

“Coalition for Equality”

STATEMENT

Introduction

“Coalition for Equality” covered a total of 7 population groups in the “Report on Equality and Vulnerable Groups in Georgia”, submitted for the 3rd cycle of the UPR (Coalition Report). The present Statement has been prepared as a submission to the Pre-session and will therefore outline the following circumscribed list of groups and issues thereof: women, religious minorities, ethnic minorities and foreigners.¹

Women

During the 2nd cycle, Georgia received and supported 57 recommendations regarding women’s rights. Fifteen recommendations were issued specifically in respect of violence against women.² Some recommendations concerning sexual violence have been partially implemented or have not been implemented at all.³ Sexual violence still remains one of the most problematic, concealed and unpunished forms of gender-based violence in Georgia.

The definition of rape still does not focus on the lack of consent of the victim, but rather requires presence of other additional elements which should be amended.⁴ The burdensome evidence requirements throughout legal proceedings should be revised as they deny justice to many survivors of sexual violence. Secondary victimisation also remains a problem due to lack of sensitivity within the justice system. Specialisation of prosecutors and courts on gender-based violence is seen as a solution to the problem.

The COVID-19 pandemic has exacerbated the situation of women in Georgia. The number of reports to relevant NGOs concerning the instances of violence against women has increased significantly.

¹ The statement has been confined to these population groups for the sole purpose of avoiding overlapping during the Pre-session. Therefore, the list of groups and issues identified herein shall by no means be perceived as exhaustive. Detailed information on all of the vulnerable groups covered by the Coalition, as well as corresponding recommendations, can be found in the Coalition Report and the Factsheets of the Coalition member organisations.

² Ghana (rec. 116.15), Italy (rec. 116.16), Turkey (rec. 116.17), Netherlands (rec. 117.6), Singapore (rec. 117.37), Honduras (rec. 118.14), Republic of Korea (rec. 117.38), Algeria (rec. 117.58), Slovenia (rec. 117.60), Spain (rec. 117.62), Republic of Moldova (rec. 117.68), Norway (rec. 117.69), Spain (rec. 118.13), Estonia (rec. 117.82), Italy (rec. 117.83).

[Note: the number does not reflect the recommendations issued separately regarding domestic violence. See further Annex 4, matrix.]

³ For further information on the implementation of the previous cycle recommendations, see Annex 4, Matrix.

⁴ See Article 36 of the Istanbul Convention and the UN Women guidelines (p 24), available at https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2012/12/unw_legislation-handbook%20pdf.pdf?la=en&vs=1502.

Religious minorities

With respect to freedom of religion or belief, Georgia received 16 recommendations - 15 recommendations were supported and 1 was noted.⁵ The State supported 2 recommendations concerning property-related issues of religious minorities, namely the ownership and maintenance of places of worship, as well as the restitution and compensation for damages inflicted on religious denominations during the Soviet era.⁶ These two recommendations have not been fulfilled by the state.

Since Georgia's independence, only the Georgian Orthodox Church has regained the property lost during the Soviet era by virtue of the Constitutional Agreement concluded between the Georgian Orthodox Church and the state. Therefore, it is necessary to adopt an inclusive law on restitution of religious property for all religious organisations, stipulating detailed procedures for the restitution, responsible state agencies and the timeframe.

The legislation is still discriminatory in the sense that it does not allow religious organisations, except the Georgian Orthodox Church, to receive the state-owned property. Such an approach has been deemed unconstitutional by the Constitutional Court of Georgia and shall be amended accordingly to equally allow other religious organisations to purchase, exchange or acquire free of charge the state property. Religious minorities face obstacles also in the process of building new places of worship.

During the COVID-19 pandemic, the State did not apply general health-related restrictive measures in practice to the Georgian Orthodox Church, thereby undermining the principle of equality. The Prime Minister justified it by stating misleadingly that Georgia is an Orthodox country.⁷

Ethnic minorities and foreigners

Georgia received 18 specific recommendations on ethnic minority rights, out of which 5 were noted and 13 supported.⁸ Most of the recommendations concerning minorities' integration in civil and political lives are

⁵ Accepted: Republic of Korea (rec. 118.36), Canada (rec. 117.48), Nigeria (rec. 117.43), France (rec. 117.44), Philippines (rec. 117.92), China (rec. 117.93), Costa Rica (rec. 117.144), Ghana (rec. 117.91), Armenia (rec. 118.35), Botswana (rec. 117.94), Paraguay (rec. 117.87), Italy (rec. 118.34), Netherlands (rec. 117.33), Mexico (rec. 118.48), Djibouti (rec. 118.3), Noted: Russian Federation (rec. 119.6).

⁶ Italy (rec. 118.34) and Armenia (rec. 118.35).

⁷ The statement of the Prime Minister is available at <https://netgazeti.ge/news/443277/?fbclid=IwAR1JAFizp7o55JxMJIRiFLjmw9N3dwyJbHG94zk-6FNW01p18OV0BR8HIqQ>

⁸ Accepted: Turkey (rec. 117.88), Panama (rec. 117.89), Albania (rec. 117.103), China (rec. 117.107), Nigeria (117.108), NorthMacedonia (rec. 117.115), Austria (rec. 117.116), Nigeria (rec. 118.33), Germany (rec. 118.38), Colombia (rec. 118.47), Mexico (rec. 118.48), Armenia (rec. 118.49), Turkey (rec. 118.51). See also: Norway (117.23) in Annex 4, Matrix.

either not implemented or partially implemented. Political participation of minorities, particularly on a local government level, remains critically low. Therefore, sufficient positive mechanism should be developed in this regard. Deeply rooted isolation, stigma and lack of knowledge of the state language persist, undermining the integration of ethnic minorities. Xenophobia and hate speech were more acutely revealed towards ethnic minorities, especially ethnic Azerbaijani during the COVID-19 pandemic.

Racism and anti-migrant populism have become alarming issues in Georgia. The State supported 7 recommendations and noted one concerning racial discrimination: 2 were implemented, 3 were partially implemented and 2 were not implemented at all.⁹

While granting residence permits to foreign nationals, the state policy is discriminatory based on race, nationality or citizenship. Most frequently residence permits are rejected based on the conclusions of the State Security Service suggesting that presence of the applicant in Georgia is not recommended. It is also problematic that an asylum seeker who previously withdrew the application is not entitled to have his/her case re-opened or to submit a new application on the same grounds. In addition, there has been a negative trend emerging in delaying the preliminary interview and suspending the issuing of a temporary identification card for the asylum seekers.

Noted: Armenia (rec. 118.50), Turkey (rec. 118.52), Russian Federation (recs. 119.4,119.5 and 119.7).

⁹ Sierra Leone (rec.117.13) - implemented; Djibouti (rec. 118.3) - implemented; Belgium (rec. 117.46) - partially implemented, Nigeria (rec.117.42) - not implemented, Nigeria (rec. 117.43) - partially implemented, Philippines (rec. 117.92) - not implemented, Chile (rec. 117.45) - partially implemented.