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Submission regarding vulnerable minorities in Georgia ahead the EU-Georgia Human Rights Dialogue

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The present document covers the situation of vulnerable minorities in Georgia, namely women, LGBTI, children, migrants, and ethnic minorities. The recommendations are also presented below.

Conservative stereotypes and subsequent violation of the rights of women and LGBTI persons

While the government of Georgia takes measures to protect women's rights, and achieved progress in a number of areas, the prevailing conservative stereotypes still lead to violations of women's and LGBTI rights, as well as to hatred towards LGBTI people.

On June 12, 2020 the Parliament approved amendments to the Law on Violence against Women and Domestic Violence that eliminated shortcomings in the law and promoted a prevention-oriented approach to better correct abusers' behavior and reduce recidivism. The number of investigations and complaints about domestic violence has increased during the last years.

However, while the legislative anti-discrimination framework is well-developed in Georgia, its implementation should be strengthened. The situation with economic equality is still difficult, the majority of women work at low-paid jobs, with wages gap around 35%. Early and forced marriages still take place especially in rural areas and among ethnic minorities. According to OECD, 14% of girls aged 15-19 are married.¹ The Ombudsperson reported in 2018 that 738 minors became parents.

During the COVID-19 pandemic the number of complaints on domestic violence has increased, but there is no statistical data yet available. Ultra-conservative parties are using the COVID-19 pandemic to strengthen their influence on the society. They are distributing messages that stigmatize contraceptive usage and accessibility to safe abortion, using slogans such as "COVID-19 is the answer from God on abortion".²

State social workers helping the victims of domestic violence complained that the existing problem of lack of funds for travel sharpened. The absence of funding for transport costs make their work for prevention and care of victims of domestic violence impossible. Last year, the social workers already raised this problem, but it was not resolved.

¹ https://read.oecd-ilibrary.org/development/sigi-2019-regional-report-for-eurasia_f6dfa21d-en#page69

² <https://www.ipff.org/blogs/covid-19-impact-what-we-know-so-far-georgia>

LGBTI people face threats, discrimination and violence as well as few economic opportunities, and the government's failure to protect them. In 2019, Georgia's first Pride march was cancelled due to the police's purported inability to ensure the safety of the participants. Homophobic groups patrolled the city that day to assault all those perceived to be part of the LGBTI community. The event organizers and many public allies of the LGBTI community also received threats, including death threats. Authorities failed to adequately respond to these threats.³ The government inability to act on LGBTI rights is supported by the public - only 27% of the Georgians think that LGBTI people's rights should be protected.⁴ Moreover, the LGBTI hatred is supported and even incited by Georgian Orthodox church, whose influence is significant in Georgian society.

This year the Tbilisi pride was online, and people were hanging flags from the windows. However, a cafe gallery, LGBTI friendly bar, was forced to take the flag out to prevent confrontation. A transgender woman was also forced to cancel her single picket after the death threats. As in 2019, the conservative groups celebrated the Family Purity day in the streets.

In May 2020, a transgender woman set her on fire next to the City Hall of Tbilisi during the protest of trans-people. The police timely reacted, and she did not suffer. Participants of the protest tried to bring attention of the local authorities to the lack of access of trans-people to basic services, as healthcare and social assistance. The main problem of trans-people in Georgia is the refuse of the government to change the gender in the identity documents, and issue of new documents.⁵

It is recommended to keep awareness raising activities to target conservative stereotypes in the society and continue programs for empowerment of women. It is also recommended to provide protection for LGBTI people, investigate cases of attacks and harassment, and ensure freedom of assembly and freedom of expression.

Children's Rights

We welcome the adoption of Code in Children Rights in Georgia, and assess that as a progressive step to guarantee children rights.

Meanwhile, the issue of private orphanages for children in churches, monasteries and Muslim communities is still alarming. According to UNICEF, around 1 thousand children may reside in these private orphanages which are closed and non-transparent. Based on ADC Memorial field mission, the numbers of children residing in these orphanages is even higher. The orphanages work without any licenses from the state authorities, and without any control over the conditions and the way how the children are treated and educated. While the government has started to introduce the licenses to any children institutions, including those functioning within the religious institutions or communities, these measures should be strengthened and further developed. The best practices in the region in this sphere have been developed by Moldova.

³ <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>

⁴ <https://oc-media.org/ru/vse-bolshe-molodykh-lyudeyo-v-gruzii-schitayut-cto-prava-kvirov-vazhny-pokazal-opros/>

⁵ <https://undocs.org/en/A/HRC/41/45/ADD.1?fbclid=IwAR1uGxuJ6IMh0KqfYO9D1vUNMQv4SWO0LSiwgZcH7UQCeSdyIM71tmToyZo>

The situation of street children is also of great concern, whose number increased in the recent years. In 2018, UNICEF Georgia has published a comprehensive report on street children.⁶ According to it, the street children consist of various social groups (homeless children and youth, unaccompanied children, and children from street families) and ethnic groups - ethnic Georgians, Roma-like groups and Azerbaijani Kurds predominate (among the latter it might be Dom community members). The stigma on Roma peoples, and the Azerbaijani Kurds contributes to the vulnerability of these groups. Children who work and live in the street are particularly vulnerable to violence from caretakers, as well as from fellow street youth. The absolute majority of street-connected children do not have access to either education or medical services beyond emergency care.

The Georgian government should strengthen preventative and response measures, including development of a unified vision and national policy addressing the needs of street children.

We are also concerned regarding street children within COVID-19 pandemic. There are day centres, where it is impossible to stay for a night. Even during the pandemic, homeless “street” children sleep in the metro or on buses, where there is a high risk of infection from coronavirus. Georgian social workers demanded that the state to create alternative centres for street children for quarantine and post-quarantine care.⁷

It is recommended to strengthen government control over the private orphanages for children within religious institutions, to adopt at the policy level the obligation of the government of Georgia to take responsibility for all the children at the territory of Georgia regardless of their citizenship and origin, as well as to address comprehensively the issue of street children, especially providing the necessary care within COVID-19 pandemic.

Migrants' Rights

Georgia is a donor country for migrants in the region. According to the State Commission on the issues of migration, the number of emigrants from Georgia increased in 2019 comparing to 2018. The largest number migrants go to Russia, moreover since 2015 the number of those going to the other countries, including the EU, increased.

However, despite a large flow of emigration Georgia has not signed and ratified International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. That is a serious gap, as the agreement provides obligations for both countries of residence and origin of working migrants, that will ensure that Georgia protects its citizens being in migration.

ADC Memorial has been working with numerous cases of migrants-citizens of Georgia or ethnic Georgians in Russia. In last five years the number of Georgian emigrants to Russia has increased. However, the government of Georgia does not provide any assistance to its citizens being abroad. The representatives of Georgia do not visit their fellow citizens or ethnic Georgians (stateless persons) detained in Russia for migration reasons, even those who have extremely poor health condition or even dying in the closed detention centres for migrants.⁸ It is extremely difficult for the

⁶ <https://www.unicef.org/georgia/media/1256/file/Street%20Children.pdf>

⁷ <http://georgiatoday.ge/news/20219/Georgian-Social-Workers-Request-Creation-of-Care-Centers-for-Homeless-Children>

⁸ <https://adcmemorial.org/en/columns/order-or-human-rights-what-is-more-important/>, <https://adcmemorial.org/en/news/punished-for-statelessness-man-dies-after-11-months-of-detention-in-russia/>

citizens or ethnic Georgians to get any documents from their government, including those to facilitate their return.

The children-migrants citizens of Georgia staying in countries of Eastern Europe - Russia, Belarus, Ukraine - are in high risk of immigration detention and separation with their parents. The regional Commonwealth of Independent States Chisinau Agreement on Return of Children 2002 establishes the system of police detention centres to return children-migrants to their countries of origin.⁹ While Georgia has left Commonwealth of Independent States and its agreements, the other states in the region have not, and ADC Memorial documented cases when children-migrants from Georgia were detained. The only solution is elaboration and conclusion of bilateral agreements on return of children with the countries in the region and other countries of destination.

It is recommended to the government of Georgia to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and to take responsibility for migrants-citizens of Georgia and ethnic Georgians; the state representatives or their affiliates should facilitate return of migrants, visit them in detention and provide assistance for migrants in life-threatening situations. It is also recommended to the government of Georgia to elaborate and conclude bilateral agreement on return of children.

Ethnic minorities, hate speech and hate crimes

In the recent years, the rate of hate speech and hate crimes has increased in Georgia, as well as the number of racist attacks on migrants, tourists and foreign students. In 2018, the human rights defender, (Georgian citizen, but non-Georgian ethnically) Vitaliy Safarov, was killed by Neo-Nazis.

However, such crimes are not registered and investigated as hate crimes. The notion of hate crime has been introduced several years ago in Georgia as a legal category, but in practice they are registered as hooliganism. For example, the attacks against foreigners during so-called «Georgian March» were prosecuted and punished as hooliganism or resistance to police. In June 2019, the sentence for the murders of Vitaliy Safarov also did not mention the motive of hatred.

There is also a problem with integration of ethnic minorities (including Roma, Azerbaijanis, Armenians) due to lack of knowledge of the Georgian language. The schools do not provide the language learning focused on non-Native speakers, and do not take pro-active measures to ensure education to everyone.

The pandemic of COVID-19 led to outbreak of ethnic hatred, racism and xenophobia against ethnic minorities, and namely in relation to ethnic Azerbaijanis living in Georgia. Social network media were full of accusations that the disease spread in Georgia was “caused by the Azerbaijanis”, that they “do not follow the quarantine”, and that “they all should be sent to Azerbaijan”.

It is recommended to the government of Georgia to train the law enforcement agencies on hate crimes, their prevention, investigation and prosecution, as well as take measures on prevention racism and xenophobia toward ethnic minorities and ensure access to education and Georgian language learning to ethnic minorities and take measures against school drop-outs.

⁹ <https://adcmemorial.org/en/crossborderchildhood/>