities have devoted a certain amount of attention to the problems of the minorities, even though, during President Shevardnadze's time, this was limited to rhetorical posturing reminiscent of Soviet times.

In 2002, the president of the Republic, Eduard Shevardnadze, ensured the adoption of Decree no. 68 approving for the period 2002-2004 an action plan for reinforcing the protection of the rights of minorities resident in Georgia. The first months of the presidency of Mikhail Saakashvili were marked by a relative indifference to the question of the minorities, which was clearly seen as not being a priority. It is more down to the concern shown by international organisations, such as the Council of Europe and the OSCE in particular, for this question, than the fact that it is one of its political priorities that the government seems to have included it in its programme. It had been intended that in Autumn 2004 Parliament would discuss the "Concept of the minorities", a political text defining the guidelines on the questions of minorities, as well as a draft law on the minorities, but that has been postponed.

The State structures responsible for the question of the minorities, which, under Shevardnadze, were frequently purely formal and ineffective, have proved even more ineffective since the new team came into power. They lack any systematic approach to the question and the political will to tackle the problem despite pressure from international organisations. It is, however, worth mentioning, that the Georgian parliament's Committee for Human Rights and Civil Integration has been made responsible for drawing up the draft law and the Concept of the minorities. Moreover, in 1999, under Eduard Shevardnadze, the department of

ombudsman was created. At the time of the mission, this institution was not fully operational, the post having remained vacant due to the change of government. A new ombudsman, Sozar Subari, was appointed in September 2004. Lastly, in the Autumn, an Ossetian woman, Zinaida Bestaeva, was appointed Secretary of State for Civil Integration.

The mission was able to state that this disregard for the problems of the minorities is being interpreted by them as a deliberate policy, fed by nationalist ideology. The declaration made on 11 December at the Public Forum by the Council of Armenian NGOs of Samtskhe-Javakhetia condemning the policy of assimilation which the authorities are carrying out to the detriment of an economic and political integration policy in the rest of the country, confirms this¹⁹.

At the same time, it must be emphasised that relations between the government and the Church are a subject of particular concern for the minorities in Georgia. The Georgian Orthodox Church, which is a constituent ideological element in the process of the construction of a national Georgian identity, is deeply involved in local policy, leading to cases of marked religious intolerance with regard to the religious minorities. Some of these cases were reported when the mission was in Georgia. In fact, the State authorities do not always take a clear stand in favour of religious minorities. Georgia's adoption in 2004 of a new flag showing a large cross surrounded by four smaller crosses as a reference to the Christian identity of the State is important ideologically, and symbolically marginalises the non - Christian minorities within the State and society.

When the situation in Georgia was being examined by the United Nations Human Rights Committee in 2002, the Committee recommended that Georgia conduct a public awareness campaign on religious tolerance and prevent, through education, intolerance and discrimination based on religion or belief²⁰. Intolerance, the nationalist speeches of politicians and orthodox extremists nourish the profound ignorance which Georgians have of religions other than orthodoxy²¹.

The special Rapporteur felt that the situation in Georgia was ambiguous, with the State at times manipulating the Orthodox Church and conversely at times being manipulated by it. Whatever the case, the Special Rapporteur thinks that the use on the part of the political authorities of religion is as

harmful as the use of politics by the religious authorities, emphasising that, in the case of Georgia, constitutional agreement has not helped settle the problem²².

The status of the Orthodox Church is in fact regulated by the constitutional agreement signed by the State on 14 October 2002 which defines the rights and obligations of the Church, but there is no such agreement with the other religions or faiths in the country. These found themselves increasingly marginalised whilst the powers and rights of the Orthodox Church were increasing. This agreement could accentuate the imbalance between the minorities and the Orthodox Church and provide opponents to the religious minorities with further arguments.

The authorities, moreover, are encountering the same endemic obstacles as the preceding government:

- The policy of the law enforcers is generally limited to the ad hoc control of crises, often with the help of local forces enlisted by central government which have authority (though not very legitimately) at local level. Generally, policy makers show a certain disinterest towards and a huge lack of understanding of questions concerning the minorities. It seems to be self evident that the only state model in existence is the Nation State and that the State's only responsibility is to grant equality of rights to all citizens. It is not, however, obliged to guarantee effective enjoyment of that equality.
- The undertaking by the new team to fight against corruption at all levels has not yet changed the current highly mistrustful attitude of the public towards the administration. Corruption paralyses the administration, which is unable to satisfy the complaints and appeals of the citizens. The public powers are encountering enormous difficulties in having the laws respected, including a good number of laws passed in the last decade. The lack of State control over its agents, particularly the forces of law and order, sometimes has serious consequences with regard to human rights violations²³.
- Third party States play a fundamental role for the minorities in Georgia, and are a determining factor in the policies carried out by Tbilisi in this connection. To various degrees, and with various intents and implications, the Russian Federation, Armenia, Azerbaijan, Israel and Greece are carrying out appropriate policies in this regard.

2. ONE STEP FORWARD, TWO STEPS BACK: the Human Rights in Georgia after the "Rose Revolution". Human Rights Information and Documentation Center (HRIDC).Tbilisi , December 2004.

3. The Human Rights Information and Documentation Center (HRIDC) / Fédération Internationale des Droits de l'Homme (FIDH). An alternative report

on economic, social and cultural rights in Georgia, Tbilisi, 2002, p. 4.

4. Caucasus Institute for Peace, Democracy and Development, Ethnic Confessional Groups and Challenges to Civic Integration in Georgia, Tbilisi, 2002, p. 5.

5. See for example the speech reported in the *USSR of independencies [l'URSS des indépendances]*, Political and Social Problems, no. 670.

6. See: S. Celac, M. Emerson, N. Tocci, A Stability Pact for the Caucasus, Center for European Policy Studies, Brussels 2000.

7. Ibid, p.31.

8. The religious minorities (50,000 roman catholics, protestants - 5,000 baptists, 1,000 lutherans, 15,000 Jehova's witnesses) are not included in these statistics.

9. The census could not be held in Abkhazia and South Ossetia. In 1989, there were 96,000 Abkhazians, mainly in Abkhazia, and 164,000 Ossetians, about half of which were in South Ossetia.

10. International Institute for Democracy and Electoral Assistance, Building Democracy in Georgia, Part III The status of minorities and inter ethnic relations in Georgia (by A. Stepanian), Discussion Paper 6, Human Rights in Georgia, May 2003, p. 20.

11. Human Rights in Georgia after the "Rose Revolution". Human Rights Information and Documentation Center (HRIDC). Tbilisi, December, 2004.

12. Georgia has ratified : The International Covenant on Civil and Political Rights (1992), the Convention on the Elimination of all forms of Discrimination (1994), the Convention on the Rights of the Child (1994), the International Convention on the Elimination of all forms of Racial Discrimination (1999), and also certain conventions of the International Labour Organisation (ILO 87 Convention on the freedom of trade unions and the protection of the right of trade unions (1999) ;ILO 98 Right to organise and collective bargaining Convention (1993); ILO 111 Convention on discrimination (employment and profession) (1997); ILO 138 Minimum Age Convention (1996).

See http://www.right-to-education.org/content/rights_and_remedies/georgia.html.

13. International Convention on Civil and Political Rights (1992); Convention on the Elimination of all forms of Racial Discrimination (1994); Convention on the Rights of the Child (1994); International Convention on the elimination of all forms of Racial Discrimination (1999) and also certain conventions of the International Labour Organisation (ILO 87 Convention on the freedom of trade unions and the protection of the right of trade unions (1999) ;ILO 98 Right to organise and collective bargaining Convention (1993); ILO 111 Convention on discrimination (employment and profession) (1997); ILO 138 Minimum Age Convention (1996).

14. Constitution of Georgia, art. 38: 1. Citizens of Georgia shall be equal in social, economic, cultural and political life, whatever their national, ethnic, religious or linguistic belonging. In accordance with the universally recognised principles and rules of international law, they shall have the right to develop freely their culture, without any discrimination or interference , of using their mother tongue in private and in public.

15. Ibid. 2. In accordance with the universally recognised principles and rules of international law, the exercise of minority rights does not challenge the sovereignty , the structure of the State, the territorial integrity and the political independence of Georgia.

16. Statistical Yearbook of South Caucasus 2002, National statistical service of Armenia, State statistical committee of Azerbaijan and State department for statistics of Georgia, Tacis EU.

17. See "An alternative Report on Economic, Social and Cultural Rights in Georgia", HRIDC, FIDH, Tbilisi, Autumn 2002, p 27.

18. Silvia Serrano "The school of the nation state in Georgia and the minorities" *Review of the modern and contemporary Armenian world*, volume 4, 1998.

19. Samtskhe-Javakhetia First Public Forum Resolution. 11 December 2004. www.a-info.org

20. CCPR/CO/74/Geo.

21. Report of A. Amor, UN Special Rapporteur of the Commission on Human Rights on freedom of religion or belief, during his visit to Georgia (2003), E/CN.4/2004/63/Add.1, par. 68

22. Ibid, par. 116.

23. Report by the Commissioner for Human Rights (of the Council of Europe), on his visit to Georgia, 1 -10 June 2000 CommDH(2000)3 Strasbourg, 13 July 2000.

III. CASE STUDIES

The aim of this report is to study certain specific cases on minorities in Georgia to illustrate the complexity of the question and for this reason, it does not aim to be exhaustive. The cases of the Gypsies or the Chechen refugees, for example, who are potential victims of discrimination, are not touched upon, each of these situations being included in a particular context. It was decided to centre the study around certain particular cases until then ignored by existing reports, like the case of the Yezidi Kurds and on regions which are hugely complex in respect of inter-ethnic relations due to the mix of several ethnic groups living in them, like the district of Tsalka, on which there is little information available, and the region of Samtskhe-Javakhetia. Samtskhe-Javakhetia is also of great interest from a comparative view point. The situation of Javakhetia, where more than 90% of the population is Armenian, is better documented than that of Akhaltsikhe, where the population is more mixed (43% Armenian, 56% Georgian²⁴).

a. The Yezidi Kurds

The Yezidi Kurds are an ethno-religious group which speaks Kurmanji, one of the most common Kurdish dialects. Yezidism is a syncretic religion combining elements of Zoroastrism, Judaism, Christianity and Islam. It was developed in the past by the Kurds in Iraq, Syria, Turkey, the Caucasus, and now, due to their recent immigration, in the countries of western Europe. The Yezidi Kurds of Georgia are the Kurds who fled from persecution by the Young Turk government of the Ottoman Empire between 1914 and 1917. They settled in Armenia and in Georgia, where they lived alongside the Muslim Kurds until 1944, when the latter were deported by Stalin. Today a small number of Muslim Kurds remain, but the overwhelming majority are Yezidi.

The ethnic identity of the group is built on ideological connections which are themselves based on blood: one is born Yezidi, and cannot become Yezidi by one's own volition²⁵. The group is divided into religious castes, the Sheiks, the Pirs, and the non-religious Murids. The tradition is passed on by word of mouth.

The several hundreds of Muslim Kurds living in Georgia are in fact nomadic Azerbaijani citizens. From the few interviews with them, thanks to a Yezidi Kurd who translated from Kurmanji for the mission, it appeared that their situation was incomparably worse than that of the Yezidi Kurdish citizens of Georgia (widespread poverty, poor knowledge of Russian and

of Georgian, general illiteracy of uneducated girls, etc.).

According to the censuses of the Georgian population, the number of Yezidi Kurds has changed as follows²⁶ :

1926: 10,27 Kurds and 2,262 Yezidis,

1939: 12,915 Kurds

1959: 16,212 Kurds

1970: 20,690 Kurds

1979: 25,688 Kurds

1989: 33,331 Kurds

2002: 2,514 Kurds and 18,329 Yezidis.

Local associations nevertheless feel that these figures are artificially inflated, and estimate that the number of Yezidis remaining in Georgia is about 6,000. The participants of a round table organised in 2003 by the NGO, Caucasian House, was able to stress, in *Kavkasckij Akcent*, the association's newspaper, that the proportion of Yezidi Kurds who had emigrated is probably the greatest of all the communities living in the country²⁷.

A combination of several factors has made the Yezidi Kurds a vulnerable group.

Negative stereotyping

Generally the attitude of the population is one of suspicion, even outright distrust directed against certain groups who find themselves, or are seen to be, at the bottom of the social ladder, in particular against the city dwelling Kurds²⁸. Ethnic stigmatisation is coupled with socio-economic stigmatisation. The image presented by the Kurds in Georgian society is poor, and they suffer from a shared distrust, linked to their position at the bottom of the social ladder. The homophony between the Georgian terms meaning Kurds and the word meaning a "thief" (*kurti*) is an illustration of this. It is due to this image that there are so few mixed marriages. The only case of this we encountered during the mission was that of a Yezidi woman married to a Georgian who was, nonetheless, ostracised by her family due to the ethnic group of her husband (this woman had appealed to the Ombudsman). Many of them hold down very lowly jobs: street sweepers, porters, etc. The number with higher education qualifications is lower, and there are few intellectuals. Social improvement however is not altogether impossible: some Kurds occupy important positions and are well integrated socially and economically. The Kurds we spoke to generally stressed the

gap between stereotypes and reality:

"Georgians see us all as street sweepers, whilst many of us are well educated, and some are doing well in business".

The authorities and police are also guilty of treating them with this poor esteem and current stereotyping. The press or official announcements are often a reflection of it. For example, a Georgian daily newspaper, *Dilis gazeti*, on 17 April 2002, published two photos on its front page, one of three Kurdish street sweepers, and the other of a sculpture illustrating a traditional dance, the *samaia*, with the ironic comment "How Summer becomes the *samaia* dancers". Nevertheless, the Georgian speaking press does sometimes open its columns to Yezidi Kurds for their right to reply.

Poor representation

Not one Kurdish deputy was elected to parliament in March 2004²⁹. This situation reflects the general trend. Whilst in Soviet times, several seats were automatically granted to representatives of the minorities implicitly, the place allocated to them today continues to diminish with successive parliaments. Non Georgian candidates are often relegated to non-eligible positions on the electoral lists drawn up for proportional representation. In some districts where there is a non Georgian population (as in Gardabani or Dmanissi), the voters, because they feel their interests would be better protected by a Georgian, or quite simply through fear of becoming too visible, prefer not to vote for a non Georgian candidate. In answer to their complaints about the drop in the number of deputies from certain ethnic groups, the authorities explain that as parliament is now democratic, there is no longer any need for the quota system which was in existence in Soviet times. Madame de Félice (Cimade - Paris) recounts the words of Levane Gvinjilia, then President of the Chamber for the Georgian Language:

"We are no longer in the times of the Soviet Union when there were quotas for ethnic groups and professions - a farm girl, two tea growers, three Armenians, etc. This type of practice would be completely unconstitutional in a democracy [...]. It is not the government's fault if there isn't a single Kurd on the staff of the State. Parliamentarians are elected by constituency, not on the basis of ethnic groups. It is up to them [Yezidis] to deserve the votes of the electorate ; and for this, they should at least be able to speak Georgian"³⁰.

Expressing its concern about the "the barriers to participation of minorities in political institutions, for instance with regard

to the limitation on the participation of minorities in local executive bodies due to a lack of knowledge of the Georgian language", The United Nations Committee on the Elimination of Racial Discrimination was also worried in 2001 by the under-representation of ethnic minorities in parliament. The Committee therefore published its recommendations concerning the steps which should be taken by Georgia to improve the representation of ethnic minorities in parliament and in local authorities³¹.

The situation is even worse with regard to the executive: not one minister has come from the minorities. Everyone we spoke to complained about the difficulty in reaching high positions in public offices :

"When you are a Kurd, there is no position for you in the administration".

Lack of protection

The Yezidi Kurds find that they are an easy target for acts of violence by the forces of order as there are no Yezidis in the police hierarchy³². A *contrario*, the Assyrians we spoke to explained that they suffered less from the arbitrariness of the police due to the fact that an Assyrian General of the Ministry of the Interior gave them protection.

Although the mission did not meet the victims, and although these acts of violence did not appear to be any different from those reported by the NGOs and the press in similar cases concerning other nationalities (including Georgians), several cases of police violence against Yezidi Kurds were reported. The case of Jemal Teloyan who was tortured by the police on 8 May 1998 after extortion of money, is a case in point³³.

Nonetheless, some isolated acts of violence on the part of certain agents of the State may be motivated by the ethnic group itself of the victims.³⁴ The case of a particularly violent police raid on an outlying Kurdish suburb of Tbilisi, when several people were manhandled, in 1995, was cited on several occasions.

The people we spoke to put forward the administrative harassment which prevents them from asserting their rights, as, for example, the right to a disability pension.

"I fought in Abkhazia as a conscript in the Georgian ranks, where I lost a leg, but it has been impossible for me for several years now to assert my status as a disabled ex-serviceman".

Some of them were obviously afraid to talk about their problems to strangers, including members of the NGOs. This fear, whether founded or not, shows at least how weak the integration of the Yezidi Kurds is in Georgian civil society and also a feeling of great vulnerability.

Moreover, in contrast to the Armenians, Azerbaijanis, Russians, Greeks, etc., the Yezidi Kurds do not have a proper State which could come to their defence and promote their interests with the Georgian authorities. When Georgia was considering Turkey as a strategic partner, their possible connections with the Kurdish organisations in Turkey could, on the other hand, have led to increased discrimination against them. Several alleged members of the PKK, for example, have been handed over to the Turkish authorities, without it being known what has become of them. After a meeting about the problems of the Yezidi Kurds organised by the NGO, the Caucasian House, in 2003, some newspapers were alarmed to see "new Ocalans" in Georgia. The Tbilisi office of the PKK has not however been closed.

Although the great majority of Yezidi Kurds has settled in some districts of Tbilisi, they are a divided community, without any spokesman or association to represent them effectively and to promote their collective interests. Different associations have different priorities. Some seek to promote the preservation of Yezidi culture in Georgia (Union of Georgian Yezidis) or the integration of Yezidis into Georgian society (Association of Yezidi Youth), and are preoccupied by the massive emigration which, in the end, is ruining their efforts. Others put the emphasis on discrimination.

A weakened culture

Various factors are contributing to the weakening of Kurdish culture in Georgia. There is no consensus on collective identity. One part of the community considers itself Yezidi, another, Kurdish, and yet another, Yezidi Kurdish, all of which involves internal arguments and possible claims against the authorities. For example, a letter was sent in June 2004 to the Armenian Ambassador by the Kurds in Georgia complaining about the name "Yezidi nation" in Armenian school-books. The question of ethnic belonging was differentiated in the population census of 2002, each person being able to define freely the category which seems to him to be most appropriate.

Although the Yezidi Kurds have no specific legal status, some aspects of their culture have been able to be preserved, particularly in the sphere of education. In fact, in Soviet times, five classes in Kurmanji were included in Russian schools. But

political indifference, lack of resources and the low salaries for teachers, as well as the low profitability of these classes led to their closure after 2002. Before it was privatised in 2002, a national radio station also broadcast programmes in the Yezidi language. The high rate of emigration runs the risk of intensifying these changes³⁵.

The persistent refusal by the state and local authorities to authorise the construction of a place for Yezidi worship is contrary to the rights of the Yezidis. In fact, this type of place has never been possible since the Yezidi Kurds settled in Georgia. This lack of political will to remedy the problem seems to stem from the fact that the Georgian Orthodox Church, which supports a climate of religious intolerance (see *supra*), is not ready to tolerate the existence of such a place of worship³⁶.

The possibility for the Yezidis to change their names in favour of the original Kurdish version has become a fundamental condition of the preservation of their identity. But, in certain cases, the Yezidis have been not been allowed to exercise this right by the relevant authorities. Moreover, generalised corruption makes the chances of seeing an end to these tortuous procedures unlikely. The frequent refusals or setbacks encountered by the Yezidis when they wish to change their name are seen therefore as relentless opposition of the state authorities against the identity of the Yezidi Kurds.

b. The region of Tsalka

The Tsalka region is inhabited by Turkish speaking Greeks (Urum), Armenians, Azeris, Georgians, mainly Svans and Ajars. Until the beginning of the 1990s, the Greeks³⁷ made up the largest local community. After the huge wave of emigration at the start of the 1990s, their number dropped, in Tsalka itself and in the surrounding villages, from 35,000 to just 3,000. Greek legislation on citizenship enabled 85 % of the Georgian Greeks to emigrate to Greece. The Armenians (who at the present time number about 14,000) then became the largest ethnic group, until they too began emigrating, mainly to Russia. As for the schools in the region, they are distributed as follows: 17 Georgian schools, 13 Armenian schools, 3 Russian schools and 3 Azeri schools. The Russian school of Tsalka still offers one hour of Greek tuition. The heightened rate of inter-ethnic marriages announced over these last decades seems to have blurred the boundary between the different ethnic groups and nurtured solidarity amongst them. All of the people the mission spoke to were, for example, married to someone from another ethnic group, and themselves spoke several languages, Turkish being the most widespread even among the Georgians, as it is sometimes used as the *lingua franca*.

Hundreds of homes were evacuated or abandoned following the huge wave of emigration, and were later occupied by locals or displaced persons within the country. The demands and complaints by the Greek community on this subject have led to a government programme being set up whereby the State purchases the emigrants' houses in order to sell them (at a price of 2,000 dollars), which provides living accommodation for displaced persons from Abkhazia, Ajaria or Svanetia. Until now, some 500 houses have been sold under this programme. The departure of the Greeks and the arrival of the displaced persons, often "native" Georgians, has relaunched the controversy over the "Georgianisation" of the territory, as the Georgian authorities are suspected of trying to alter the ethnic card by moving or resettling Georgian populations in the regions peopled by non-Georgians. This policy, which was practised in Soviet times in Kvemo-Kartli (Svan landslide victims had then been resettled in the districts of Dmanissi and Bolnissi), and later in Javakhetia (where the Ajars were settled) seems to be continuing, with the resettlement of Ajars in the district of Tsalka.

As proof of the underlying tension, inter-ethnic incidents nonetheless arise regularly (the most recent being a fight between Armenians and Ajars following a football match in May 2004). The election of an Armenian from Tsalka to the post of deputy has also fed the controversy, as the other nationalities feel he only represented ethnic interests.

c. Samtskhe-Javakhetia

This region, situated on the Turkish Armenian boundary, has an area of 6,068 km² and, according to the 2002 census, a population of 207,598, including 113,347 Armenians, and 89,995 Georgians (respectively 54.5% and 43.35%), but also Greeks, Russians and Jews.

As a frontier region, Samtskhe-Javakhetia has seen many movements of population, both forced and voluntary. When it was part of the Russian empire, the Christian populations, who were felt to be more reliable, were settled there (Armenians, Russian sectarians, Greeks) in place of the Muslim populations. During the Second World War, the Meskhetis (Georgianised Turks or Muslim Turkish Georgians) who lived there were deported to Central Asia, as were the Kurds. Today, the demographic situation varies considerably depending on the district. In the districts of Akhalkalaki and Ninotsminda (Javakhetia) Armenians make up more than 90% of the population, whilst the other regions are made up almost entirely of Georgians (Borjomi up to 84%, Adigeni up to 96%³⁸), and the district of Akhaltsikhe is mixed. The

administrative constituencies, on which the representation of the minorities in regional and local authorities largely depend, are also of considerable importance in political life.

Javakhetia, strictly speaking, and the rest of Samtskhe-Javakhetia provide a frequently under-estimated contrast. Javakhetia is a plateau 2,000m high, bordering on Turkey and Armenia (but only the frontier post with Armenia is open). The local economy is affected by difficult geographic and climate conditions, and by its extreme isolation. The main road from Tbilisi, through Tsalka, is passable with difficulty³⁹, so a detour via Borjomi is necessary, even though the journey takes at least 5 hours, further complicating communication with the rest of Georgia. On the other hand, communication with Armenia is easier (Erevan is only three hours by minibus). Akhaltsikhe is the main town of Samtskhe-Javakhetia, and therefore the home of the governor. The district is well served by the road to Tbilisi. A frontier post is open with Turkey at Sarpi.

In 1989, in Akhalkalaki there were 91.3% of Armenians, 4.3% Georgians and 2.5% Russians. In 2002, there were 94.2% Armenians and 5.5% Georgians. The trend is towards strengthening the ethnic (Armenian) cohesion with the organised departure of the Dukhobors, and the adaptation difficulties of the Ajars. The demographic countryside of the Akhaltsikhe region is clearly distinct from that of Javakhetia, and is characterised by a huge ethnic heterogeneousness. The population of the region is made up mainly of Georgians and Armenians, but there are also several repatriated Meskhetian families. In 1989, there were 42.8% Armenians, 46.8% Georgians, 6.2% Russians and 4.2% other ethnic groups⁴⁰. Today, 61.71% of the population is Georgian, 36.58 % Armenian. As a result, the problems encountered are quite different.

The role of third party States

The fact that Javakhetia is part of Georgia has been challenged by Armenian political groups, even though the authorities in Erevan have been careful, since independence, not to make any claims to it. Erevan could however be tempted to intervene in favour of its co-ethnic Georgians (like Baku did in Kvemo-Kartli), and the Armenian political organisations are extremely active at local level, which is badly received by the Georgians. In particular, disputes of a symbolic nature (opposing historical accounts, repeated debates on whether such and such a church is Armenian or Georgian, etc.) feature regularly in the public domain. At the start of the 1990s, due to the chaos which reigned in Georgia, Javakhetia managed to a certain extent to avoid being

controlled from Tbilisi by the Minister for Foreign Affairs who had been sent to the region on an official visit.

The stereotypes arising out of historic rivalries remain undying, stimulated by the geopolitical situation in the Caucasus. For example, the pro-Russian orientation of Armenia increased fears of the Armenians of Georgia aligning themselves with the Russian positions, as was the case during the war in Abkhazia⁴¹. On the whole, the Armenians are tolerated as long as they accept the status of guests of Georgia, rather than being actually accepted, though they have been resident there for centuries. Some positive changes however are noteworthy. Senior politicians, like Secretary of State Zurab Jvania, acknowledged publicly their Armenian ancestry, whilst such divulgements could previously have disqualified them from the public scene.

Moscow, which still has big economic and geopolitical interests in the Caucasus, has tried to use the minorities as a way of keeping pressure on Georgia. At the beginning of the 1990s, while Russia was providing support, including military support, for the Abkhazian and Ossetian separatists, it was able to provide encouragement for irredentism in Javakhetia. The presence of a Russian military base in Akhalkalaki is a major influence on the political situation. It has helped provoke the autonomous, but not openly separatist, claims which are regularly voiced by certain Armenian organisations, such as "Javakhk" created at the end of the 1980s, or "Virk", created more recently, in a region characterised by a degree of political activity which is greater than in most of the regions of Georgia. On several occasions, serious incidents have narrowly been avoided, in particular in August 1998, when the Georgian army was prevented from carrying out manoeuvres by the local population.

Armenians who enlist in the Russian army have been granted Russian citizenship (though Georgia did not accept dual nationality, nonetheless until very recently since when the exceptions have multiplied, and Mr Saakashvili has promised a change in the law in this domain). As the Russian authorities have set up a visa regime with Georgia, obtaining a Russian passport is a highly prized goal for all those seeking to emigrate to Russia in search of work. Moscow could therefore be tempted to intervene under the pretext of protecting its citizens in Georgia⁴².

The Akhalkalaki base is also important for economic reasons. Until very recently, it was the main market and the main provider of employment in the region. However, in Spring 2004, there was a changeover of its soldiers (a large part of whom were young local men who were granted a Russian

passport by enlisting), who were then posted in Russia and replaced by young men from the Russian Federation. This development, which deprived a proportion of the local youth population of an opening for employment, has been very negatively received at local level.

Due to the tense climate, Javakhetia has become a main focus of attention for the international community, in particular for the OSCE which follows political developments there thanks to a network of local correspondents, some of whom met with the mission. The work of local NGOs is actively encouraged, which contributes to the relative dynamism of the civil society⁴³.

Activism on the part of Russia heightens Georgian fears and the stereotyping of minorities as disloyal citizens who look to Moscow for support.

Challenged political mediation

The "governor"⁴⁴ of the Samtskhe-Javakhetia region appointed by the president is a Georgian and former Ambassador in Armenia. This reflects the general situation in Georgia, where not one governor comes from the minorities. This is also particularly the case in another region inhabited by a sizeable proportion of minorities, Kvemo-Kartli. Regardless even of ethnic order, the local populations (minority or not) frequently complain about their poor representation at this administrative level, and deplore the fact that the governor generally is parachuted in from Tbilisi, without any knowledge of local issues. In fact, at our interview, the mission could say that the governor, no matter how willing he might be, had little knowledge of the local cases and the day to day problems of the inhabitants of the region.

The situation is even more mixed in the local authorities, elected or appointed. The "*gamgebeli*" (representatives of the executive at district level) appointed by the president, chosen for their political loyalty and their influence in the region, generally come from the local society, so sometimes from the minorities. The minorities are on the whole well represented in the local elected assemblies (in Georgian "*sakreboulo*"), but, admittedly, they do not have a lot of power. The question of representing the minorities in other authorities (police, justice, taxation departments, customs, etc.) is the subject of continued argument, the Georgians believing that the present position is fair, whilst the main interested parties condemn discriminatory practices.

The Armenians of Javakhetia who make up the absolute

majority of the population in the two districts of Akhalkalaki (94.3%) and Ninotsminda, do not encounter the problems of representation which can arise with other local minority populations. Some of the Georgians whom the mission met stressed the fact the NGOs should be focussing their attention on the rights of the Georgian minority. Practically all the eligible posts are occupied by Armenians (parliamentary deputies, those elected to the local councils, etc.), as also the majority of public service posts (the public prosecutor, the *gamgebeli*, etc.).

There is a different order in Akhaltsikhe. Those we spoke with have often complained about the poor Armenian representation in the local authorities. For example, some of them stressed that not one Armenian was represented in the schools administration of the district (RONO). But, clearly, the points of view on this subject differ according to the Armenians or the Georgians, the Armenians we spoke to complaining about discrimination in representation, but the Georgians expressing their disagreement. It seems in fact, in view of the documents that the mission was able to see, that Armenians are more rarely appointed to higher posts.

In Javakhetia, there is a difference of opinion on the impossibility of registering political parties representing the minorities. To this day, no such party has ever been registered or presented at the elections. The Constitution in fact prohibits any party founded on a regional basis (art. 26 para. 3). It is this provision which is put forward as justification for the refusal to register the Armenian organisation, Virk, based in Javakhetia, which demands greater autonomy for the region. The leader of this organisation informed the mission of the difficulties faced by him, but he has never wished to bring the matter to court, as he is already convinced of the ineffectiveness of such a remedy.

The question of partisan representation on an ethnic basis is a vexed one, knowing that, at the present time, one part of the ethnic representatives who are integrated in the administrative networks are often seen as "allies of the Georgian government" leading to their being discredited in their community.

The main problems, which the population of Javakhetia complain of relate to the economic situation (the poor state of the roads, the haphazard electricity supply, the rise in price of wood for heating, etc.). These are often seen by the inhabitants as discriminatory measures linked to the fact that there are few Georgians in the region, whilst the politicians in Tbilisi say that it is a matter that affects the country as a whole. Although there is no explicit intention to hinder the development of Javakhetia, it is possible, however, that the Georgian politicians, interested only in vote-catching, show

little willingness to find financial aid for Javakhetia with its Armenian population. Many of the people we met were surprised by the blockages, like, for example, the current obstacles preventing Javakhetia being linked to the Armenian national grid which would solve the problem of electricity supply, and which tend to be seen as the result of a policy of the Georgian authorities. On the other hand, the governor himself emphasised the purely technical problems encountered by the private operators.

The language problem

In Soviet times, Georgian was deemed the official language of the Republic. But the great majority of Georgians spoke Russian, which served as the language of inter-ethnic communication. After independence was granted, Georgian became, with Abkhazian in Abkhazia, the only official language. Being able to speak Georgian has never been a prerequisite to obtaining citizenship. However, an inability to speak the language fluently is one of the greatest obstacles to the integration of the minorities and increases their isolation by contributing to their social exclusion.

This problem is particularly acute in the districts of Javakhetia where non-Georgians live in small communities and have little contact with the Georgian populations. Not only is the population ignorant of written Georgian, but it is in addition, incapable of speaking in this language, even just understanding elementary words, which is not the case with the minorities we spoke to. The decline of Russian as the language of communication, which was spoken more by Armenians than by Georgians or the Azeris of Kvemo-Kartli for example, limits the possibility of exchanges, not to mention the chances of social or economic promotion.

The representatives of the minorities are increasingly aware of the problem. Nevertheless, the minorities are still very attached to their linguistic rights and to the protection of their "mother tongue". The mission was able to assess, among the representatives of the minorities it met, the worries caused by rumours regarding a possible intensification of teaching Georgian in the "national schools", within the framework of a reform of the education system which is already underway. The fact that there is a network of "national schools" is having a detrimental effect, as the Georgian citizens who have studied in them are generally incapable of reading or writing in Georgian. In addition, the pupils from the minorities who have studied in the "national schools" often continue their studies in Russia or in the neighbouring State, which contributes to a brain-drain amongst the non-Georgians.

To resolve the problem of integration caused by this language barrier, the public authorities are conducting their battle on two fronts. On the one hand, for several years now, various programmes have been targeted at improving the teaching of Georgian in the "national schools" or in adult education classes. For example, a special budgetary line has been created to give bonuses to teachers of Georgian in the regions with large minorities⁴⁵. More recently, in conjunction with the OSCE, training programmes for officials have been set up. In the regions with large numbers of minorities, the effectiveness of these programmes is very limited. Some developments are, however, more promising. Some people, including the teachers participating in this programme, have emphasised the positive impact of the recent opening of the local branch of the University of Tbilisi in Akhalkalaki which provides courses in Armenian and Georgian⁴⁶.

On the other hand, steps have been taken to play down the consequences of the lack of knowledge of Georgian. In these regions, the use of Russian as the administrative language has long been tolerated, as Eduard Shevardnadze signed a decree authorising this. The people the mission spoke to fear nonetheless that the new authorities aim to return to this policy and gradually impose the use of Georgian for all administrative documents, creating difficulties and additional worries for the local officials. In fact, since the majority of officials are incapable of reading Georgian, all the official texts should be translated in the local administrations by the few Georgian speaking employees, who are often Georgians themselves, and whose workload would be considerably increased.

The translation into Armenian of certain programmes shown on Georgian television is also a new element (in particular, *Kurier*, the news programme of the private television channel Rustavi 2, has been broadcast in Armenian since January 2004). It should, however, be noted that several of the people we spoke to were sorry these programmes were not translated into Russian, as they were more familiar with this than Armenian.

In the district of Akhaltsikhe, the language problem is different. It is probably less acute in the towns, where the Armenians have a better knowledge of Georgian, than in the villages. But the poor knowledge of the official language means that even more Armenians are being marginalised and their social and economic integration has failed due to competition with the Georgians. According to the local Armenians, 70% of Armenian children in the Akhaltsikhe district were taught in Russian schools before 1989 ; at the present time [in 2004], 70% of Armenian children are taught in Armenian schools. As they are unable to learn properly either Armenian, or Russian, or

Georgian, they find themselves socially excluded. The mediocre linguistic ability in Georgian and/or the ethnic mix leads to an even greater marginalisation of Armenians in Akhaltsikhe than in Javakhetia. For example, the Armenians we spoke to complained that Armenians had been excluded from the process of privatisation at the start of the 1990s because of their lack of linguistic ability. Those we spoke to (Armenian or Georgian) stressed the lack of motivation shown by the adult Armenian population for learning Georgian, as this leads to a process of "self-exclusion" (an expression used by several of the people we met). The efforts made by the public authorities or private businesses to translate texts, for example the press, into Armenian have come up against another difficulty stemming from the better knowledge of Russian than Armenian, mainly due to the system of teaching. The Georgians, however, are firmly opposed to using Russian, which has been discredited as the former language of "inter-ethnic communication" according to Soviet terminology.

Nevertheless, the prospects of being able to solve these linguistic problems are greater than in Javakhetia due to the more intense relations between the communities. The branch of the University of Tbilisi, which has been operating for several years, has, for example, set up a system of exemption from the examination in Georgian and has therefore been able to educate Armenian students who studied in Russian or Armenian secondary schools, and whose ability in Georgian was very poor before their university studies . There are also mixed NGOs several members of which the mission met, as well as numerous bilingual publications.

The proselytism of the Georgian Church

In other spheres however, the gulf between Georgian and Armenian representation persists. For example, the openly proselytic policy of the Georgian church in the region is a source of tension. The Georgian Orthodox Church, which has created a diocese in the region, is sometimes seen by the Armenians, who have their own church, as an intrusion in local society. The Patriarchate opened a convent two years ago in Akhalkalaki and in Ninotsminda, where it organises pilgrimages which are not always well received by the local population. The nuns told the mission that on several occasions stones have been thrown at the building. Nevertheless, the mission did not hear any hostile comments about the convent from any of the population of Akhalkalaki. On the other hand, several people we spoke to expressed their anger regarding the celebration of an orthodox (Georgian) mass in the church of Kumurdo, in the Spring. Incidents only just managed to be avoided in this village

populated by Armenians. The forces of law and order in Akhalkalaki (i.e. ethnic Armenians) had to be sent to the scene. This activism is all the more problematic when it is approved, even though it is not encouraged by the political authorities. Moreover, the political representatives from Tbilisi have been openly and very strictly taken to task.

The region is important symbolically as it is the first in Georgia to have become Christian. Some years ago, incidents arose during the visit of the Catholicos Ilias II to lake Paravani, in Pote. Even if since then, caution is the best policy, the real problem is not of a religious order. It is a result of two opposing versions of the history of the region which are mutually exclusive. Frequently, the activism of the Patriarchate is seen as a provocation.

Irreconcilable historic accounts are at the centre of the controversy about textbooks. There are Georgian history books translated into minority languages, but the textbooks used are often sent by the neighbouring State in accordance with bilateral agreements, as the minorities claim the right to learn their own version of their history. Within the framework of a reform of the education system, the decision by the Ministry of Education to remove certain optional disciplines, including national history, is therefore seen as unacceptable. Moreover, history is also at the centre of other repeated controversies, and incidents, like those which surrounded, in April 2004, the anniversary of the Armenian genocide of 1915 in Akhaltsikhe. An Armenian group had erected a khachkar (a sculpted stele) without authorisation from the appropriate authorities who asked them to remove it.

24. 2002 official census.

25. Madame De Felice, *The Yezidis of Georgia*, Paris, June 2004

26. The 1939,1959,1970,1979,1989 censuses did not include any "Yezidi" category since all were counted as Kurds.

27. *Kavkazskij Akcent*, n° 8 (81), 2003.

28. This distrust also affects other groups, such as the Gypsies, or, in the countryside, the Azeris.

29. Eight deputies are from the minorities, only 3% of candidates at the parliamentary elections came from ethnic minorities.

30. Report by Madame de Felice, quoting *Minelres Caucasus reporting*, n° 166.

31. CERD/C/304/Add.120

32. In the other hand, many of them are able to seek this type of protection under the patronage of a leading light of the Kurdish criminal world ("vor v zakone").

33. Press - release of 20 July 2003 by Emil Adelhkanov, vice-president of the Council of the Institute for Peace, Development and Democracy (CIPDD).

34. The European Court of Human Rights has reported on the subject of 6 Yezidi families seeking political asylum in Germany : "The Court notes that the present information to which the German courts have referred shows that the situation of the applicants is no worse than that of other members of the Yezidi minority, nor even perhaps, that of the other inhabitants of Georgia and is of the kind to involve the responsibility of the State in view of the case law of the Court. The fact that the Georgian police authorities have apparently not always taken necessary and sufficient measures to take proceedings against offences perpetrated against the applicants and other Yezidis by private persons or groups is rather a sign of general structural weakness in the country." "Moreover, the simple possibility of ill-treatment because of the unstable situation in a country does not in itself lead to an infringement of article 3 of the European Convention of Human Rights. Case F. Katani and others v Germany, decision of 31.5.2001.

35. See *Kavkazskij Akcent*, n° 8 (81), 2003, *Novyj Vzglag*, n° 3, April 2003. Open letter by Muraz Jafarov to E. Shevardnadze, n° 7, August 2003.

36. In this connection, see Forum 18 News Service, 14 November 2003. Lack of willingness on the part of the authorities does not explain everything. An area of ground was earmarked by the local council for the construction of a temple, but financial difficulties have prevented the project being realised.

37. The Urum Greeks of Tsalka only make up a part of the Greek community of Georgia (the other part, made up of Pontic Greeks, is settled in Abkhazia and in Ajaria), and are distinguished by their use of Turkish as their mother tongue (apart from three villages which use the Pontic Greek dialect). The principal orthodox church of Tsalka is run by a Greek orthodox priest, who officiates in Greek and Russian.

It should be noted that Greece provided assistance for the evacuation of the majority of Greeks during the crisis in Abkhazia.

38. All figures are taken from the 2002 census, Department of Statistics, Tbilisi 2003.

39. For several years now it has been a case of rebuilding the road, but it appears that the community funds allocated for this have been misappropriated.

40. International Institute for Democracy and Electoral Assistance, *The capital and the regions of Georgia*, Case study 4: Samtskhe Javakheti (by G. Nodia), Discussion Paper 10, May 2003, p. 36.

41. An Armenian battalion was defeated alongside the Abkhazians against the Georgians.

42. For two years now, Russia has granted citizenship on a large scale to native Abkhazians and South Ossetians.

43. See: *The social, economic and political situation in Javakheti: People's concerns*, Caucasus Institut for Peace, Democracy and Development, *Ethnic Confessional Groups and Challenges to Civic Integration in Georgia*, Tbilisi 2002, p. 64.

44. Officially "representative of the President".

45. The amount of bonuses, which may triple the salary, varies from year to year, and they are not always paid regularly.

46. An international NGO financed by the European Union, World Vision International in Georgia, also carries out programmes for teaching Georgian specifically in the provinces of Kvemo-Kartli (mostly Azeri) and Samtskhe-Javakheti (mostly Armenian) in order, officially, to increase the ability of these groups of populations to integrate fully in the structures of Georgian society and to benefit from rising up the social ladder.

IV. CONCLUSIONS AND RECOMMENDATIONS

a. Conclusion

The question of minorities in Georgia is influenced by historic, ideological, political, legal and economic parameters. It becomes a complex problem when it is a matter of protecting the identity of the minorities whilst guaranteeing models of social integration. Regrettably, the public authorities do not have the means of resolving certain recurrent problems. The failure of a system to protect the minorities leads to the isolation of the minority group and, as a result, its social exclusion, or otherwise, leads to its assimilation and, as a result, its disappearance.

The Soviet legacy of nationalities has played a major role and has had an impact on the current rights of minorities in Georgia and on the perception of the political and legal structure suitable for the minorities. This observation applies both to governmental authorities and to the representatives of the minorities.

Most often, the legal and political measures supporting the rights of minorities are seen by some as encouraging their isolation and not their integration, whilst others feel the absence of specific measures is an attempt at more or less forced assimilation.

The economic and social situation of the country heightens inequality, and has a more evident effect on the minority groups. Moreover, corruption affects every sphere of application of human and minority rights, in particular, the most vulnerable members of society, that is, often, persons belonging to minority groups.

The use of the official language and the status of minority languages creates grounds for discrimination on two levels: firstly, the social isolation of people who do not speak Georgian and their exclusion from economic, political and social spheres. Secondly, the State, by not allowing communication in minority languages in administrative domains, lessens the chances of all its citizens on the basis of language.

The decisions and policies concerning the question of minorities may be the cause or the effect of the nationalism of the State which reflects on the minorities. The bilateral relations between Georgia and the countries of origin of the minority groups, or between Russia, the minorities and the country of origin often determine the policies applicable to the minorities.

b. Recommendations

The FIDH asks the Georgian authorities :

Generally

- to conform under all circumstances to the international treaties and conventions to which the State is a party in order to guarantee a Constitutional State, in particular to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination; the European Convention of Human Rights, the International and European Conventions against Torture;

- to ratify the European Social Charter;

- to ensure that an end is put to cruel, inhuman or degrading treatment and to all forms of discrimination inflicted by the law enforcement agencies on the citizens of Georgia and in particular on those from minority groups, because of their ethnic, religious and/or national (Yezidi Kurds, Azeris, Armenians...) background. To inquire into these acts of violence, identify those responsible and punish them in accordance with international and regional norms which apply in order to put an end to the impunity of those who carry out such acts of violence;

Ethnic minorities in Georgia

- to fight effectively against the corruption which is festering in the country and has an impact on the respect of the economic, social and political rights of all the citizens and in particular on the rights of the minority groups (Yezidi Kurds, Azeris, Armenians...)

More particularly, with regard to the right of minorities

- to define a clear and coherent political strategy with regard to the minorities in consultation with them;
- to encourage balanced economic development throughout the country;
- to ratify the European Framework Convention for the Protection of National Minorities, conform to its obligations undertaken with the Council of Europe of which Georgia has been a member since 1999;
- to conform to other international and regional instruments concerning the fight against all forms of discrimination and to the recommendations of competent authorities, in particular, of the ECRI (European Commission against Racism and Intolerance) and of the CERD (UN Committee on the Elimination of Racial Discrimination);
- to fight against all forms of discriminatory views and stereotyping with preventive measures, punishment and help for the victims and ensure an effective remedy for victims of discrimination and persecution;
- to ensure equality in access to employment, housing and public services (in particular health, justice, energy.);
- to facilitate the access by ethnic minorities to Parliament, executive posts and local authorities;
- to guarantee the cultural and religious rights of minorities, ensure that they can use their own language in accordance with international and regional instruments for the protection of human rights;
- to ensure that the Georgian language is correctly taught in all educational establishments in Georgia so that the whole population may participate fully in society life;
- to take the necessary steps to cure the drop in the provision of schooling which is particularly worrying among children from minority groups.

FIDH represents 141 Human Rights organisations

141 organisations

Afrique du Sud-Human Rights Committee of South Africa
Albanie-Albanian Human Rights Group
Algérie-Ligue Algérienne de Défense des Droits de L'Homme
Algérie-Ligue Algérienne des Droits de L'Homme
Allemagne-Internationale Liga für Menschenrechte
Argentine-Centro de Estudios Legales y Sociales
Argentine-Comite de Accion Juridica
Argentine-Liga Argentina por los Derechos del Hombre
Autriche-Österreichische Liga für Menschenrechte
Azerbaïdjan-Human Rights Center of Azerbaijan
Bahrein-Bahrain Human Rights Society
Bangladesh-Odhikar
Biélorus-Human Rights Center Viasna
Belgique-Ligue des Droits de L'Homme
Bénin-Ligue pour la Défense des Droits de L'Homme Au Bénin
Bhutan-People's Forum for Human Rights in Bhutan (Nepal)
Bolivie-Asamblea Permanente de los Derechos Humanos de Bolivia
Bresil-Centro de Justicia Global
Bresil-Movimento Nacional de Direitos Humanos
Burkina Faso-Mouvement Burkinabe des Droits de L'Homme & des Peuples
Burundi-Ligue Burundaise des Droits de L'Homme
Cambodge-Cambodian Human Rights and Development Association
Cambodge-Ligue Cambodgienne de Défense des Droits de L'Homme
Laos (France)-Mouvement Lao pour Les Droits de L'Homme
Cameroun-Maison des Droits de L'Homme
Cameroun (France)-Ligue Camerounaise des Droits de L'Homme
Canada-Ligue des Droits et des Libertés du Quebec
Centrafrique-Ligue Centrafricaine des Droits de L'Homme
Chili-Comite de Defensa de los Derechos del Pueblo

Chine-Human Rights in China
Colombie-Comite Permanente por la Defensa de los Derechos Humanos
Colombie-Corporacion Colectiva de Abogados Jose Alvear Restrepo
Colombie-Instituto Latinoamericano de Servicios Legales Alternativos
Congo Brazzaville-Observatoire Congolais des Droits de L'Homme
Côte d'Ivoire-Ligue Ivoirienne des Droits de L'Homme
Côte d'Ivoire-Mouvement Ivoirien des Droits de L'Homme
Croatie-Civic Committee for Human Rights
Cuba-Comision Cubana de Derechos Humanos y Reconciliacion National
Ecosse-Scottish Human Rights Centre
Egypte-Egyptian Organization for Human Rights
Egypte-Human Rights Association for the Assistance of Prisoners
El Salvador-Comision de Derechos Humanos de El Salvador
Equateur-Centro de Derechos Economicos y Sociales
Equateur-Comision Ecumenica de Derechos Humanos
Equateur-Fundacion Regional de Asesoría en Derechos Humanos
Espagne-Asociacion Pro Derechos Humanos
Espagne-Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos
Etats Unis-Center for Constitutional Rights
Ethiopie-Ethiopian Human Rights Council
Finlande-Finnish League for Human Rights
France-Ligue des Droits de L'Homme et du Citoyen
Georgie-Human Rights Information and Documentation Center
Grèce-Ligue Hellenique des Droits de L'Homme
Guatemala-Centro Para la Accion Legal en Derechos Humanos
Guatemala-Comision de Derechos Humanos de Guatemala
Guinée-Organisation Guinéenne pour la

Défense des Droits de L'Homme
Guinée Bissau-Liga Guineense dos Direitos do Homen
Irak (Royaume Uni)-Iraqi Network for Human Rights Culture and Development
Iran-Centre des Défenseurs des Droits de L'Homme en Iran
Iran (France)-Ligue de Défense des Droits de L'Homme en Iran
Irlande-Irish Council for Civil Liberties
Irlande du Nord-Committee On the Administration of Justice
Israel-Adalah
Israel-Association for Civil Rights in Israel
Israel-B'tselem
Israel-Public Committee Against Torture in Israel
Italie-Liga Italiana Dei Diritti Dell'uomo
Italie-Unione Forense Per la Tutela Dei Diritti Dell'uomo
Jordanie-Amman Center for Human Rights Studies
Jordanie-Jordan Society for Human Rights
Kenya-Kenya Human Rights Commission
Kosovo-Conseil pour la Défense des Droits de L'Homme et des Libertés
Kyrgistan-Kyrgyz Committee for Human Rights
Lettonie-Latvian Human Rights Committee
Liban-Association Libanaise des Droits de L'Homme
Liban-Foundation for Human and Humanitarian Rights in Lebanon
Liban-Palestinian Human Rights Organization
Liberia-Liberia Watch for Human Rights
Libye (Suisse)-Libyan League for Human Rights
Lithuanie-Lithuanian Human Rights Association
Malaisie-Suaram
Mali-Association Malienne des Droits de L'Homme
Malte-Malta Association of Human Rights
Maroc-Association Marocaine des Droits Humains
Maroc-Organisation Marocaine des

Droits Humains
Mauritanie-Association Mauritanienne des Droits de L'Homme
Mexique-Comision Mexicana de Defensa y Promocion de los Derechos Humanos
Mexique-Liga Mexicana por la Defensa de los Derechos Humanos
Moldova-League for the Defence of Human Rights
Mozambique-Liga Mocanbicana Dos Direitos Humanos
Nicaragua-Centro Nicaraguense de Derechos Humanos
Niger-Association Nigérienne des Droits de L'Homme
Nigeria-Civil Liberties Organisation
Nouvelle Calédonie-Ligue des Droits de L'Homme de Nouvelle Calédonie
Ouganda-Foundation for Human Rights Initiative
Pakistan-Human Rights Commission of Pakistan
Palestine-Al Haq
Palestine-Palestinian Centre for Human Rights
Panama-Centro de Capacitacion Social
Pays Bas-Liga Voor de Rechten Van de Mens
Pérou-Asociacion Pro Derechos Humanos
Pérou-Centro de Asesoría Laboral
Philippines-Philippine Alliance of Human Rights Advocates
Polynésie Française-Ligue Polynésienne des Droits Humains
Portugal-Civitas
RDC-Ligue des Electeurs
RDC-Association Africaine des Droits de L'Homme
RDC-Groupe Lotus
République de Djibouti-Ligue Djiboutienne des Droits Humains
République Tchèque-Human Rights League
Roumanie-Ligue pour la Défense des Droits de L'Homme
Royaume-Uni-Liberty
Russie-Citizen's Watch
Russie-Moscow Research Center for Human Rights
Rwanda-Association pour la Défense

des Droits des Personnes et Libertés Publiques
Rwanda-Collectif des Ligues pour la Défense des Droits de L'Homme Au Rwanda
Rwanda-Ligue Rwandaise pour la Promotion et la Défense des Droits de L'Homme
Sénégal-Organisation Nationale des Droits de L'Homme
Sénégal-Rencontre Africaine pour la Défense des Droits de L'Homme
Serbie et Montenegro-Center for Antiwar Action - Council for Human Rights
Soudan (Royaume Uni)-Sudan Organisation Against Torture
Soudan (Royaume Uni)-Sudan Human Rights Organization
Suisse-Ligue Suisse des Droits de L'Homme
Syrie-Comite pour la Défense des Droits de L'Homme en Syrie
Tanzanie-The Legal & Human Rights Centre
Tchad-Association Tchadienne pour la Promotion et la Défense des Droits de L'Homme
Tchad-Ligue Tchadienne des Droits de L'Homme
Thaïlande-Union for Civil Liberty
Togo-Ligue Togolaise des Droits de L'Homme
Tunisie-Conseil National pour Les Libertés en Tunisie
Tunisie-Ligue Tunisienne des Droits de L'Homme
Turquie-Human Rights Foundation of Turkey
Turquie-Insan Haklari Dernegi / Ankara
Turquie-Insan Haklari Dernegi / Diyarbakir
Union européenne-FIDH AE
Uzbekistan-Legal Aid Society
Vietnam (France)-Comite Vietnam pour la Défense des Droits de L'Homme
Yemen-Human Rights Information and Training Center
Yemen-Sisters' Arabic Forum for Human Rights
Zimbabwe-Zimbabwe Human Rights Association Zimrights

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