

MINORITY ISSUES MAINSTREAMING IN THE SOUTH CAUCASUS

A PRACTICAL GUIDE



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GLOSSARY 149

ACRONYMS

AC	Advisory Committee
CERD	Committee on the Elimination of Racial Discrimination
CFSP	Common Foreign and Security Policy
CNM	Council of National Minorities
CoE	Council of Europe
DGHL	Directorate General of Human Rights and Legal Affairs
DG RELEX	External Relations Directorate General
EC	European Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECMI	European Centre for Minority Issues
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Partnership
ENPI	European Neighbourhood Partnership Instrument
EU	European Union
EUMM	European Union Monitoring Mission
EUSR	European Special Representative
FCNM	Framework Convention for the Protection of National Minorities
HCNM	High Commissioner on National Minorities
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Person
IFS	Instrument for Stability
IPAP	Individual Partnership Action Plan
MAP	Membership Action Plan
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
NKR	Nagorno-Karabakh Republic
OSCE	Organization for Security and Cooperation in Europe
PbP	Peace-building Partnership
PCA	Partnership and Cooperation Agreement
PfP	Partnership for Peace
UN	United Nations
UNDP	United Nations Development Programme
UNE	Unified National Examination
UNHCR	Office of the United Nations High Commissioner for Refugees UNICEF United Nations Children's Fund
UNOMIG	United Nations Observer Mission in Georgia
UPAF	Union of Pro-Azerbaijani Forces
USAID	United States Agency for International Development



Preface

This manual, designed as a training toolkit and reference collection, provides an overview of issues pertaining to ethno-national minorities in the South Caucasus. The manual is intended to serve as a mainstreaming toolkit that can be used by national and international organizations as well as government and other stakeholders for project development in the region.

The **first section** is designed to familiarize the reader with concepts, standards, and mechanisms for the protection of minorities in Europe. All the three countries of the South Caucasus region - Armenia, Azerbaijan, and Georgia - are members of the Council of Europe and have ratified at least one of the treaties related to minority protection and are, therefore, under legal obligation to follow European standards in this regard.

Section two provides an analysis of minorities needs in the three South Caucasus countries, including the territories beyond the control of the central governments: Armenia, Azerbaijan (including Nagorno-Karabakh), and Georgia (including Abkhazia and South Ossetia).

The **third section** takes the reader on a step-by-step guide to mainstreaming minority issues into the project cycle.

Finally, a glossary of commonly used terms and phrases explains the terminology and meaning of languages used in the area of minority rights and issues.

We are grateful to the team of researchers and interns at ECMI's Regional Office in the Caucasus who have put together the manual. The material has been compiled under the supervision and coordination of Tom Trier, ECMI Regional Director in the Caucasus, with the contributions and efforts of Aideen Roche, Jenny Thomsen, Jeremie Bron, Joanna Zeber, Vincent Boivin and Salome Mekhuzla. Thanks also go to ECMI Deputy Director Ewa Chylinski for substantively reviewing the material and to Lucy Banfield and Catherine Melike Trigg for copy editing and proof reading the manual. Finally, our sincere gratitude goes to the Royal Ministry of Foreign Affairs of Norway and the Royal Danish Ministry of Foreign Affairs for making the publication of this manual possible.

We hope you will find this manual a useful reference tool in your day-to-day work.

Dr. Tove H. Malloy,
Director, European Centre for Minority Issues

1. Introduction: Minorities in Europe

There is no doubt that Europe and its geographical neighbourhood constitute an ethnically diverse region and that there are few, if any, countries in which there are no population groups with an ethnic identity distinct from that of the country's titular nation. The area of confusion, however, concerns who constitutes an ethnic or national minority, where such minorities live, how many of them there are and how many members they have. This is related to the legislation on personal data protection in many countries and to the belief that belonging to an ethnic or national minority is a private matter, individually decided by a person, and should not be a matter of proof to any authority or in societal relations.

1.1 *A Difficult Definition*

Minorities and majorities alike exhibit different combinations of specific features – language, religion, traditions and customs. What makes an ethnic group a minority is its numerically and politically non-dominant position in the state of which its members are citizens. Persons belonging to ethnic minorities identify with some or all of their group's unique features and, in most circumstances, are recognised by other members of the group. Indeed, it is widely acknowledged that minority group membership is something that is based on an individual's own decision rather than an issue to be determined by the state.

Minorities are groups 'numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of a state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show if only implicitly a sense of solidarity directed towards preserving their culture, traditions, religion, or language.'

Francesco Capotorti,
UN Sub-Commission on Prevention of
Discrimination and Protection of Minorities,
1975

'To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.'

Document of the Copenhagen
Meeting of the Conference on the Human
Dimension of the CSCE, Paragraph 32

However, this does not mean that those who consider themselves to be a member of a minority group are automatically recognized by the authorities of the state as such. For example, France, Greece and Turkey do not recognize ethnic or national minorities within their countries. One of the critical issues at stake here is that **there is no legal definition of minority that is generally accepted and recognized under international law.** Therefore, when speaking of ethnic or national minorities, a working definition by Francesco Capotorti (see box) from

1975 is still in use. However, it is a firm requirement that the members of the minority must be citizens of the given state in which they live in order to be recognized and adequately protected. Most European countries accept that their societies are multi-ethnic, and acknowledge that traditional autochthonous ethnic and national minorities are an integral part of their nation. Thus, many countries have committed to the protection of minorities and have translated international obligations into domestic policy protecting the rights of minorities.

In the case study of the three countries examined in this manual, the Republic of **Armenia** has made attempts to provide a definition of minority groups in the process of drafting a Law on National Minorities, but thus far, no definition has been agreed upon.¹ Domestic legislation in **Azerbaijan** makes reference to national minorities but similarly has not yet defined which groups this refers to or protects. **Georgia** has not yet decided on a definition of the notion of “minorities” and the National Concept for Tolerance and Civic Integration (2009) mandates that the right of minorities to decide whether they are to be treated as such is one of the abiding principles of the document.²

Further complications arise when one differentiates between national and ethnic minorities. There is a range of different and sometimes contradictory definitions on what an ‘ethnic’ or ‘national’ minority constitutes. Here, we will adhere to the following definitions: **an ethnic minority** is a group in which membership is based on long-lasting associations of kinship, common culture, and on traditional attachment to a particular territory of the state but which has no statehood of its own elsewhere. A **national minority** is a group in which membership is based on nationalism, equalling to ‘the sentiment and ideology of attachment to a nation, its interests and its territory existing as a state elsewhere’.³ This differentiation, however, is usually disregarded in legal mechanisms for the protection of ethnic or national minorities. Hence, for example, the Framework Convention for the Protection of National Minorities covers both ethnic and national minorities under the term ‘national minorities’. For convenience purposes, we will refer to ethnic and national minorities as ‘ethno-national minorities’ or simply ‘minorities’ in this manual.

.....
1. Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Armenia, (2006), 7

2. National Concept for Tolerance and Civic Integration, adopted on 8 May 2009, p. 3, at www.diversity.ge/eng/concept.php.

3. Tove H. Malloy, *National Minority Rights in Europe* (Oxford University Press, Oxford & New York, 2005), p. 30. See: www.eurac.edu/NR/rdonlyres/A48FE212-8A1E-461C-A81B-9E86C36E4FBC/0/Reviewsofbook.pdf.

1.2 Key Issues for Analyzing Minorities in the South Caucasus

1.2.1 Minority Rights and Non-discrimination

When discussing minorities, the difference between minority rights and non-discrimination must be taken into consideration. The principle of non-discrimination aims at ensuring equality, whereas minority rights foster the preservation of diversity. While the former ensures the right to equal treatment, i.e., the removal of all obstacles to the enjoyment of equal rights, the latter safeguards the preservation of identity, or, in other words, the right to diversity. Thus, guaranteeing minority rights requires permanent positive state action in support of the minority group. The prohibition of discrimination can only be regarded as the first step on the way to the full protection of national minorities.

1.2.2 Equal Socio-economic Opportunities and Discrimination

Members of minorities often face widespread socio-economic disadvantages in the services provided by the state – such as access to housing, public services, healthcare, education and training, and employment. These disadvantages often result from direct or indirect discrimination, language barriers or different legal status, and a lack of recognition of the right to one's own culture. Despite standards adopted at both international and state levels, members of minorities continue to suffer exclusion. Major development organizations (e.g. the World Bank, UNDP and regional development banks) as well as state aid agencies and NGOs address issues of discrimination of minorities. Yet, the states are ultimately responsible for the protection of minorities' human rights. Universal human rights standards are expressed through the states' domestic law and, particularly in states establishing or returning to democratic rule. The effective realization of those laws generally requires a national institution to safeguard people's rights.

1.2.3 Participation in Public Life

The South Caucasus states are all party to the Council of Europe's 1995 Framework Convention for the Protection of National Minorities (FCNM), which specifically requires signatory states to ensure minority participation in all parts of public life. In Armenia, the FCNM was signed in July 1997, ratified in July 1998 and entered into force in November of the same year; in the Republic of Azerbaijan, it was signed/ratified in June 2000 (signature amounts to ratification in Azerbaijan) and entered into force in October 2000; in the Republic of Georgia it was signed in 2000, ratified in December 2005 and entered into force in April 2006.

A number of countries in Europe also have constitutional provisions pertaining to the right of particular national minorities to participate in public life. Minorities

should be represented at legislative levels (e.g. in the local or national parliament) and have a voice in political affairs, in particular with regard to those issues directly affecting them. They should also be represented in civil services, in the labour market, and have access to media and education, as mentioned above.

1.2.4 Identity and Language

Violations of human rights and fundamental freedoms continue to endanger stability and threaten security in many regions in the world. These restrictions may be a direct consequence of state legislation and policies or they may arise as a result of a lack of protective action from state authorities, often in the face of a dominant majority. Language is one of the most important instruments for the construction of a distinct identity and as a factor of social cohesion. Simultaneously, language problems are the most apparent issue in the treatment of minorities. Particular emphasis is laid on the implications of the right of minority members to identity, including minority language rights such as the use of native language in both the private and public sphere, and the right to native language education.

1.2.5 Education and Culture

Education and culture are the most effective means of ethnic reproduction and effective inclusion into a society. Education can forestall the rooting of prejudices, intolerance and xenophobia, and the emergence of discriminatory behaviour.

Therefore, in multiethnic societies, education should promote the knowledge of the culture, history, language, and religion of both the minorities and the majority. Education can play a crucial role in promoting integration within ethnically mixed communities. However, children from certain minority groups, such as the Roms, often do not attend school. Early employment, isolation, poor security, prejudice, and a lack of awareness among government and local authorities are the main reasons for the poor performance among children from these specific minority groups. Even for children willing and able to go to school, entry is often difficult because of their limited or sometimes total lack of primary education. Therefore, access to mainstream education and the possibility to catch up with the ethnic majority is important for the integration of ethno-national minorities.

1.2.6 Media

The media are also an effective vehicle for promoting tolerance and intercultural dialogue, mutual respect, and cooperation between different ethnic communities sharing the same territory. Therefore, persons belonging to ethno-national minorities should have the unhindered possibility to create and use their own media “in order to promote tolerance and permit cultural pluralism”, as stated in

the Framework Convention for the Protection of National Minorities (FCNM) (Art. 9, Para. 3 - 4). Similarly, the European Charter for Regional or Minority Languages (ECRML) states that parties adhering to the Charter must ensure that different media are available in the regional or minority languages, especially by providing, where lacking, the creation of radio stations or programmes, television stations or channels, and newspapers available to ethnic and national minorities. Furthermore, the Charter also mentions that the reception of radio and television broadcasts from neighbouring kin-states in the same languages as regional or minority languages shall not be hindered (Art. 11, Para. 1-2).

1.3 Specific Aspects of Minority Issues in the South Caucasus

1.3.1 Protection versus Integration

A key priority of minority policies in the South Caucasus – especially in Azerbaijan and Georgia, where minorities are compactly settled in certain territories – is to achieve an appropriate balance between the protection and preservation of minority culture on the one hand, and the effective integration of minorities into the wider majority of society on the other. The relation between protection and integration is particularly evident in language and education policies designed to promote the use and knowledge of the state language. While integration is a necessary aim, integration policies have sometimes proved to negatively affect minority groups, particularly those living in dense settlements, at times infringing upon their rights and need for protection.

1.3.2 Minorities in the de facto Independent Territories

The situation of the breakaway territories in the South Caucasus – Abkhazia, South Ossetia and the disputed territory of Nagorno-Karabakh – creates particular conditions for the ethno-political relations of minorities in these areas. North Ossetian and Abkhaz independence have been recognized by Russia and a few other states since the 2008 August War. However, the independent status of Nagorno-Karabakh has not yet been recognized by any state, including Armenia by fear of Moscow's reaction. It is important to note that the titular ethnic groups consider themselves as majorities in their de facto states and not as minorities within Azerbaijan and Georgia. The conflicts in these territories have monopolized the political discourse of the states since the break-up of the Soviet Union. The de facto states have been giving full attention to many of the problems faced by the titular ethnic groups, i.e. Abkhazians, South Ossetians, and Armenians, often resulting in the neglect of other ethnic groups in these regions. The conflicts have further resulted in discrimination and generally difficult situations for the titular groups of

the break-away regions living outside of the disputed territories. Georgians living in Abkhazia and South Ossetia, as well as Azeris living in Nagorno-Karabakh, have also encountered significant problems, in many cases even leading to displacement or mass expulsion as occurred recently among the majority of the ethnic Georgian population of South Ossetia in August 2008.

1.3.3 Population Movements and displacement

As a result of the unrest and conflicts in the South Caucasus over the past 20 years, coupled with the acceleration of the economic crisis following the fall of the Soviet Union, a considerable movement of peoples has taken place. Consequently, the access to rights, the standard of living, and the overall status of minority groups in the region have been affected. In many cases, minority groups have moved to kin-states (e.g. Russians, Greeks and Jews from all the three South Caucasus republics). Others, such as many Armenians and Azeris, including both persons from minority and majority populations, have opted for seasonal or permanent emigration in search of work and better living conditions. Yet others, such as some of the Meskhetians who were deported in the 1940s from Georgia to Central Asia, are still hoping to return to their ancestral lands in southern Georgia, causing concern that a large-scale repatriation might create tension with the local population.⁴

At the same time, hundreds of thousands of peoples have been displaced as a result of wars and conflict, and live either as refugees, i.e. persons having crossed an international boundary, or as internally displaced persons (IDPs) displaced within the de jure boundaries of their own states. The conflicts of the early 1990s which have led to the de facto independence of South Ossetia, Abkhazia, and Nagorno Karabakh⁵ resulted in the displacement of hundreds of thousands of people. The refugees and the IDPs constitute the most vulnerable segments of the region's population. These conflicts have been tremendously damaging to the South Caucasus and its people, affecting the economy as well as social services including health, education, social protection, and shelter.

4. For more information on this issue, see: Tom Trier & Andrei Khanzhin (eds.), *The Meskhetian Turks at a Crossroad: integration, repatriation or resettlement?* Munster, Lit Verlag, 2007

5. The Autonomous Republic of Adjara was also ruled as a semi-independent fiefdom by regional leader Aslan Abashidze until 2004, when the region was fully reintegrated under Georgian rule. However, unlike in Abkhazia and South Ossetia, no violent conflict erupted in the Adjara. The region's population is largely ethnic Georgian, while a large part of the Georgian population are Muslims. Adjara still enjoys autonomous status today.

INTRODUCTION

1.3.4 Statistics/Data Collection

Accurate documentation on the existence of ethnic and national minorities is a prerequisite for the formulation of good government policy and is fundamental to the task of promoting human rights and minority rights, especially the right to non-discrimination. However, data collection on ethnic and national minorities is often inadequate or non-existent. Also, governments are often unaware or unwilling to collect such data, since data collection on minorities is often not prioritized. Indeed, the constitutions of some countries, especially in Western Europe, forbid data collection on the basis of racial and ethnic characteristics, although it is predominantly a matter of interpreting data protection laws so as to hinder collection. At the same time, members of minorities often mistrust the ability of governments to maintain the confidentiality of data collected on the basis of ethnic classification and thus fear that it will be used to their detriment and result in negative stereotyping. Indeed, it is important that the quality of the data collected is of such a standard that the minorities included in these statistics feel that their identities are fairly represented.



SECTION ONE

LEGAL COMMITMENTS AND POLICY AREAS

Key Terms:

- Advisory and consultative bodies
- European Charter for Regional and Minority Languages (ECRML)
- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)
- European Instrument for Democracy and Human Rights (EIDHR)
- European Neighbourhood Policy (ENP)
- European Union Monitoring Mission (EUMM) in Georgia
- EU Special Representative for the South Caucasus (EUSR)
- Framework Convention for the Protection of National Minorities (FCNM)
- OSCE High Commissioner on National Minorities (HCNM)
- Instrument for Stability (IfS)
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)
- NATO Secretary General's Special Representative for the South Caucasus and Central Asia
- Partnership and Cooperation Agreements (PCA)

1. Commitments to Minority Participation: Regulatory/Policy Frameworks

1.1 Overview

As a result of violent conflicts in Europe upon the dissolution of the Soviet Union and the break-up of Yugoslavia, minority recognition and inclusion in social, economic and political life has been an objective of the international community since the early 1990s. All three of the South Caucasus states are party to the **Council of Europe's Framework Convention for the Protection of National Minorities**, which specifically requires state parties to ensure minority participation in all aspects of public life. A number of countries in Europe also have constitutional provisions pertaining to the right of particular national minorities to participate in the public sphere.

This chapter will discuss **international standards of minority rights and participation**, and will present the legal commitments and policy programmes on minority participation made by various international structures for both internal and external application.

1.2 International Legal and Semi-legal Instruments

The international legal framework for minority participation and minority rights¹ has been under construction since World War II. The framework includes legal documents and advisory recommendations adopted by **United Nations (UN)**, the **Council of Europe (CoE)** and the **Organization for Security and Co-operation in Europe (OSCE)**. The relevant instruments are presented below in chronological order.

1.2.1 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)²

The Convention was the **first legal non-discrimination provision adopted by the Council of Europe in 1950**.

1. For a succinct overview of the international legal framework, see: United Nations High Commissioner for Human Rights (2001). United Nations guide for Minorities. Available at: www2.ohchr.org/english/issues/minorities/guide.htm For a more thorough treatment, see: Pentassuglia, Gaetano (2002). Minorities in International Law. ECMI-Council of Europe Minority Issues Handbook Series 1. Strasbourg: Council of Europe Publishing.

2. See: <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>. The ECHR was ratified by Georgia on 20 May 1999, by Azerbaijan on 15 March 2002 and by Armenia on 26 April 2002

Article 14

*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, **association with a national minority**, property, birth, or other status.*

This Article has since been amended by Protocol 12 to the Convention, stipulating that **signatory states may adopt positive measures** in order to secure the rights under the Article.³

The Convention allows **individuals and groups to send complaints to the European Court of Human Rights in Strasbourg** and is thus a powerful remedy for members of national and other minorities. Petitions to the Court are only accepted if they have not achieved satisfaction in the domestic system from which they originated.⁴

1.2.2 International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) (1965)⁵

The UN continued the non-discrimination approach in 1965 when it adopted the **International Convention on the Elimination of all Forms of Racial Discrimination** (ICERD). This convention entered into force in Armenia on 23 July 1993, in Azerbaijan on 15 September 1996 and in Georgia on 2 July 1999.

The ICERD's Article 1 specifically stipulates that:

*The term “**racial discrimination**” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or **national or ethnic origin** which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

3. Text of the Protocol 12 available at <http://conventions.coe.int/treaty/en/Treaties/Html/177.htm>

4. For a description of petition procedure, see: www.echr.coe.int/ECHR/EN/Header/The+Court/How+the+Court+works/Procedure+before+the+Court/

5. See: www2.ohchr.org/english/law/cerd.htm

The ICERD prohibits any form of racial discrimination and requires states party to the Convention to guarantee the right, without distinction as to race, colour, or national or ethnic origin, of equality before the law for every person in the state. **The ICERD is monitored by a reporting system executed by the Committee on the Elimination of Racial Discrimination (CERD). States must submit reports on the legislative, judicial, administrative or other measures** which they have adopted and which give effect to the provisions of the ICERD every two years or whenever the CERD requests. The CERD reports annually, through the Secretary General, to the General Assembly of the UN on its activities and makes suggestions and general recommendations based on the examination of the reports and information received from the states. The reports are examined by the Committee which addresses its concerns and recommendations to the relevant state in the form of concluding observations.

Armenia has submitted reports under the ICERD in 1997⁶ and 2002⁷, **Azerbaijan** in 1999⁸ and 2004⁹, and **Georgia** in 2001¹⁰ and 2004¹¹.

Article 14 of the ICERD establishes a procedure that makes it possible for an individual or a group of persons claiming to be **the victim of racial discrimination to lodge a complaint with the CERD against the state** concerned. Any individual may lodge a complaint with the Committee, provided that the state is party to the ICERD and has declared that it recognizes the competence of the CERD to receive such complaints.¹² Third parties on behalf of individuals or groups may also bring complaints to the Committee.

Complaints submitted to the CERD should be addressed to:

Petitions Team

Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10, Switzerland

Fax: + 41 22 917 9022 (particularly for urgent matters)

E-mail: tb-petitions@ohchr.org

6. See [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/4af23a2ef57cbf8802565af003c7139?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4af23a2ef57cbf8802565af003c7139?Opendocument)

7. See: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7ebb69b82371e99ec1256be40034abe5?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7ebb69b82371e99ec1256be40034abe5?Opendocument)

8. See: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3c079ffa24e7afe802567a7004b1ed6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3c079ffa24e7afe802567a7004b1ed6?Opendocument)

9. See: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/77dfd2e095398bacc1256f970053992b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/77dfd2e095398bacc1256f970053992b?Opendocument)

10. See: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/38ec011c24a8db1ec1256a1b005bb965?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/38ec011c24a8db1ec1256a1b005bb965?Opendocument)

11. See: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2b0c86a6db846e71c125702f004b033d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2b0c86a6db846e71c125702f004b033d?Opendocument)

12. For the full procedure, see: www2.ohchr.org/english/bodies/petitions/individual.htm#contact

Overview of the procedure may be consulted at www2.ohchr.org/english/bodies/cerd/procedure.htm

1.2.3 *International Covenant on Civil and Political Rights (ICCPR)* ¹³

In 1966, **the first provision** that specifically addressed minorities was **adopted by the United Nations in the ICCPR, Article 27:**

Article 27

*In those states in which **ethnic, religious or linguistic minorities** exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*

Although the Covenant has been ratified by most UN member states,¹⁴ some countries have made declarations to the effect that Article 27 does not have jurisdiction in their territory.¹⁵ The Covenant is monitored by a Human Rights Committee under the UN, which follows the implementation of the Covenant in member states using a reporting system. It does not have a court.

The Committee also receives written complaints from individuals and adopts decisions on these, which are submitted to the relevant member state for enforcement.

Complaints must not be anonymous and cannot be considered unless they come from a person or persons subject to the jurisdiction of a state that is a party to the Covenant. Normally, the individual who claims that his or her rights have been violated by the state should send in a communication to the Committee. When it appears that the alleged victim is unable to submit the complaint, the Committee may consider a communication from another person who must prove that he or she is acting on behalf of the alleged victim. A third party with no apparent link to the person, whose rights have allegedly been violated, cannot submit a complaint.

The complaint cannot be considered if the same problem is being investigated under another international procedure, and **all domestic remedies must have been exhausted before the Committee can take it up.** This usually includes pursuing

13. See: www2.ohchr.org/english/law/ccpr.htm.

14. As of April 2010, 165 States have ratified the Covenant. See: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en. The ICCPR entered into force in Azerbaijan on 13 August 1992, in Armenia on 23 June 1993 and in Georgia on 3 May 1994

15. Such a declaration has been made by France.

the claim through the local court system. It should be specified in the complaint what efforts have been made to exhaust local remedies, and should also include any claims advanced before the national authorities.

Even before deciding whether a complaint is admissible or not, the Committee - or its Working Group on Communications - may ask the alleged victim or the state concerned for additional information or comments and set a time limit. If the state has any reservations at this stage, the person complaining receives a copy of its reply for comment.¹⁶

Complaints submitted to the Human Rights Committee should be addressed to:

Petitions Team

Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10, Switzerland

Fax: + 41 22 917 9022 (particularly for urgent matters)

E-mail: tb-petitions@ohchr.org

*1.2.4 Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*¹⁷

In 1992, the UN adopted a fairly short but comprehensive document on minority rights in response to the end of the Cold War and subsequent increased attention to minority conflicts.¹⁸ Note Articles 1 and 2:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious, and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

16. For full procedure, see: www2.ohchr.org/english/bodies/petitions/index.htm (general), www2.ohchr.org/english/bodies/petitions/individual.htm (individual). More information about the Committee is available at www2.ohchr.org/english/bodies/hrc/index.htm.

17. See: www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf

18. This resolution was adopted by UN General Assembly Resolution 47/135 of 18 December 1992 without vote.

2. *States shall adopt appropriate legislative and other measures to achieve those ends.*

Article 2

1. *Persons belonging to **national or ethnic, religious, and linguistic minorities** (hereinafter referred to as persons belonging to minorities) have the right to enjoy their **own culture**, to profess and practice their own **religion**, and to use their own **language**, in private and in public, freely and **without interference or any form of discrimination**.*

2. *Persons belonging to minorities have **the right to participate effectively in cultural, religious, social, economic, and public life**.*

3. *Persons belonging to minorities have **the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation**.*

4. *Persons belonging to minorities have the right to establish and maintain **their own associations**.*

5. *Persons belonging to minorities have **the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as **contacts across frontiers with citizens of other states to whom they are related by national or ethnic, religious, or linguistic ties****.*

This Declaration **does not have legally binding status, nor does it have a monitoring system or a court**. Despite this lack of legally binding status, the Declaration poses important political and moral commitments for the UN member states.

1.3 European Legal and Semi-Legal Instruments

1.3.1 European Charter for Regional or Minority Languages (ECRML)¹⁹

The Council of Europe's Charter for Regional or Minority Languages aims to protect and promote the historical regional or minority languages of Europe. It was adopted in 1992 in order to maintain and to develop Europe's cultural traditions and heritage as well as to respect the inalienable and commonly

.....
19. See: <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>. In Armenia, the Charter entered into force on 1 May 2002. Signed but not ratified by Azerbaijan on 21 December 2001. Neither signed nor ratified by Georgia.

recognized right to use a regional or minority language in both private and public life. As of August 2010, 25 states, members of the Council of Europe, have ratified the Charter and another 9 states have signed it.²⁰

The Charter enunciates the **objectives and principles that Parties undertake to apply to all the regional or minority languages spoken within their territory**: respect for the geographical area of each language; the need for promotion; the facilitation and/or encouragement of the use of regional or minority languages in speech and writing, and in public and private life (by appropriate measures of teaching and study and by trans-national exchanges for languages found in identical or similar form in other states).

The Charter further **sets out a number of specific measures to promote the use of regional or minority languages in public life**. These measures cover the following fields: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social activities and trans-frontier exchanges.

The Charter, after ratification by the state, is legally binding with an elaborate monitoring system. A Committee of Experts periodically examines reports submitted by state parties in a 3 year cycle, and prepares a report and proposals for recommendations which are submitted to the Council of Ministers. The Committee

adopts rules of procedure and receives periodical reports every third year which are made public.²¹ The committee is assisted by a secretariat. Of the 3 South Caucasian countries, only Armenia has signed and ratified the Charter, respectively in May 2001 and in January 2002, and it entered into force in May 2002. Azerbaijan signed the Charter in December 2001, but has not ratified it yet. Georgia has still to both sign and ratify the Charter, despite their commitments to do so upon becoming a member of the CoE.

Council of Europe

European Charter for Regional or Minority Languages

Directorate General IV - Education, Culture and Heritage, Youth and Sport

F-67075 Strasbourg Cedex, France

Tel: +33 (0) 3 88 41 31 86

Fax: +33 (0) 3 88 41 27 88

E-mail: minlang.secretariat@coe.int

www.coe.int/minlang

20. See: <http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=148&CM=&DF=&CL=ENG>

21. For reports, see: www.coe.int/t/dg4/education/minlang/Report/default_en.asp

1.3.2 *Framework Convention for the Protection of National Minorities (FCNM)*²²

This Convention, which was adopted in 1994 and opened for signature in 1995, is a **legally binding multilateral instrument concerned with the protection of national minorities in general**. It aims to protect the rights of national minorities within the respective territories of the states party to the Convention. It seeks **to promote the full and effective equality of national minorities** by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity.

The Convention sets out principles relating to persons belonging to national minorities in the sphere of public life, such as; freedom of peaceful assembly; freedom of association; freedom of expression; freedom of thought, conscience and religion; access to the media as well as freedoms relating to language, education, trans-frontier co-operation, etc. It is the most comprehensive legally binding instrument in the area of minority rights and participation in Europe. As of April 2010, the Convention has been ratified by 39 Council of Europe member states.²³

a. FCNM Monitoring Process

The Framework Convention is monitored by an Advisory Committee (AC), which receives country reports and issues opinions and recommendations to the Committee of Ministers (the decision making body of the Council of Europe). The AC meets in Strasbourg and is assisted by a Secretariat.

Council of Europe

Directorate General of Human Rights and Legal Affairs (DG-HL)
Secretariat of the Framework Convention for the Protection of National Minorities
F – 67075 Strasbourg Cedex
Tel +33 (0) 3 90 21 44 33, Fax +33 (0) 3 90 21 49 18
E-mail: minorities.fcnm@coe.int
www.coe.int/t/dghl/monitoring/minorities/default_en.asp

The AC also pays visits, upon invitation, to the states party to the Convention. These visits are considered an important part of the dialogue on minorities carried out between the Council of Europe and the member states. Summaries of these

22. See: <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>. The convention entered into force in Armenia on 1 November 1998, in Azerbaijan on 1 October 2000 and in Georgia on 1 April 2006.

23. See: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=&DF=&CL=ENG>

visits are described in the Activity Reports of the AC.²⁴

States that are party to the Framework Convention **prepare the country reports according to an outline issued by the AC with input from civil society and NGOs.** In many states, members of civil society and NGOs also produce a “shadow report.” These are also supposed to follow the outline issued by the AC. Monitoring cycles take place every five years. All reports are published by the CoE, and many are translated into the language of the reporting state and in some cases also into minority languages.²⁵ These reports often provide an excellent source of information on the situation of minorities in the various states.

Armenia submitted a report under the 1st monitoring cycle on 11 June 2001, a second one under the 2nd monitoring cycle on 24 January 2004, and a third report under the 3rd monitoring cycle on 5 November 2005. The AC adopted opinions to the reports on 16 May 2002 and 12 May 2006. The Committee of Ministers adopted Resolutions containing conclusions and recommendations to the state on 15 of January 2003 and 7 February 2007.

Azerbaijan submitted a report under the 1st monitoring cycle on 4 June 2002 and under the 2nd cycle 10 January 2007. Opinions were adopted by the AC on 22 May 2003 and 9 November 2007. Resolutions were adopted on 13 July 2004 and 10 December 2008.

Georgia submitted a report on 16 July 2007 and the first Opinion of the AC was adopted on 19 March 2009. The Georgian government later submitted the state comments on 16 November 2009 while the first resolution on Georgia is still to be adopted. Georgia’s next report under the 2nd monitoring cycle is due on 1 April 2012.

An **alternative report** was submitted by several NGOs for Armenia in January 2010.²⁶ So far, no NGO report has been submitted for Azerbaijan. A “**Shadow report**” was submitted for **Georgia** in 2008.²⁷ The European Centre for Minority

.....
24. For the Activity reports issued by the AC, see:

www.coe.int/t/dghl/monitoring/minorities/2_Monitoring/ActivityReports_en.asp

25. Reports, opinions and resolutions are available at

www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/Table_en.asp

26. See: http://www.minelres.lv/reports/armenia/Armenia_ShadowReport_2010_eng.pdf

27. By Tolerance – Public Association for Human Rights Protection, see: www.minelres.lv/reports/georgia/Shadow_Report_Georgia_2008.pdf

Issues (ECMI) also prepared a working paper on the implementation of the Convention in Georgia.²⁸

b. How one can collaborate on and benefit from the process of FCNM monitoring:

- Data from the country reports to the FCNM and the subsequent opinions issued by the AC and the recommendations of the Council of Ministers can be used **as a source of information on minority participation or lack thereof at the national level** and can be incorporated into programme documentation;
- Discussion of **progress made in addressing issues raised** in the opinion reports should feature in political dialogue with partners at state level in the context of developing programme documents;
- “Shadow” reports written by local civil society groups and NGOs **should serve as complementary tools for assisting the collection of data**, providing capacity building and training on the FCNM and minority issues and for providing general information about minority participation and rights.

1.3.3 European Commission against Racism and Intolerance (ECRI)²⁹

The European Commission against Racism and Intolerance (ECRI) is the Council of Europe’s independent human rights monitoring body specialized in combating racism, racial discrimination, xenophobia, anti-Semitism, and intolerance. The Commission provides Member States with advice on how to deal with problems of racism and intolerance in their country. It examines the legal framework for combating racism and racial discrimination as well as its practical implementation. In the framework of its country-by-country monitoring work, ECRI examines the situation regarding manifestations of racism and intolerance in each state. The findings and recommendations as to how each country might deal with the problems identified are published in country reports. Reports concerning Armenia were issued in July 2003 and January 2007; for Azerbaijan in April 2003 and May 2007; for Georgia in April 2002, February 2007 and June 2010.³⁰

.....
28. J.Wheatley (2006) Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study, ECMI Working Paper 28. http://www.ecmi.de/download/working_paper_28.pdf

29. The ECRI website: www.coe.int/t/dghl/monitoring/ecri/default_en.asp

30. See the reports at www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry_en.asp

1.4 Organization for Security and Co-operation in Europe (OSCE)

The OSCE was the first international organization to explicitly address the issue of national minority rights and participation as early as in 1989. In the Concluding Document to the Conference on the Human Dimension in 1990 in Copenhagen, the organization adopted the so-called Copenhagen Document³¹ whose Part IV (Articles 30 through 40) sets out a number of conditions and requirements for the protection and promotion of national minority rights. All the three South Caucasus countries are participating states in the OSCE.

1.4.1 High Commissioner on National Minorities (HCNM)

In 1992, at the Helsinki meeting, the decision to establish a **High Commissioner on National Minorities (HCNM)** was taken. The mandate of the HCNM is purely diplomatic. He or she is to work on preventing conflicts and sound early warnings.

The first HCNM was appointed by the OSCE in 1992 to **monitor the security situation in OSCE member states where national minority issues were perceived as endangering peace and stability** both within the relevant state and in the neighbouring states, as well as in the entire region. The HCNM works under the **condition of**

OSCE High Commissioner on National Minorities

Prinsessegracht 22

2514AP The Hague, Netherlands

Tel.: +31-70 312 55 00

Fax: +31-70 363 59 10

www.osce.org/hcnm/

confidentiality which means that s/he intervenes through silent diplomacy, and thus is not in a position to issue legal documents or opinions or make public any particularities about individual countries.³² S/he is entitled to send letters of concern to member states' governments and to issue country and thematic recommendations on the basis of documents elaborated by experts on minority issues.

The HCNM has issued the following thematic recommendations:³³

- The Hague Recommendations regarding **the Education Rights of National Minorities (1996)**
- The Oslo Recommendations regarding **the Linguistic Rights of National Minorities (1998)**

31. www.minelres.lv/osce/cope90e.htm

32. For more information on the HCNM mandate, see: <http://www.osce.org/hcnm/13022.html>

33. Available at www.osce.org/hcnm/documents.html?lsi=true&climit=10&grp=45

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- The Lund Recommendations on the **Effective Participation of National Minorities in Public Life** (1999)
- Report and Recommendations on **the Situation of Roma and Sinti** in the OSCE Area (2000)
- The Warsaw Guidelines to assist **National Minority Participation** in the Electoral Process (2001)
- Guidelines on the use of **Minority Languages in the Broadcast Media** (2003)
- Recommendations on **Policing in Multi-Ethnic Societies** (2006)
- Bolzano/Bozen Recommendations on **National Minorities in Inter-State Relations** (2008)³⁴

The HNCM's Recommendations are not legally binding on states, nor do they have a monitoring system. However, they are politically binding on the OSCE participating states and **hold a strong normative leverage with states wishing to become members of the EU**.

1.4.2 *The Hague Recommendations* ³⁵

The Hague Recommendations Regarding the Education Rights of National Minorities are specifically relevant for the South Caucasus. The aim of the Hague Recommendations is to **help build a better understanding and approach to minority's educational rights**. Notably, paragraph 1 specifies the importance of the preservation of identity through education in the native language and simultaneously integration into the wider society. Along with stating the importance of meeting international requirements and measures on minority rights, the Hague Recommendations emphasises decentralization and participation, public and private institutions as well as minority education in primary and secondary levels, vocational schools, and the tertiary level. The educational process is seen as having the potential to successfully strengthen the understanding and respect between the various communities within the state.

1.4.3 *The Oslo Recommendations* ³⁶

The Oslo Recommendations Regarding the Linguistic Rights of National Minorities attempt to **clarify the content of minority's linguistic rights**, which are generally applicable in situations where the HCNM is involved. In addition, the standards have been interpreted in such a way as to ensure their coherence in application.

These Recommendations are divided into sub-headings which respond to the

34. Available at www.osce.org/item/33388.html

35. Available at www.osce.org/publications/hcnm/1996/10/31521_1148_en.pdf

36. Available at: http://www.osce.org/publications/hcnm/1998/02/31527_1149_en.pdf

language related issues which arise in practice. A more detailed explanation of the Recommendations is provided in an accompanying Explanatory Note wherein express reference to the relevant international standards can be found. It is intended that each Recommendation is read in conjunction with the specifically relevant paragraphs of the Explanatory Note.

*1.4.4 The Lund Recommendations*³⁷

The Lund Recommendations also have **particular relevance for the South Caucasus**. The purpose of the Lund Recommendations is to encourage and facilitate the adoption of specific measures to enhance the effective participation of national minorities. The Lund Recommendations are divided into four sub-headings: **1. The General Principles** emphasize, among others, the importance of effective participation of national minorities in public life and the duty of states to respect internationally recognized human rights. They also highlight the fact that the decision as to whether an individual is a member of a minority rests with that individual and shall not be imposed upon her or him. **2. Concerning participation in decision-making**, the Lund Recommendations concentrate on arrangements at the level of central government, elections, arrangements at the regional and local levels, and advisory and consultative bodies. **3.** These Recommendations also address the issue of **Self-governance**, i.e. territorial and non-territorial arrangements seeking to reach effective participation of minorities. **4.** Constitutional and legal safeguards as well as remedies are the focus of the Recommendations concerning **ways of guaranteeing effective participation in public life**.

Advisory and consultative bodies are of particular interest as they address a broad variety of issues in society, including infrastructure and social aspects of diversity. In particular, states should establish bodies within appropriate institutional frameworks to serve as channels for dialogue between governmental authorities and national minorities. These bodies should be able to raise issues with decision makers, prepare recommendations, formulate legislative and other proposals, monitor developments, and provide views on proposed governmental decisions that may directly or indirectly affect minorities.

*1.4.5 Report and Recommendations on the Situation of Roma and Sinti in the OSCE Area (2000)*³⁸

The document focuses on **four main issues: discrimination and racial violence,**

37. Available at www.osce.org/documents/hcnm/1999/09/2698_en.pdf

38. Available at http://www.osce.org/documents/hcnm/2000/03/241_en.pdf

education, living conditions and political participation. It aims at raising awareness among policy makers of the particular situation of Roma and Sinti, to focus debate on their conditions and needs, and to offer some general recommendations. Several concrete measures are proposed to meet these challenges. They are particularly relevant in the context of South Caucasus, where Roma and Sinti are often the most deprived of all minorities as discrimination and exclusion are fundamental features of the Romani experience. In many countries, Roms have been decreed illegal residents on their own property, banished beyond municipal boundaries, and left outside the community of common concern. These are not isolated incidents, but widespread practices - sometimes systematic and on occasion systemic.

*1.4.6 The Warsaw Guidelines to assist National Minority Participation in the Electoral Process (2001)*³⁹

The objectives of these guidelines are as follow:

- To make **effective the participation of national minorities** in public decision-making bodies by means of enhanced representation.
- To **inform all stakeholders** of:
 - the options open to a state in giving effect to the Recommendations
 - the advantages and disadvantages of the different options
- To provide **advice on constitutional, legislative, and institutional means** to realise those options.
- To assist the OSCE participating states in **ensuring coherence of application in the practice** of the standards upon which the Lund Recommendations were developed.

*1.4.7 Guidelines on the use of Minority Languages in the Broadcast Media (2003)*⁴⁰

The use of minority languages as a vehicle of communication in the broadcast media is a major issue. A number of states have taken steps to limit this use, most commonly through the adoption of legislation prescribing quotas for broadcasting time in a certain language – a practice which has generated negative reactions among minorities in a number of countries insofar as broadcasting possibilities are in effect restricted. The purpose of these Guidelines is **to encourage and facilitate the adoption by states of specific measures to alleviate tensions relating to national**

39. Available at http://www.osce.org/publications/hcnm/2001/01/31627_1162_en.pdf

40. Available at http://www.osce.org/publications/hcnm/2003/10/31598_1160_en.pdf

minorities. In seeking to clarify the content of existing rights, the Guidelines aim to provide states with some practical guidance in developing policies and law which fully respect the letter and spirit of internationally agreed standards and which can balance and meet the needs and interests of all sectors of the population, including those of persons belonging to linguistic minorities.

*1.4.8 Recommendations on Policing in Multi-Ethnic Societies (2006)*⁴¹

In a number of states, the HCNM has encountered the absence of institutional mechanisms to support the interaction and co-operation between police and persons belonging to national minorities. In combination with **the lack of appropriate training for operation in a multi-ethnic society**, an often mono-ethnic composition of the police service, and discriminatory practices, police have generated negative reactions among national minority communities in a number of situations and have sometimes even become a catalyst for conflict. In contrast, the HCNM has observed how efforts to make the police service more representative of the community it serves and to enhance communication between police and national minority communities has not only **strengthened inter-ethnic relations but has also increased the operational effectiveness of police** in other states. The key point of these Recommendations is that good policing in multi-ethnic societies is dependent on the establishment of a relationship of trust and confidence, built on regular communication and practical co-operation between the police and the minorities.

*1.4.9 Bolzano/ Bozen Recommendations on National Minorities in Inter-State Relations (2008)*⁴²

The Recommendations on National Minorities in Inter-State Relations stipulate firstly that under international law, **the respect for and protection of minority rights is the responsibility of the state where the minority resides.** Secondly, other states may have an interest in the well-being of minority groups abroad, especially those with whom they are linked by ethnic, cultural, linguistic or religious identity, or a common cultural heritage. This, however, **does not entitle or imply a right under international law to exercise jurisdiction over people residing in the territory of another state.** Finally, states can pursue this interest through extending benefits to minorities abroad only in consultation with the state of residence and with due respect for the principles of territorial integrity, sovereignty and friendly (including good neighbourly) relations. States should ensure that their

41. Available at http://www.osce.org/documents/hcnm/2006/02/17982_en.pdf

42. Available at: http://www.osce.org/publications/hcnm/2008/10/33388_1189_en.pdf

policies with respect to national minorities abroad do not fuel separatist tendencies or undermine the integration of minorities in the states where they reside.

2. International Organisations Engaged in Minority and Ethno-Political Issues in the South Caucasus

There are numerous international initiatives in the South Caucasus which aim to assist the states in their development. This chapter presents international and European institutions engaged in the South Caucasus states focusing on human rights, minority rights, security, stability, democratization, rule of law, and further areas relevant to the situation of minorities. The chapter also considers the various international assistance initiatives aimed at the improvement of minority participation in the region.

2.1 *United Nations Observer Mission in Georgia (UNOMIG, 1993-2009)*

The UNOMIG was created **to facilitate the 1993 and subsequent 1994 agreements on the ceasefire between the Georgian government and the de facto Abkhaz authorities**, in accordance with the Security Council resolutions 858 (1993), 881 (1993) and 937 (1994). From 1996-2009, within the framework of the UNOMIG, **a United Nations office for the protection and promotion of human rights in Abkhazia, Georgia**, operated and reported to the UN High Commissioner for Human Rights (OHCHR) through the Head of Mission of UNOMIG. However, the Security Council failed to extend the mandate of UNOMIG after Russia vetoed a technical roll-over for the mission and hence, on 15 June 2009, UNOMIG ceased to exist.

2.2 *Organization for Security and Co-operation in Europe (OSCE)*

The three South Caucasus states have been members of the OSCE since 1992.

The OSCE presence in the South Caucasus currently includes two country missions, with offices in Yerevan and Baku.

The OSCE Office in Yerevan was established in 1999 and launched its operations in 2000. Its mandate covers all aspects of OSCE activities in the politico-military, economic, environmental, and human dimensions. It contributes to the development of democratic institutions in the country, strengthening civil society and promoting OSCE standards and principles.

OSCE Office in Yerevan
64/1 Sundukyan Street
0012 Yerevan, Armenia
Tel: +374 10 229610
Fax: +374 10 229615
www.osce.org/yerevan

The **OSCE Office in Baku** was established in 1999 and launched its operations on 17 July 2000. Its mandate covers the human, political, economic, and environmental aspects of security and stability. The Office promotes the implementation of the OSCE principles and commitments and co-operates with the Government, local authorities, political parties, non-governmental organizations, mass media, universities, and research institutes.

OSCE Office in Baku

The Landmark III, 96 Nizami Street
Baku, Azerbaijan

Tel: +994 12 497 23 73

+873 762 010 053

Fax: +994 12 497 23 77

www.osce.org/baku

The OSCE Mission to Georgia⁴³ launched operations in 1992. The Mission assisted the Georgian Government with conflict settlement, democratization, human rights, and the rule of law. **The Mission monitored and supported the protection of human rights and fundamental freedoms in South Ossetia and Abkhazia, and promoted the building of civil society and democratic institutions.** International human rights standards, including minority rights, were also promoted with the aim of integrating these principles into Georgian society and legislation. Additionally, in order to support the integration of ethnic minorities, the Mission established community centres in Kvemo Kartli and arranged discussion groups and dialogue between representatives of central and local government and non-governmental organizations on topics relevant to the multi-ethnic community. Its mandate expired as of 31 December 2008 and the OSCE mission officially left Georgia in June 2009 after failed attempts for an extension of its mandate.⁴⁴

2.2.1 The OSCE High Commissioner on National Minorities (HCNM) and the South Caucasus

The OSCE High Commissioner on National Minorities (HCNM), currently held by Mr. Knut Vollebaek, the former Foreign Minister of Norway, has made a number of visits particularly to the conflict-ridden areas of **Abkhazia and South Ossetia**. During his visits to these regions, the HCNM has repeatedly emphasized the fact that international norms require that even authorities not recognized by the international community are obliged to respect human and minority rights of all people. Upon its involvement, in August 2004 the HCNM started the implementation of a project entitled “Teachers for Understanding”, aimed at improving the skills of teachers of the Georgian and Abkhaz languages in the districts of Gali, Tkvarcheli and Ochamchira, and at building confidence between communities in Abkhazia.

43. The OSCE Mission to Georgia (Closed) www.osce.org/georgia/

44. See: <http://www.reuters.com/article/idUSTRE55T3OR20090630>.

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Additionally, the HCNM has made multiple visits to the Georgian regions of **Samtskhe-Javakheti** and **Kvemo Kartli**. Since 2000, a broad range of projects have been implemented in Georgia with the aim of fostering diversity and assisting authorities with the development of adequate policies to facilitate the integration of national minorities. In the regions of Samtskhe-Javakheti and Kvemo Kartli, projects have aimed to promote the integration of the Armenian and Azeri minorities into Georgian political, social and cultural life. Finally, the HCNM takes an active interest in the issue of repatriation of deported Meskhetians. In particular, the first High Commissioner (1992-2001), Max van der Stoel, played a leading role in addressing the issue of their displacement and repatriation.

2.3 North Atlantic Treaty Organization (NATO)

NATO recognizes “**ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states**” as a **potential source of crises affecting Euro-Atlantic stability, human suffering and armed conflicts**.⁴⁵ Therefore, conflict prevention and crisis management supported by partnership, cooperation and dialogue with democratic Euro-Atlantic countries as well as enlargement are the focal points in the Alliance’s Strategic Concept.⁴⁶

During the 2004 Summit in Istanbul, **the South Caucasus region was identified as being of a strategic and geographic priority and interest** for the Alliance.⁴⁷

The individual bilateral relations between NATO and Armenia, NATO and Azerbaijan, and NATO and Georgia are set in the framework of the **Partnership for Peace (PfP) programme**⁴⁸ and managed by the **Euro-Atlantic Partnership Council**.⁴⁹ The Alliance provides Armenia, Azerbaijan and Georgia respectively with assistance in implementing country-specific reforms related to political, security and defence issues on the basis of the **Individual Partnership Action Plans**, which are agreed

.....
45. The Alliance’s Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999, Paragraph 20, see: www.nato.int/docu/pr/1999/p99-065e.htm

46. See: Paragraphs 31-39 of the Alliance’s Strategic Concept.

47. See: The Euro-Atlantic Partnership - Refocusing and Renewal of 23 June 2004, www.nato.int/docu/basicxt/b040623e.htm

48. Georgia signed the Partnership for Peace Framework Document on 23 March 1994; Azerbaijan on 4 May 1994; Armenia on 5 October 1994. For more details on the PfP see: www.nato.int/issues/pfp/index.html

49. For more details on the Euro-Atlantic Partnership Council see: www.nato.int/issues/eapc/index.html

upon for a two-year period.⁵⁰ In December 2008, allied foreign ministers agreed to the development of an Annual National Programme (ANP) under the auspices of the NATO-Georgia Commission (NGC) that will replace the Individual Partnership Action Plan. In addition, Georgia, as a country which expressed interest in becoming a member of the Alliance, participates in the **Intensified Dialogue**, which is perceived as the stage before being invited to the **Membership Action Plan (MAP)**. Armenia and Azerbaijan have not declared a desire to join NATO.

2.3.1 NATO Enlargement Approach

European states that wish to become member states have **to be in the position to further the principles of the 1949 North Atlantic Treaty and to contribute to the security in the North Atlantic area** (Article 10 of the North Atlantic Treaty). In addition, they are expected to adhere to certain political, economic and military criteria, which are specified in the 1995 Study on NATO Enlargement and include:

- A **functioning democratic political system** founded on a **market economy** (Chapter 5, Paragraph 70 & 72);
- **the just treatment of minority populations;**
- A demonstrated **commitment to and respect for OSCE norms and principles, including the resolution of ethnic disputes, external territorial disputes including irredentist claims or internal jurisdictional disputes by peaceful means** (Chapter 5, Paragraph 72);
- **The ability and willingness to contribute to NATO operations** (Chapter 5, Paragraph 75);
- The establishment of appropriate **democratic and civilian control of the defence force** (Chapter 5, Paragraph 72).⁵²

At the Bucharest Summit in April 2008, the foreign ministers of the NATO countries agreed that Georgia (along with Ukraine) could become a member, although a time frame was not established. In August 2008, the Allies expressed deep concern over the armed conflict between Georgia and Russia. An agreement was made to support the recovery of Georgia in several areas. The establishment of a **NATO-Georgia Commission (NGC)** was also proposed. In September 2008, the NGC

50. Georgia agreed an IPAP with NATO on 29 October 2004; Azerbaijan – 27 May 2005; Armenia – 16 December 2005. For more details on the Individual Partnership Action Plans, see: www.nato.int/issues/ipap/index.html. The Individual Partnership Action Plans are not revealed to the public.

51. See Chapter 2.3.1

52. On the NATO Enlargement Study, see: www.nato.int/cps/en/natolive/topics_49212.htm#1995
The NATO Enlargement Study can be consulted at www.nato.int/docu/basicxt/enl-9501.htm

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was established in order to facilitate the process of implementing Georgia's membership aspirations.⁵³ The work of the NGC was further enhanced by the development of an Annual National Programme (ANP), which replaced the Individual Partnership Action Plan (IPAP) that had previously guided Georgia-NATO cooperation since 2004.⁵⁴ Georgia presented its first ANP in May 2009,⁵⁵ where NATO noted that in spite of the difficulties, Georgia has made significant progress in the implementation of the first ANP⁵⁶, and its second annual programme was extended by NATO on 12 March 2010.⁵⁷

The document (ANP), which is valid for one year, consists of five different chapters subdivided into political and economic issues, defence and military issues, resources issues, security issues, and legislative issues. The aim of the Georgian ANP is to serve as a guideline in order to bring Georgia closer to NATO standards, thus it contains issues and reforms that will contribute to Georgia's maximal rapprochement to NATO's admission requirements.

Relevant documents

The North Atlantic Treaty of 4 April 1949 www.nato.int/docu/basictxt/treaty.htm

The Alliance's Strategic Concept of 1999 www.nato.int/cps/en/natolive/official_texts_27433.htm?selectedLocale=en

The Euro-Atlantic Partnership - Refocusing and Renewal, Istanbul 2004 www.nato.int/docu/basictxt/b040623e.htm

Study on NATO Enlargement 1995 www.nato.int/docu/basictxt/enl-9501.htm

Framework Document on the Establishment of the NATO-Georgia Commission 2008 www.nato.int/cps/en/natolive/news_46406.htm?selectedLocale=en

Bucharest Summit Declaration 2008 www.nato.int/docu/pr/2008/p08-049e.html

Meeting of the NATO-Georgia Commission held at NATO Headquarters, Brussels (Chairman's comment) 2008 http://www.nato.int/cps/en/SID-0C727D44-FEA1954F/natolive/official_texts_46248.htm?selectedLocale=en

Meeting of the NATO-Georgia Commission held at NATO Headquarters, Brussels (Chairman's comment) 2009 http://www.nato.int/cps/en/natolive/news_59698.htm?selectedLocale=en

Strasbourg / Kehl Summit Declaration 2009 http://www.nato.int/cps/en/natolive/news_52837.htm?mode=pressrelease

53. See the Framework Document on the Establishment of the NATO-Georgia Commission of 15 September 2008, www.nato.int/docu/pr/2008/p08-114e.html

54. See: http://www.nato.int/cps/en/natolive/topics_52131.htm

55. See: <http://www.civil.ge/eng/article.php?id=20986>

56. See: http://eu-nato.gov.ge/index.php?que=geo/G_A_N_G/ANP

57. See: http://www.nato.int/cps/en/natolive/news_62195.htm?mode=news

2.3.2 Resolution 335 on the Protection and Integration of Minorities as a Contribution to Stability in the South Caucasus⁵⁸

The NATO Parliamentary Assembly issued and forwarded on 15 November 2005 to the NATO Council the non-binding Resolution 335 (Article 13 a - g), in which the Assembly urged governments and parliaments of Armenia, Azerbaijan and Georgia to:

- **Completely implement major international instruments aiming to protect the minorities**, including the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages;
- **Define a clear and coherent political strategy with regard to minorities in consultation with them;**
- **Promote the political, economic, and social integration of persons belonging to religious and national minorities, and to guarantee appropriate conditions for the preservation of minority cultures, religions and languages;**
- **Facilitate the access by minorities to political and administrative positions in the parliament and in national and local administrations;**
- **Commit entirely to the peaceful resolution of the conflicts** in Abkhazia, South Ossetia and Nagorno-Karabakh;
- **Strengthen programmes for political, legal, social, and economic reform, as part of their commitments to international institutions**, including NATO;
- **Promote initiatives to improve the conditions of IDPs and refugees** in the South Caucasus region;

The NATO Parliamentary Assembly also **urged the member and partner states of NATO, inter alia, to incorporate the issue of protection and integration of minorities in their bilateral and multilateral relations with the South Caucasus countries** (Article 14 b). The Parliamentary Assembly also monitors the situation of national minorities in the South Caucasus and has conducted several reports related to the topic.⁵⁹

58. Available at www.nato-pa.int/default.asp?SHORTCUT=830

59. Minorities in the South Caucasus: Factor of Instability? Available at www.nato-pa.int/default.asp?SHORTCUT=808

State and Religion in the Black Sea, available at www.nato-pa.int/default.asp?SHORTCUT=1164

Stability in the three South Caucasian Republics: Ten Years after Independence, Progress and new Challenges, available at www.nato-pa.int/default.asp?SHORTCUT=503

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2.3.3 NATO Secretary General's Special Representative for the South Caucasus and Central Asia

The strategic focus on the South Caucasus and Central Asia by NATO has resulted in the establishment of the position of a Special Representative. **S/he maintains high-level working contacts with regional leaders to further NATO's objectives in the region** and is supported by two liaison officers, one based in the South Caucasus and one in Central Asia. The liaison officer cooperates with government authorities on achieving the reform objectives set out in the Individual Partnership Action Plans.

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2.4 Council of Europe (CoE)

Enhancement of **human rights, democracy and the rule of law** is the fundamental objective of the Council of Europe. The pan-European institution is the main and most important structure for promotion and protection of human and cultural rights in Europe.

Georgia became a member state of the CoE on 27 April 1999, while Armenia and Azerbaijan joined on 25 January 2001.

Besides issuing **human rights recommendations and treaties**, such as the Framework Convention for the Protection of National Minorities (FCNM) and other legal instruments as discussed above, the Council of Europe contributes to the strengthening of minority rights protection through the **enforcement of the European Convention on Human Rights of 1950**, which falls under the responsibility of **the European Court of Human Rights**.

Moreover, the Council of Europe also comprises the **Commissioner for Human Rights**, which is an independent institution mandated to promote awareness and respect for human rights in every member state. As stated in CoE's Resolution (99) 50 on the Commissioner for Human Rights,⁶⁰ its specific mandate aims to:

- Foster the effective observance of human rights, and assist member states in the implementation of the Council of Europe human rights standards;

60. CoE Resolution (99) 50 On the Commissioner for Human Rights, available at <https://wcd.coe.int/ViewDoc.jsp?id=458513&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

- Promote education in and awareness of human rights in the Council of Europe member states;
- Identify possible shortcomings in the law and practice concerning human rights;
- Facilitate the activities of national ombudsperson institutions and other human rights structures; and
- Provide advice and information regarding the protection of human rights across the region.

In doing so, the Commissioner namely **establishes direct dialogues with member states' governments and visits these countries in order to produce reports which contain analysis of human rights practices and recommendations** to improve the situation when required.⁶¹ Consequently, the Commissioner's visits allow him/her to issue several reports and findings on Armenia, Azerbaijan and Georgia.⁶² Mr. Thomas Hammarberg is the current **Commissioner for Human Rights**. He was elected by the CoE's Parliamentary Assembly on 5 October 2005 and began his work on 1 April 2006.⁶³

Additionally, the Council of Europe offices, based in Armenia, Azerbaijan and Georgia, undertake activities focused on **training in the legislation of the Council of Europe, bringing domestic legislation in line with European standards and improving the capacity of local NGOs**. In Georgia, the CoE Office focuses on increasing the capacity of the Public Defender's Office and also co-runs a **Joint Programme** together with the European Commission **aimed at reinforcing democratic institutions and promoting respect for the rule of law and human rights in Armenia, Azerbaijan and Georgia**. Through a partnership with the European Centre for Minority Issues (ECMI), the Council of Europe also supports the building of institutional capacity in Georgian state institutions responsible for minority issues.

61. See: http://www.coe.int/t/commissioner/Activities/overview_en.asp

62. These reports are available at http://www.coe.int/t/commissioner/Activities/countryreports_en.asp. For Armenia consult: CommDH(2008)4 / 30 April 2008; CommDH(2008)11 rev / 20 March 2008; CommDH(2008)29 / 29 September 2008. For Azerbaijan consult: CommDH(2008)2 / 20 February 2008. For Georgia consult: CommDH(2000)3 / 13 July 2000; CommDH(2000)3 / 19 June 2003; CommDH(2008)22 / 08 September 2008; CommDH(2008)33 / 17 November 2008; CommDH(2008)37 / 16 December 2008; CommDH(2009)22 / 15 May 2009.

63. See: http://www.coe.int/t/commissioner/About/biohammarberg_en.asp

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2.5 *The European Union*

The European Union uses the following policies and instruments to improve minority rights and participation in third countries: Participation and Cooperation Agreements (PCA), European Neighbourhood Policy (ENP), European Neighbourhood Policy Instrument (ENPI), EuropeAid, Instrument for Stability (IfS), and European Instrument for Democracy and Human Rights (EIDHR). In addition, the European Community is present in the South Caucasus through the EU Special Representative for the South Caucasus, the European Commission Delegation to Armenia, the European Commission Delegation to Azerbaijan, the European Commission Delegation to Georgia and, since 2008, the European Union Monitoring Mission (EUMM) in Georgia.

2.5.1 *Partnership and Cooperation Agreements (PCA)*

The Partnership and Cooperation Agreements regulate the legal bilateral relations between the EU and the South Caucasus states. In 1999, the European Communities concluded nine bilateral PCA with countries of Eastern Europe, the South Caucasus and Central Asia. The objective of these agreements was to create a basis for cooperation between the EU Member States and the country

considered, and to support the development of democracy and market economy within the country. **The PCAs** between the European Communities and Armenia,⁶⁴ Azerbaijan,⁶⁵ and Georgia⁶⁶ respectively **entered into force in 1999**.

2.5.2 European Neighbourhood Policy (ENP)

The EU influences the processes within the South Caucasus states, drawing on the **European Neighbourhood Policy**. The Policy operates in the legal and institutional framework set by the Partnership and Cooperation Agreements (PCA) and further builds and extends the agreements. By establishing **bilateral Action Plans, the EU and the non-member and neighbouring states have jointly agreed on an agenda of political and economic reforms** with short and medium-term (3-5 years) priorities for the neighbouring countries. The relationship between the EU and the neighbouring states builds on common values such as democracy and human rights, rule of law and good governance. Tailor-made ENP Action Plans cover an extensive list of issues including, among others, political dialogue and reform, economic and social cooperation and development, human dimensions such as civil society, education, interpersonal contacts, and public health.

The ENP remains distinct from the process of enlargement, although it does not anticipate how the relationships with the ENP countries may develop in the future. **The incentives for progress** on the reforms for the considered countries are **greater integration into European programmes and networks, development assistance, and enlarged market access**.

ENP countries receive support in implementing the reforms in the form of financial and technical assistance, mainly through the financial instrument called the European Neighbourhood and Partnership Instrument (ENPI), which has been functioning since 1 January 2007.⁶⁷ **Priorities are country-specific**. Support

64. Available at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0909\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0909(01):EN:HTML)

65. Available at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0917\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0917(01):EN:HTML)

66. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:205:0003:0038:EN:PDF>

67. See: http://ec.europa.eu/europeaid/where/neighbourhood/overview/index_en.htm

For the European Neighbourhood and Partnership Instrument – Eastern Regional Programme – Strategy Paper 2007-2013, see: http://ec.europa.eu/world/enp/pdf/country/enpi_eastern_rsp_en.pdf

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is allocated according to country, using multi-country strategy papers that contain indicative programmes, conducted several times per year, that identify the priority objectives for each country and their resulting financial allocations. Among the bodies eligible for funding are partner countries, regions and their institutions, decentralized bodies in the partner countries, joint bodies set up by the partner countries, regions and the community, international and regional organizations, international financial institutions, European institutions and agencies, and non-governmental actors.⁶⁸ **The current strategy papers** have been set out for the period of **2007-2013**.⁶⁹

2.5.2.1 ENP Action Plans⁷⁰

The Commission has prepared Country Reports assessing the political and economic situation in each country as well as institutional and sectoral aspects, to assess when and how it is possible to deepen relations with the respective countries. The Country reports for Armenia,⁷¹ Azerbaijan,⁷² and Georgia⁷³ were published in 2005.

Thereafter, ENP Action Plans with each country were developed. The three **ENP Action Plans** between the **EU and Armenia**,⁷⁴ the **EU and Azerbaijan**,⁷⁵ and the **EU and Georgia**,⁷⁶ were adopted in 2006.

The ENP Action Plans for the South Caucasus countries, although differing in content, all point out the following **priority areas** for action which concern ethno-national minorities.

.....
68. See Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006, p. 8, http://ec.europa.eu/world/enp/pdf/oj_l310_en.pdf

69. Country Strategy Paper for Armenia http://ec.europa.eu/world/enp/pdf/country/enpi_csp_armenia_en.pdf

Country Strategy Paper for Azerbaijan http://ec.europa.eu/world/enp/pdf/country/enpi_csp_azerbaijan_en.pdf

Country Strategy Paper for Georgia http://ec.europa.eu/world/enp/pdf/country/enpi_csp_georgia_en.pdf

70. See: Section 2 for country-specific priority areas.

71. See: http://ec.europa.eu/world/enp/pdf/country/armenia_country_report_2005_en.pdf

72. See: http://ec.europa.eu/world/enp/pdf/country/azerbaijan_country_report_2005_en.pdf

73. See: http://ec.europa.eu/world/enp/pdf/country/georgia_country_report_2005_en.pdf

74. See: http://ec.europa.eu/world/enp/pdf/action_plans/armenia_enp_ap_final_en.pdf

75. See: http://ec.europa.eu/world/enp/pdf/action_plans/azerbaijan_enp_ap_final_en.pdf

76. See: http://ec.europa.eu/world/enp/pdf/action_plans/georgia_enp_ap_final_en.pdf

a) Strengthening the protection of human rights, fundamental freedoms and the rule of law, in compliance with international commitments (PCA, CoE, OSCE, UN).

Seeking to fulfill this objective, state parties must undertake actions aimed at ensuring respect for human rights and fundamental freedoms. The commitments may vary from country to country. Country specific requirements are indicated below in brackets.

State parties are required to:

- Ensure **respect for the rights of persons belonging to national minorities** (Armenia, Azerbaijan, Georgia)
- Promote **respect for religious and cultural diversity**, including through community-based education, training, and awareness-raising programs (Azerbaijan)
- Sign and ratify the **European Charter for Regional or Minority Languages** (Georgia)
- Develop and implement **a civic integration strategy** and ensure its implementation, including the creation of appropriate monitoring instruments (Georgia)
- Enhance **the role and independence of the Public Defender/Ombudsman** institution in accordance with the “Paris Principles” (Armenia, Azerbaijan, Georgia,)
- Continue efforts to create conditions of safety and security for the civilian population, including respect for property rights, focusing on those **areas** which are mostly **populated by Georgian citizens of various ethnic origins** (Georgia)
- Promote **education about human rights** (Azerbaijan)

b) Enhancement of cooperation in the field of Justice, Freedom and Security, including in the field of border management.

In order to achieve this objective, state parties must undertake the following actions:

- Develop **cooperation on migration issues** (legal, illegal, readmission, visa, asylum) (Armenia, Azerbaijan, Georgia)
- Enhance **dialogue on migration issues** including prevention and control of illegal migration and readmission of own nationals, stateless persons and third country nationals (Armenia, Azerbaijan, Georgia)
- Take steps to **modernize the national refugee system in line with international standards and create an IDP protection system that is self-sustaining and that offers integration opportunities for those who qualify** (Armenia, Azerbaijan, Georgia)
- Facilitate the movement of persons (Georgia)

c) Peaceful resolution of territorial conflicts

Seeking to realize this priority area, state parties must undertake the following actions:

- Promote the peaceful **resolution of internal conflicts** (in the case of Georgia)
- Contribute to the conflict settlements in Abkhazia and Tskinvali Region/South Ossetia, based on respect for the sovereignty and territorial integrity of the country within its internationally recognised borders (Georgia)
- Contribute to a **peaceful solution of the Nagorno-Karabakh conflict** (in the case of Armenia and Azerbaijan)

d) People to people contacts

In order to fulfill this objective, state parties must undertake actions aimed at enhancing cooperation in the fields of education, training, and youth:

- Ensure **the right of national minorities to receive education in their native languages within the secondary education system** (Armenia)
- Promote cooperation in the field of **human rights education in order to combat racism and intolerance**. Explore the scope for training to fight crimes against humanity (Armenia)
- Enhance youth exchanges and cooperation, in particular on a regional level, in the field of non-formal education for young people, and **promote intercultural dialogue** (Azerbaijan)

2.5.2.2 Implementation Issues

The EU provides financial and technical assistance to facilitate the implementation of these objectives, in support of its partners' own efforts.

The **Action Plans may be amended or updated** to reflect progress in addressing the priorities.

The **review of the Action Plan's implementation takes place every two years in the form of Progress Reports**. The latest Progress Reports for the 3 countries were submitted on 12 May 2010.⁷⁷

The implementation of the European Neighbourhood Policy in the three South Caucasus states is supervised by specially appointed officials in the External Relations Directorate General (DG RELEX) within the European Commission.⁷⁸

77. Reports available at http://ec.europa.eu/world/enp/documents_en.htm#3

78. See: http://ec.europa.eu/external_relations/index_en.htm

The implementation of the ENP is also supported by the European Commission's Delegations⁷⁹ in close cooperation with its headquarters (Europe Aid DG⁸⁰ and External Relations DG⁸¹) as well as sectoral specialists from other Commission departments.

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79. See: European Commission's Delegation to Georgia and Armenia

www.delgeo.ec.europa.eu/en/index.html

See: European Commission Delegation to Azerbaijan, www.delaze.ec.europa.eu/index.php?l=en

80. http://ec.europa.eu/europeaid/index_en.htm

81. http://ec.europa.eu/external_relations/index_en.htm

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2.5.3 EU EuropeAid

EuropeAid is the Directorate-General of the European Commission that **manages EU external aid programmes**. EuropeAid’s core competence is aid delivery. It is responsible for programmes which contribute to development areas, such as government and democracy, human and social development, economic support, security and conflict, natural resources, infrastructure and transport, and universal issues including poverty, hunger, the environment, human rights, health, education, and the “digital divide.”⁸²

EuropeAid works with the South Caucasus states through the **Geographical Directorate A** “Europe, the South Mediterranean, the Middle East and the Neighbourhood Policy.” **The Directorate F** runs sister programmes which are not linked to a particular geographical area. These programmes address issues such as human rights, non-state actors, gender, migration, asylum, and stability.⁸³

EuropeAid awards **grants to third parties** that are engaged in the implementation of projects or activities relating to the EU’s external aid programmes. It also announces

82. On the EuropeAid objectives, see: http://ec.europa.eu/europeaid/what/index_en.htm

83. On the organizational structure of EuropeAid, see: http://ec.europa.eu/europeaid/who/whoswho/index_en.htm

competitions for public contracts on the basis of which the Contracting Authority receives the service or product it needs in exchange of payment. Those intending to apply for a grant or contract should consult:

http://ec.europa.eu/europeaid/work/funding/index_en.htm

Civil society organizations may apply for financial support through calls for proposals. Other organizations, such as international organizations, regional organizations and EU Member state agencies, may seek funding through grants.⁸⁴

Calls for proposals can also be found on the web-sites of the EC Delegations to partner countries.

Useful portals

Europe Aid External cooperation programmes

http://ec.europa.eu/europeaid/index_en.htm

EC-funded external cooperation programmes in Armenia

http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/armenia/armenia_en.htm

EC-funded external cooperation programmes in Azerbaijan

http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/azerbaijan/azerbaijan_en.htm

EC-funded external cooperation programmes in Georgia

http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/georgia/georgia_en.htm

EC-funded regional cooperation programmes in the ENPI Eastern region

http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/index_en.htm

Europe Aid Funding – Grants and Contracts

http://ec.europa.eu/europeaid/work/funding/index_en.htm

European Commission Humanitarian Aid, http://ec.europa.eu/echo/index_en.htm

84. Calls for proposals and announcements on grants may be consulted at http://ec.europa.eu/external_relations/grants/index_en.htm and for the registered entities at <https://webgate.ec.europa.eu/tariqa/PeaceBuilding/>

2.5.4 Instrument for Stability (IfS)⁸⁵

The European Union **aims to contribute to the prevention of conflict** in the context of its external relations policy. In order to increase the efficiency in the field of conflict prevention, the **Commission Communication of 11 April 2001 on Conflict Prevention**⁸⁶ was developed. The Communication specifies three priorities: long-term prevention, short-term prevention and enhanced international cooperation.

The **Instrument for Stability (IfS)** has been established **to deliver financial support** throughout the period of 2007-13 for **situations of urgency** such as crisis or emerging crisis; circumstances that pose a threat to democracy, law and order, the protection of human rights, fundamental freedoms, and the security and safety of individuals; or situations which threaten to escalate into an armed conflict or seriously destabilize the third country or countries concerned.⁸⁷

The IfS is managed by the Directorate General External Relations (RELEX) and has its own legal and financial framework. Two distinct but inter-related aims of the IfS have been specified: assistance in response to situations of crisis or emerging crisis and **assistance in the context of stable conditions for cooperation**.

The bodies eligible for funding include partner countries and their institutions and regions, international organizations, international financial institutions and development banks, EU agencies, non-state players, and other entities and bodies that may contribute to the objectives of the Instrument for Stability.⁸⁸

Following **violent demonstrations and clashes after the presidential elections in 2008, an IfS project was implemented in Armenia in 2008-09**. The aim of the project is to “support key Armenian institutions in the design and implementation of Armenia’s own reform agenda, notably through the implementation of the EU-

85. For Strategy Paper on the Instrument for Stability, see: http://ec.europa.eu/europeaid/where/worldwide/stability-instrument/documents/ifs_strategy_2007-2011_en.pdf

86. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0211:FIN:EN:PDF>

87. See Regulation (EC) No 1717/2006 of the European Parliament and of the European Council of 12 November 2006 establishing an Instrument for Stability, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_327/l_32720061124en00010011.pdf

88. See: http://ec.europa.eu/europeaid/how/finance/ifs_en.htm

For the full list of the eligible entities see Article 6 of the Council Regulation (EC) No 381/2001 of 26 February 2001.

Armenia European Neighbourhood Policy Action Plan (ENP AP)".⁸⁹ Concerning Georgia, three different projects were implemented between 2008 and 2010: 1) Multi-track Dialogue on the Georgian-Abkhaz Conflict; 2) Support for Increased Transparency and Credibility of Elections; 3) Support to Mitigate the Consequences of the Armed Conflict in Georgia.⁹⁰

The **Peace Building Partnership portal** has been established for the use of the organizations and entities working in the fields of conflict prevention, crisis management, and peace building. Access requires registration, which is free of charge.

Instrument for Stability

RELEX-IFS-INFO@ec.europa.eu

EC External Relations Grants (Instrument for Stability included)

http://ec.europa.eu/external_relations/grants/index_en.htm

Peace Building Partnership portal

<https://webgate.ec.europa.eu/tariqa/PeaceBuilding/>

2.5.5 European Instrument for Democracy and Human Rights (EIDHR)⁹¹

The European Instrument for Democracy and Human Rights (EIDHR) is a self-standing financial instrument established in order **to facilitate the promotion of democracy and human rights in third countries**. The Instrument was adopted by Regulation (EC) No 1889/2006 of the European Parliament and of the Council on 20 December 2006.⁹² The EIDHR falls under the authority of the External Relations Directorate General and is implemented by EuropeAid's External Co-operation Office. **Promoting political pluralism, supporting the reconciliation process in a post-conflict society, combating racism, xenophobia and discrimination and**

89. See: http://ec.europa.eu/external_relations/ifs/docs/sec09_932_en.pdf, p. 9.

90. For more information on these projects, see: http://ec.europa.eu/external_relations/ifs/docs/sec09_932_en.pdf, pp. 20-21.

91. See http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm and http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm

92. See: http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/reg_1889_2006_jo_l386_en.pdf

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promotion of the rights of minorities have been identified as some of its major areas of activity.⁹³

The EIDHR allows for **assistance without seeking the consent of the country governments**, which facilitates cooperation with local civil society organizations that wish to remain autonomous from public authorities. The EIDHR has set itself five priority objectives:

1. Enhancing respect **for human rights and fundamental freedoms** in countries and regions where they are most at risk
2. Strengthening the **role of civil society in promoting human rights and democratic reforms**, in facilitating the peaceful reconciliation of group interests, and in consolidating political participation and representation.
3. Supporting **actions on human rights and democracy** in areas covered by EU Guidelines.
4. Supporting and strengthening the **regional and international framework for the protection of human rights**, justice, the rule of law, and the promotion of democracy.
5. **Building confidence in and enhancing the reliability and transparency of democratic electoral processes**, in particular through electoral observation.
6. Funding is available through calls for project proposals that are often open to civil society organizations based anywhere in the world. Global calls for proposals cover all of the Objectives. Calls specific to one country particularly cover Objective 2 and support local projects. Projects selected without any call for proposals mainly cover support for intergovernmental organizations.⁹⁴

European Instrument for Democracy and Human Rights

E-mail: EuropeAid-EIDHR@ec.europa.eu

NGOs may also register for EIDHR mailing list by sending a message to: EuropeAid-EIDHR-Mailing-List@ec.europa.eu

http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm

93. See Article 2. 1a)v); Article 2.1a)vii) ; Article 2.1b)iii), Article 2.1b)iv) of Regulation (EC) No 1889/2006, http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/reg_1889_2006_jo_1386_en.pdf

Objective 2 in the EIDHR Strategy Paper 2007-2010 corresponds to these areas of action. See: http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/eidhr-strategy-paper-2007_en.pdf

94. For more information on EIDHR and its calls for proposals, see:

http://ec.europa.eu/europeaid/where/worldwide/eidhr/60_anniversary_udhr/documents/hr_brochure_0908_site_en.pdf

2.5.6 EU Special Representative for the South Caucasus (EUSR)

Supporting the implementation of the EU policy objectives in the South Caucasus falls under the mandate of the EU Special Representative (EUSR) for the South Caucasus. The EUSR for the South Caucasus works under the authority of the EU High Representative for the Common Foreign and Security Policy (CFSP) of the Council of the European Union.

The EUSR for the South Caucasus assists the three partner countries **in: managing political and economic reforms; supporting peace-building processes; returning of refugees and IDPs; and encouraging the development of regional cooperation**, as well as fostering economic, energy, and transport initiatives. The EUSR closely cooperates with the European Commission in this endeavour.

EUSR for South Caucasus⁹⁵

Brussels

EUSR

Peter Semneby

Tel: +32 2 281 91 83, Fax: +32 2 281 44 81

E-mail: joanna.rau@consilium.europa.eu

Yerevan

EUSR in Armenia

Andrei Didenko

Political Adviser

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E-mail: andrej.didenko@ec.europa.eu

Baku

EUSR in Azerbaijan

Ieva Kupce

Political Adviser

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Tbilisi

EUSR Border Support Team

Claire Delessard

Political Advisor

Tel: +995 32 20 60 81, Fax: +995 32 20 60 82

E-mail: claire.delessard@ext.ec.europa.eu

95. See: <http://www.consilium.europa.eu/showPage.aspx?id=1341&clang=EN>

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2.5.7 European Union Monitoring Mission (EUMM) in Georgia

The EUMM in Georgia, based in Tbilisi, is **an autonomous civilian monitoring mission**, deployed on 1 October 2008 under the European Security and Defence Policy. It was mandated to **monitor the implementation of the peace agreements** concluded in the aftermath of the August 2008 war in Georgia.

Additionally, the aim of the EUMM is to provide the European Community with comprehensive and objective information about the situation on the ground in Georgia. This includes reporting on respect for human rights and international humanitarian law, the rule of law and the security situation, as well as advancements with regard to the return of IDPs. The Mission also monitors relevant human rights and minority related

EUMM in Georgia

Krtsanisi Residential Area

49 Krtsanisi Street

Tbilisi, Georgia

Fax: +87 0782244324

Email: press@eumm.eu

Jeff Hoppenbrouwers

Human Rights Field Coordinator

Email: jeff.hoppenbrouwers@eumm.eu

<http://eumm.eu/en/>

issues. In early 2009, for example, it conducted a study on the situation of ethnic Ossetians living in Georgia proper. Headquartered in Tbilisi, the Mission also operates from field offices in Tbilisi, Mtskheta, Gori and Zugdidi. Its mandate covers the entire de jure territory of Georgia, including Abkhazia and South Ossetia. However, the EUMM has not, in practice, been able to get access to these breakaway regions.

2.6 Major Assistance Initiatives in the South Caucasus

2.6.0 The UN system

The UN office in Armenia was established in December 1992 and has worked since then in collaboration with the Armenian government **to support and supplement national efforts to solve the most important problems of economic development, promotion of social progress, and increasing standards of living.**⁹⁶ According to the UN Development Assistance Framework (UNDAF) for Armenia,⁹⁷ the main priority of the UNCT is to reduce economic, social, and political inequality by working in the following areas: economic equity, social equity, democratic governance, and environmental governance.⁹⁸

96. See: <http://www.undp.am/?page=UNAgenies>

97. The document is available at <http://www.un.am/?laid=1&com=module&module=menu&id=51>

98. UN agencies, programmes, and funds involved in Armenia are the following: UNDP, ILO, WFP, UNIDO, UNICEF, UNHCR, WHO, UNAIDS, UNFPA, UNDP. For detailed information, see: <http://www.un.am/>

The UN established its presence in Azerbaijan in November 1992 and is currently running activities in cooperation with the Azeri government which supports the country's development through the creation of an **enabling environment for improving good governance, reducing poverty, ensuring respect for human rights and gender equality**, and meeting people's basic health and educational needs.⁹⁹ In fact, the two main priorities stressed in Azerbaijan's UNDAF cover the aforementioned goals.¹⁰⁰

The UN presence in Georgia dates back to 1993 when its office in Tbilisi was established, and since this time, several agencies, programmes and funding bodies work as part of the UN Country Team (UNCT)¹⁰¹ in order **to respond to national development needs and to improve the economic and social conditions of people in Georgia**.¹⁰² In doing so, the UNCT and the agencies involved work in close partnership with the Georgian government, civil society and other national and international partners to help Georgia on the path to sustainable development while ensuring that all segments of the population are included in the process. **The five keys areas covered by UNCT's work in Georgia are: poverty reduction, governance assistance, ensuring basic social services, reducing volatility and instability (reducing the risk and impact of man-made and natural disasters), and ensuring environmental sustainability**.¹⁰³

The UN country teams function under the supervision of three different Resident Coordinators (UNRC) which synchronize the activity of the UN family in every country. The goal of the Resident Coordinator System (RCS) is to harmonize the work of the different UN agencies, programmes or funds dealing with operational activities for development in these countries. The UNRC is the representative of the Secretary-General and leads the UNCT.¹⁰⁴ The UNRC for

99. UN agencies, programmes, and funds involved in Azerbaijan are the following: UNDP, UNFPA, UNHCR, UNICEF, UNODC, World Bank, WFP, WHO, ILO, and IMF. For detailed information, see: <http://www.un-az.org/>

100. UNCT, United Nations Development Assistance Program Azerbaijan 2005-2009, available at <http://www.un-az.org/undp/doc/undaf20053.pdf>

101. UN agencies, programmes, and funds involved in Georgia are the following: UNDP, UNFPA, UNHCR, UNICEF, UNIFEM, FAO, WFP, WHO, ILO, OHCHR, UNAIDS, IOM. For detailed information, see: <http://www.ungeorgia.ge/eng/>

102. See: <http://www.ungeorgia.ge/eng/intro.php>

103. See: <http://www.ungeorgia.ge/eng/intro.php>

104. For more information on the RCS consult <http://www.ungeorgia.ge/eng/about.php>

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Armenia is Ms. Dafina Gercheva,¹⁰⁵ for Azerbaijan it is Mr. Fikret Akcura,¹⁰⁶ and for Georgia it is Mr. Jamie McGoldrick.¹⁰⁷

2.6.1. United Nations Development Programme (UNDP)

The UNDP's efforts in the South Caucasus concentrate on: **public sector reforms; human rights promotion; boosting economic development; improving environment and energy sectors; running disaster and conflict mitigation and post-crisis recovery projects**, including the resettlement of IDPs and refugees and HIV/AIDS prevention.

The **UNDP Office in Armenia**¹⁰⁸ was established in 1993. Among other areas of cooperation, the Office focuses on expanding civic participation and strengthening governance institutions, including the Office of the Human Rights Defender. It supports national capacity building of the Ombudsman's office, which promotes

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Yerevan, Armenia
Tel.: (+37410) 566073,
Fax: (+37410) 543811
E-mail: registry.am@undp.org
www.undp.am/

tolerance in society by engaging The UNDP Office in Armenia was established in 1993. Among other areas of cooperation, the Office focuses on expanding civic participation and strengthening governance institutions, including the Office of the Human Rights Defender. It supports national capacity building of the Ombudsman's office, which promotes tolerance in society by engaging educational institutions, non-governmental organizations, and the media in promoting tolerance among youth, developing and supporting traditions of people's diplomacy, and peaceful dialogue with neighbours.

The **UNDP Office in Azerbaijan**¹⁰⁹ was established in 1992. Some of the areas that are addressed by the UNDP in Azerbaijan are: supporting Azerbaijan in the transition to a democratic open society; eradicating poverty and promoting human development through political,

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Tel.: (+99412) 4989888,
Fax: (+99412) 4922491
E-mail: office@un-az.org
www.un-az.org/undp/index.php

105. See: <http://www.un.am/>

106. See: <http://www.un-az.org/content/view/18/64/lang,english/>

107. See: <http://www.ungeorgia.ge/eng/unresidentcoordinator.php>

108. For the UNDP Country Programme Document for the Republic of Armenia (2005-2009), see: www.undp.am/docs/cpd/undp_armenia_cpd.pdf

109. For the UNDP Country Programme for the Republic of Azerbaijan (2005-2009), see: www.un-az.org/doc/May_11_2005DCPAZE1.pdf

economic and social reforms; promoting human and supporting capacity building in partnership with state, civil society, and other international organizations.

The **UNDP Office in Georgia**¹¹⁰ has been operating since 1993. Through UNDP's programme for Democratic Governance, the Office supports key institutions in Georgia, such as the Parliament, the ministries of Justice and Finance, the Supreme Court, the Constitutional Court, and the Central Electoral Commission. It also assists the Public Defender's Office by supporting the development of their activities in provincial centres and organizing specialised training for their staff.

UNDP Office in Georgia
 UN House, 9, Eristavi Street, 0179
 Tbilisi, Georgia
 Tel.: (+99532) 251126,
 Fax: (+99532) 250271
 E-mail: registry.ge@undp.org
<http://undp.org.ge/new/index.php>

2.6.4 The Office of the United Nations High Commissioner for Refugees (UNHCR)

Strategies in Armenia and Azerbaijan include **pursuing durable solutions for refugees and IDPs**, through local integration, voluntary repatriation, and acquisition of citizenship. **The UN Refugee Agency UNHCR**¹¹¹ also advocates for development actors to include refugees in their target groups. The UNHCR presence in Armenia was established in 1992. Activities include basic psycho-social and health-care assistance, vocational training and language classes, as well as housing assistance and integration. The Office also concentrates on helping the Government build its capacity to handle refugee issues and meet international standards in the treatment of refugees. Furthermore, it encourages the Government to extend housing and social assistance to the most vulnerable refugees. In **Azerbaijan**,¹¹² the UNHCR focuses on improving Government refugee status determination procedures and legislation, as well as assisting asylum-seekers and refugees with specific needs. The Office also helps the Government to meet its obligation in addressing the situation of IDPs.

In **Georgia**,¹¹³ the UNHCR's activities are concentrated on: **increasing integration and facilitating the return of IDPs and refugees**, both from the breakaway regions and other territories such as Chechnya; reducing statelessness; strengthening

110. For the UNDP Country Programme for the Republic of Georgia (2006-2010), see: http://undp.org.ge/new/files/4_93_828329_cpgeo2006-2010.pdf

111. See: www.un.am/?laid=1&com=module&module=static&id=97

112. See: www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48d1e6

113. See: www.ungeorgia.ge/eng/UNHCR.php

national asylum systems; improving IDPs' living conditions; and providing them with legal assistance, advocacy and income-generating activities. Improvements in the domestic legislation addressing IDP issues is a further focus, particularly in relation to IDP status, social benefits, shelter, registration, and protection from eviction. After the 2008 August war, UNHCR provided this type of support and humanitarian assistance to new IDPs endangered by the conflict. Out of 134,000 individuals displaced, some 102,000 had returned by November 2008 which left about 21,000 new IDPs in need of UNHCR's assistance.¹¹⁴

UNHCR field offices in the South Caucasus

UNHCR Armenia

Address: United Nations House, 14 Petros Adamyan Street , Yerevan 0010, Armenia

Ms. Bushra Halepota, UNHCR Representative in Armenia

United Nations High Commissioner for Refugees (UNHCR) Representative

Tel: (37410) 58 48 92, Fax: (37410) 54 59 35

E-mail: armye@unhcr.org

UNHCR Azerbaijan

Address: 3, Azer Aliyev St., Baku, Baku AZ 1001, Azerbaijan

Mr. Arun Sala-Ngarm, UNHCR Representative in Azerbaijan

United Nations High Commissioner for Refugees (UNHCR) Representative

E-mail: azeba@unhcr.org

UNHCR Georgia

Address: 2a, Kazbegi Avenue, 0160 Tbilisi, Georgia

Ms. Suzanne Murray-Jones UNHCR Representative in Georgia

Tel.: +995 77 59 30 08, Fax: +995 22 38 54 22

E-mail: murrayjo@unhcr.org

2.6.5 United Nations Children's Fund (UNICEF)

UNICEF actions have focused on improving primary health care services, ensuring that children receive timely vaccinations and appropriate nutrition, increasing the quality of primary education, protecting children's rights, enhancing child

114. For more information on UNHCR's work in Georgia after the August war consult: UNHCR Global Report 2008-Georgia at <http://www.unhcr.org/4a2d24be2.html>

participation in social policy advocacy, educating young people on HIV/AIDS, sexually transmitted diseases, and healthy lifestyles. UNICEF programming includes **projects targeted at vulnerable children's groups**, such as children with disabilities and children of refugees and IDPs. In the aftermath of the Russia-Georgia war of August 2008, UNICEF in Georgia has been running special activities intended to support displaced, returnee, and conflict-affected children with regard to health protection, nutrition, water, sanitation and hygiene delivery, psychosocial services, attendance at school, and mine risk education.

UNICEF field offices in the South Caucasus

UNICEF Armenia

14 Adamyán Street, Yerevan 0010, Armenia

Tel.: +37410 58 01 74, Fax: +37410 54 38 10

E-mail: yerevan@unicef.org

www.unicef.org/armenia

UNICEF Azerbaijan

24 S. Dadashov Street, Baku 1073, Azerbaijan

Tel.: +994 12 492 30 13, Fax: +994 12 492 24 68

E-mail: baku@unicef.org

www.unicef.org/azerbaijan/

UNICEF Georgia

9 Eristavi Street, UN House, 4th Floor, 0179 Tbilisi, Georgia

Tel: +995 32 23 23 88, 25 11 30, Fax: +995 32 25 12 36

e-mail: tbilisi@unicef.org

www.unicef.org/georgia

Website focused on the CEE/CIS region: www.unicef.org/ceecis/

2.6.6 Office of the United Nations High Commissioner for Human Rights

The OHCHR Human Rights Adviser for the South Caucasus was deployed in Tbilisi, Georgia, in May 2007, heading a team of national staff within the UN Country Teams in Georgia and Azerbaijan. The deployment helped increase the OHCHR's capacity **to incorporate human rights-based approaches into the UN Country Team's development programming in the region** and to assist governments and civil society in strengthening national capacities to promote and

protect human rights. The OHCHR brought UN treaty body committee members to the countries of the region, encouraging interaction between its national partners and international human rights mechanisms.

The Human Rights Adviser helps to raise awareness about international human rights standards among governments, civil society and the public, and helps to translate these standards into national legislation, policies and practices.

The Adviser focuses on administration of justice, freedom of expression, and the human rights of disempowered, vulnerable and conflict-affected groups, and will assist in implementing the recommendations of recent treaty body considerations and special procedure mechanisms, particularly in light of the recent visit of the Special Representative of the UN Secretary-General [on the human rights of internally displaced persons].¹¹⁵

OCHCR in Georgia

UN House 9, Eristavi
Street, 0179 Tbilisi, Georgia
Mr. David Mushkudiani,
UN Coordination Office
Tel.: +995 32 25 11 26 (ext. 113);
Fax: +995 32 25 02 71/72
E-mail: david.mushkudiani@undp.org

2.7 OSCE's Office for Democratic Institutions and Human Rights (ODIHR)

The OSCE Office for Democratic Institutions and Human Rights is based in Warsaw, Poland. It is active throughout the OSCE area in the fields of election observation, democratic development, human rights, tolerance and non-discrimination, and rule of law. In the area of national minorities, **the ODIHR published guidelines in 2006 to assist national minority participation in the electoral process.**¹¹⁶ The office pays special attention to minority issues during election observation missions. In the area of tolerance and non-discrimination,

OSCE Office for Democratic Institutions and Human Rights

Human Rights Department
Al. Ujazdowskie 19
00-557 Warsaw, Poland
Tel: +48 22 520 0600
Fax: +48 22 520 0605

ODIHR carries out a range of thematic activities, including law enforcement training, civil-society capacity-building, education, legislative assistance, and intercultural dialogue. The ODIHR is specifically tasked to serve as a collection point for information on hate crimes, to collect and disseminate best practices for promoting tolerance and respect, to monitor incidents of racism, xenophobia, anti-Semitism

115. OHCHR in Georgia: <http://www.ungeorgia.ge/eng/OHCHR.php>

116. See: http://www.osce.org/publications/odihr/2001/01/12347_129_en.pdf

and other forms of intolerance, and to offer assistance and support to states and civil society in their efforts to combat all of the aforementioned problems.

2.8 The United States Agency for International Development (USAID)¹¹⁷

USAID programmes in the countries of the South Caucasus include poverty alleviation, fortification of the private sector, development of agriculture and agribusiness, improvement in the energy and environmental sectors, stimulation of democracy, promotion of the rule of law and governance, **support for the integration of ethno-national minorities**, advancement of healthcare, education and social services and the facilitation of donations through the grant-making Eurasia Partnership Foundation.¹¹⁸

In 2006, the **United Nations Association of Georgia (UNAG)¹¹⁹** launched the **National Integration and Tolerance Program in Georgia (NITG)¹²⁰**, a four year project funded by USAID with the aim of increasing tolerance and national unity among Georgian citizens. By providing support to the Government in terms of technical assistance, international expertise and training on integration issues, the project seeks to empower people and organizations, enabling them to discuss issues related to building a cohesive multi-ethnic nation. **The programme includes the elaboration of a strategy and action plan for national integration developed by experts in consultation with minority groups.** A small grant program offers funding for activities promoting understanding of unity, raising awareness of diversity, and investigating issues related to the treatment of marginalized groups. An additional outcome of the programme has been the production of a weekly TV talk show, a documentary series, and public service announcements that are aimed at developing awareness of diversity and demonstrating similarities between different regions. The programme was completed in June of 2010.

117. For information on programmes in the countries, see Europe and Eurasia Regional Overview www.State.gov/documents/organization/101440.pdf

118. Eurasia Partnership Foundation, with field offices in Yerevan, Baku and Tbilisi, distributes small grants in order to boost civil society and youth participation, increase transparency and accountability, reform local administration and policy and organize public awareness campaigns. See: www.epfound.org

119. See: www.una.ge/eng/index.php

120. See: www.una.ge/eng/nitghighlight.php

USAID field offices in the South Caucasus

USAID/Armenia

1 American Avenue, Yerevan, Armenia 0082

Tel: +37410 46 47 00, Fax: +37410 46 47 28

Email: armeniacontact@usaid.gov, <http://armenia.usaid.gov/>

USAID/Azerbaijan

The Landmark Building, 6th Floor, 96 Nizami Street

AZ 1010 Baku, Azerbaijan

Tel: +994 12 498 1835, Fax: +994 12 493 6839

Aybeniz Ganjaliyeva, Development Outreach & Communications Specialist

Tel: +994 12 498 1835, ext. 207

E-mail: aganjaliyeva@usaid.gov, www.usaid.gov/az/index1b0e.html?lang=eng

USAID/Caucasus Mission (Georgia)

25 Atoneli Street, 0105 Tbilisi, Georgia

Tel: +995 32 92 28 44, Fax: +995 32 00 10 13

Maka Japaridze, Development Outreach and Communications Officer

Tel: +995-32 54-40-00, ext. 4168

E-mail: mjaparidze@usaid.gov, <http://georgia.usaid.gov/index.php?m=2>

UNAG Tbilisi Office ¹²¹

Dolidze Street #2, Tbilisi, Georgia 0171

Tel: +995 32 33 25 16, +995 32 33 52 16, Fax: +995 32 33 11 67

E-mail: una@una.ge, www.una.ge

2.9 Other state actors

1. The Danish MFA

The Danish Ministry of Foreign Affairs¹²² funds a programme for the years 2010-2013 dedicated to the **promotion of judicial reform and human and minority rights in Georgia**. The program is implemented in collaboration with the Council of Europe and the European Centre for Minority Issues and, in relation to ethno-

121. For regional offices in Batumi, Kutaisi and Gori: <http://www.una.ge/eng/contacts.php>

122. See: <http://www.um.dk/en/menu/DevelopmentPolicy/>

national minorities. It is aimed at developing the capacity of the Public Defender, as well as strengthening the state capacity and enhancing public consultation on minority issues.

The Danish MFA also funds an **Economic Development Programme in Armenia**. Although it does not specifically target national minorities, its focus on teacher training and job creation in rural areas may have a positive effect on minorities in those areas.

In Azerbaijan, the Danish Government is involved in a regional media programme aimed at strengthening freedom of expression and the professionalism of journalists and may prove to have a positive effect on national minorities.

Danish Ministry of Foreign Affairs

Asiatisk Plads 2
DK 1448 Copenhagen K
Phone: +45 33 92 00 00
Fax: +45 32 54 05 33
e-mail: um@um.dk

2. The Norwegian MFA

The Norwegian Ministry of Foreign Affairs¹²³ contributes to **financing activities aimed at securing the rights of minorities in Georgia**. From 2003 to 2010, it supported ECMI efforts to enhance the governance of minorities, create awareness of minority issues, and empower civil society in minority regions.

Norwegian Ministry of Foreign Affairs

PO Box 8114 Dep.
N-0032 Oslo, Norway
Telephone: +47 22 24 36 00
Fax: +47 22 24 95 80/81

3. Swedish International Development Cooperation Agency (SIDA)

SIDA activities in Georgia¹²⁴ for 2010-2013 **focus on stabilizing measures and institution building**.

The agency supports three main sectors: 1) Democracy, Human rights and Gender equality; 2) Environment; 3) Market development. Minority integration programmes are included in these areas of intervention.

Sida Coordination Office for the South Caucasus

T.Tabidze 12, Tbilisi, Georgia
Email: information@sida.ge
Phone: +995 32 25 12 26,
Fax: +995 (32) 93 10 71

123. See: <http://www.regjeringen.no/en/dep/ud.html?id=833>

124. <http://www.sida.se/English/Countries-and-regions/Europe/Georgia/>

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4. Dutch Matra Programme

The general aims of the Matra Programme¹²⁵ are: to contribute to the development of a plural democracy grounded on the rule of law with room for dialogue between government and civil society; to build capacity and strengthen the institutions of civil society and government; and to strengthen bilateral relations between the Matra countries and the Netherlands. In the area of human rights, activities promoting the rights of vulnerable groups are eligible for financing.

Dutch Embassy in Tbilisi

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Tel: +995 (8)32 276200

Fax: +995 (8)32 276232

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5. Swiss Agency for Development and Cooperation (SDC)

The SDC¹³² opened a regional Cooperation Office in Tbilisi in 1999, and sub-offices were opened in Baku and Yerevan in 2001 and 2002.

Today, the SDC implements cooperation programmes in the three countries of the Southern Caucasus, with the aim of helping to alleviate poverty, and support the process of transition to a market economy with sound democratic structures. The priorities of Swiss assistance to the region are described in the Swiss Cooperation Strategy South Caucasus 2008-2011. Project activities are implemented bilaterally with Armenia, Azerbaijan and Georgia, and on a regional level.

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Phone +374 10 52 40 88

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Email yerevan@sdc.net

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Boyuk Qala Str. 9, Old City

AZ-1004 Baku - Azerbaijan

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Email baku@sdc.net

Swiss Cooperation Office for the Southern Caucasus

Embassy of Switzerland

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0179 Tbilisi - Georgia

Phone +99 53 22 53682; +99 53 22 53683

Fax +99 53 22 53684

Email tbilisi@sdc.net

125. <http://www.dutchembassy.ge/matra/programme%27s>

126. <http://www.swiss-cooperation.admin.ch/southerncaucasus/>

3. Cumulative List of Tools – Section 1

Universal and European Human Rights Instruments

European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) → *Section 1 - 1.2.1*

International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) → *Section 1 - 1.2.2*

International Covenant on Civil and Political Rights (ICCPR) → *Section 1 - 1.2.3*

Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities → *Section 1 - 1.2.4*

Minority Protection Instruments

European Charter for Regional and Minority Languages (ECRML) → *Section 1 - 1.3.1*

Framework Convention on the Protection of National Minorities (FCNM)
→ *Section 1 - 1.3.2*

International Instruments

The Hague Recommendations → *Section 1 – 1.4.2*

The Oslo Recommendations → *Section 1 – 1.4.3*

The Lund Recommendations → *Section 1 – 1.4.4*

Report and Recommendations on the Situation of Roma and Sinti in the OSCE Area →
Section 1 – 1.4.5

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→ *Section 1 – 1.4.6*

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SECTION TWO

LEGAL COMMITMENTS AND POLICY AREAS

Key Terms:

- Decentralization processes
- Employment structures
- European Charter for Regional and Minority Languages (ECRML)
- Framework Convention on the Protection of National Minorities (FCNM)
- Government action plans
- Implementation
- Laws on national minorities
- Legal Frameworks
- Mechanisms for oversight and protection
- Minority councils
- Minority rights protection
- Ombudsman
- Refugees and IDPs
- Representation of minorities – central and municipal levels
- ‘Smaller’ minorities
- Social integration/exclusion
- Standard of living
- Status of minorities – economic, social, political and cultural
- Violence against/harassment of minorities

Introduction

In terms of programmes and activities in the South Caucasus countries, one can distinguish between those specifically targeting minorities and those, such as sector programmes, which have an impact on minorities. Mainstreaming minority issues can take several forms, including: a) considering the effects of particular initiatives on minorities; b) assessing whether initiatives require additional measures to be effective among minority communities; and c) securing the relevance of initiatives for the needs of minorities.

In order to better target key issues and concerns, they are outlined in a concise manner as a tool for project managers, program officers, and others involved in concrete planning and programming activities. The tools can be used as snapshots for the preparation of Project Fiches and Terms of Reference¹ for activities in individual countries.

This section will outline in detail specific sectors in which minority issues are of particular importance in the South Caucasus countries. In each analysis legal, political, education and employment sectors are described in relation to minority rights and issues. These sectors have been selected based on their relevance to all development areas within the European development cooperation realm and are particularly relevant to minority inclusion and equal opportunities.

Legal Framework:

Each country/region has established a domestic legal framework in relation to other international and European commitments to human rights. These frameworks directly impact the status of minority communities in each country/region, and are increasingly important in relations between South Caucasus countries and the international organisations, particularly in the area of access to development funds.

Political Participation:

Representation of minorities in public life is a key factor in ensuring that their needs are heard at all levels of government. Some countries have threshold regulations to establish access to certain rights such as language in schools and in public administration. Political representation allows minority communities to influence the implementation of legal mechanisms for the protection and promotion of their rights.

.....
1. See Section 3.

Education Access:

The ability for minorities to access education is fundamental for their future economic, social and political well-being. Access to native-language education is a further indicator of the level of minority rights protection in each country/region. Education also allows minorities to be increasingly aware of their rights as members of a minority group and as individuals.

Employment Opportunities:

The ability to gain employment is crucial to provide the requirements needed to establish a decent standard of living. However, minority groups face many obstacles to obtaining legal employment: language, education, direct and indirect discrimination, and access to areas where jobs are available, are a few examples. Gainful long-term employment raises the standard of living of minority groups, and also allows them to provide for a higher level of education for their children, which has an ameliorating effect on the status of minorities.

1. ARMENIA – Minority Needs Analysis

1.1 Statistics

Ethnic composition of Armenia (%) ¹³⁴			
	1989 Soviet Census (%)	2001 State Census (%)	2001 State Census
Armenian	93.3	97.8	3,145,354
Azeri	2.6	-	29
Yezid	1.6	1.3	40,620
Russian	1.6	0.5	14,660
Assyrian	0.2	0.1	3,409
Ukrainian	0.2	0.05	1,633
Kurd	0.1	0.05	1,519
Greek	0.1	0.04	1,176
Others	0.3	0.16	4,611
Total	100% 3,304,776	100% 3,213,011*	3,213,011

*The most recent estimates suggest a slight total population increase to 323,010 in 2008.²

1.2 Overview

Armenia is the most ethnically homogenous of the South Caucasus countries. Almost 98% of the total population is ethnically Armenian according to the 2001 census. The **minorities do not form local majorities** in any region or administrative unit, being scattered across the country.

Before the conflict with Azerbaijan, the **Azeris constituted the largest minority** in Armenia. Practically the entire Azeri population was displaced to Azerbaijan as a result of the conflict. A large amount of ethnic Armenian refugees came not only to Armenia from Azerbaijan but also from the Nagorno-Karabakh region and other territories occupied by Armenia.

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2. Statistics taken from Armenia's State report to the FCNM in 2004.

3. National Statistical Service of the Republic of Armenia, 'Statistical Yearbook of Armenia 2008', at www.armstat.am/file/doc/99456283.pdf. A census was conducted in 2010, but the results not available at the time of writing

The conflict has seriously affected the population in Armenia and has resulted in a considerable **loss of the country's ethnic diversity**. Politics vis-a-vis Azerbaijan have been dominated by the conflict since the late 1980s, making relations between the two countries almost impossible to establish at present.

The **Kurdish people** in Armenia are represented by two distinct groups: the Kurds and the Yezidis. Whereas Kurds are Muslims, Yezidis practise Yezidism, one of the oldest religions in Middle East. Many Yezidis claim that they actually form a distinct ethnic group and there is a continued dispute over identity issues between the 40,000-strong Yezidi community and the about 1,500 Muslim Kurds.

The **Russians** are the second largest ethnic community after the Yezidis. In 1989, there were 51,000 Russians in Armenia, but after independence their number decreased to 14,660 in 2001. Approximately 5,000 of them are Molokans. The **Molokans** are members of a religious sect who were exiled from mainland Russia and settled in the South Caucasus in the first half of the 19th century.

There are several villages with a large proportion of **Greeks** in the northern part of Armenia, close to the Georgian border, but the majority live in the capital and in Alaverdi. Many left the country for economic reasons and in the aftermath of the 1988 earthquake that struck their area of habitation. Today, the estimated population of the Greek community ranges from 2,000 to 5,000 people.

Many **Assyrians** emigrated during the turmoil of the 1990. This small community of 3,000 people is mostly concentrated in Yerevan and in a few villages in the province of Ararat. They usually speak Armenian and Russian and manage to integrate into Armenian society quite well, although they are facing the challenge of preserving their own language and culture.

Armenia is **committed to the key human and minority rights conventions** of the Council of Europe and the United Nations. Its Constitution further protects human rights in domestic law and also includes anti-discrimination clauses. The country has adopted a number of institutional and legislative measures to improve the situation of minorities, as well as changes in policy practice.

Minority members have only been elected at the local level. There are no MPs or **representatives from minority communities at the national level** and the political parties present in governmental structures do not incorporate minority concerns into their programmes.

1.3 Legal Status of Minorities

1.3.1 Legal Framework

Shortly following the break-up of the Soviet Union and the subsequent independence of the Republic of Armenia, the state became party to **major international human rights treaties**, including the ICCPR, the ICESCR, the ICERD and the ECHR.⁴

→ Section 1 - 1.2.2, 1.2.3

In addition, Armenia ratified the **Framework Convention on the Protection of National Minorities** in 1998 and the **European Charter on Regional and Minority Languages** in 2002.⁵ Thus far, Armenia has had a good record of honouring its reporting obligations and considerable progress has been made in recent years to bring domestic legislation and practice in line with international standards.

→ Section 1 - 1.3.1, 1.3.2

The Constitution reiterates and protects human rights in domestic law based on these international standards.⁶ It also contains equality before the law and an anti-discrimination clause, prohibiting discrimination based on ethnicity, race, language, or membership to a national minority.⁷

Freedom of religion is provided for in the Constitution (Art. 26). The Law on Freedom of Conscience and Religious Organizations⁸ separates the Church from the State, but at the same time grants a special status to the Armenian Apostolic Church. This institution receives special privileges that are not accorded to any other faiths. A **concordat was signed in 2007 between the government and the Church**. The Law on Freedom of Conscience and Religious Organizations provides the legal framework for religious freedom and minority religious groups.

The Constitution further stipulates the right of ethnic minorities to preserve

4. Further details of Armenia's ratification of international documents are available at www.un.am/?laid=1&com=module&module=menu&cid=105.

5. Framework Convention on the Protection of National Minorities, entered into force 1 November 1998. European Charter for Regional or Minority Languages, entered into force 1 May 2002.

6. The Constitution of the Republic of Armenia, Article 4, amended 27 November 2005.

7. The Constitution of the Republic of Armenia, Article 16, amended 27 November 2005.

8. See <http://www.venice.coe.int/docs/2009/CDL%282009%29065-e.asp>

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and develop their language and culture.⁹ Supplementing this provision is the **Law on Culture**, adopted in 2002, which outlines a national framework for the implementation of this goal and reiterates Armenia's commitment to this aspect of minority rights. Similarly, the **Law on Language** adopted in 1993 supports the linguistic element of the constitutional guarantee and provides protection for ethnic minorities to freely use and receive education in their native language.¹⁰

However, while the Law on Language does offer some protection for minority languages, it does not adequately address the development aspect of the abovementioned constitutional provision and **emphasis is instead placed on the promotion of the Armenian language**. This could have negative implications for ethnic minorities and could further hinder minority language preservation, particularly in the education system.

Armenia has been in **the process of drafting a law specifically relating to minority issues** since 2003, but has, as of yet, **failed to adopt any domestic legislation** on this regard.¹¹ Minority representatives have been involved and consulted throughout the drafting process and have voiced their concerns on certain aspects of the proposed legislation, namely the definitional scope of the target population that the law will protect.¹²

The draft law in its current form imposes restrictions on who may be classified as an ethnic minority and, therefore, who can be afforded protection under this law. In particular, **the reference to “persons of non-Armenian ethnicity” seems problematic to minority representatives and the distinction between “citizens of non-Armenian ethnicity” and “ethnic minorities” introduces two different levels of protection**. According to the draft law, the conditions for being recognised as an “ethnic minority” are as follows: to belong to a group; to constitute a group of at least 3,000 persons for those dispersed on the territory, or at least 15% of the population in municipalities of at least 2,000 inhabitants, or to form the majority of the population in municipalities of at least 300 persons; and to have had a presence in Armenia for at least 50 years. **Those not meeting these criteria and who do not belong to the majority population will be considered “citizens**

9. Article 41, amended 27 November 2005, formerly Article 37.

10. The Law of the Republic of Armenia on Language, Articles 1 and 2, adopted 17 April 1993, at www.parliament.am/legislation.php?sel=show&ID=1793&lang=eng.

11. The Draft Law ‘on the Republic of Armenia Citizens of non-Armenian ethnicity and Ethnic Minorities.

12. European Commission against Racism and Intolerance (ECRI), Second Report on Armenia, (2007),8.

of non-Armenian ethnicity” and will benefit from different guarantees than the persons belonging to “ethnic minorities”. Furthermore, article 6 of the Draft Law, entitled “Prohibition against and prevention of ethnic discrimination”, does not fully encompass the definition of racial discrimination as defined in the International Convention on the Elimination of All Forms of Racial Discrimination: “the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin [...]”. In addition, definitions relating to what constitutes a native language impose further restrictions and are contrary to the preferred inclusive approach advocated by minority rights experts. They emphasize the fact that minority members are free to choose the language they wish to use and that the principle of self-identification should also apply in this area.

Another issue regarding the definition of ethnic minorities is **its limitation to citizens**. Both the AC and the Venice Commission have taken a dim view on this kind of limitation. It is not yet clear whether these considerations will be taken into account by the legislature, but authorities have claimed that they will consult the Council of Europe and seek their expert opinion on the conformity of the law with European and international standards, prior to its adoption.¹³

1.3.2 Implementation

The main problem concerning the implementation of adopted measures is Armenia’s **financial difficulties, which** affect many fields relevant to the protection of minorities. These financial difficulties **severely restrain effective implementation** of the measures adopted by the authorities. There are also inequities in state support for the different national minorities although practically all minorities in the country suffer from a lack of resources. There have been allegations of discrimination with regard to persons belonging to the Yezidi ethnic minority in the process of land privatization and in access to social services. Furthermore, the fact that the funds allocated to national minorities have been equally divided between the main minority groups, regardless of size, is a matter of concern for representatives of the larger minorities.¹⁴

Despite the fact that Armenia has developed its legal and institutional framework for the protection of national minorities and the drafting of a law specifically relating to minorities is in progress, **no clear framework for minority rights**

13. Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Armenia, (2006), 5,8.

14. Ibid, 8-9

protection has been adopted. Hence, there is no rights-based set of mechanisms applied equally to all minorities.

1.3.3 Institutions for the legal protection of minorities

The Government of the Republic of Armenia has established a **Department for Ethnic Minorities and Religious Affairs**, whose responsibilities include policy-making initiatives on issues relating to minority groups and the drafting of the abovementioned legislation on national minorities. In addition, this governmental department conducts awareness-raising activities on relevant minority issues and engages a dialogue with representatives of minority communities on matters of concern.¹⁵ It has, however, been noted that this body does not always sufficiently take into consideration the concerns of minority representatives, as it was claimed to be the case by some stakeholders throughout the drafting of the law on minorities. At the legislative level, the Standing Committee on Protection of Human Rights and Public Affairs deals with questions of national minorities.

The **Co-ordination Council of Ethnic Minorities** is a consultative body, comprised of twenty-two members; two representatives of each of the eleven national minority groups.¹⁶ Its mandate is to discuss and prepare recommendations on relevant issues, particularly concerning education and culture of minority groups. The Council is considered by minority groups to be representative of their views, but it is questionable to what extent this advisory body is able to exert influence over the states' decision-making processes.¹⁷

The **Office of the Ombudsman**, most commonly called the Human Rights Defender, was created by Presidential Decree in 2004, to investigate claims of human rights violations.¹⁸ The office has also devoted time to raising awareness on minority issues, particularly discrimination based on ethnicity. However, this institution requires further resources in order to be able to effectively carry out its mandate.

Although specific institutions dealing with minority issues are of significant benefit to national minorities and do increase the awareness of minority needs and concerns

.....
15. European Commission against Racism and Intolerance (ECRI), Second Report on Armenia, (2007), 13.

16. The Coordination Council of Ethnic Minorities was established in March 2000 by Presidential Decree.

17. European Commission against Racism and Intolerance (ECRI), Second Report on Armenia, (2007), 14.

18. Presidential Decree, adopted 19 February 2004, on the establishment of the office of the Ombudsman.

across a broad spectrum of state structures, there is a need for minority issues to be mainstreamed into other sectors. Most notable is the **lack of minority representation in the National Commission on Television and Radio**. This Commission is elected by the government and, as of yet, no national minorities have been appointed as members. This has led to the marginalization of minority issues in the media, which poses a significant problem.

1.4 Political Participation

The Republic of Armenia functions on the basis of a **heavily centralised political power structure**. However, in recent years, a decentralisation process has gradually taken place.

There is only one political party that has been formed along ethnic lines, the Yezidkhana Party, which seeks to represent the interests of the Yezid minority. However, this party is not represented in the National Assembly (Parliament) or in the government. **Minorities are only elected at the local level, and thus far, have not been considered at the national level**. There are no special provisions in Armenia to ensure minority representation in the Armenian parliament or in governmental structures.

In response to the lack of political participation and representation, minority groups have suggested a quota system to ensure their inclusion in governance activities. **The Draft Law on Minority Issues** discussed above envisages a form of affirmative action whereby representatives of ethno-national minorities must be represented in local councils where they constitute at least 15% of the local population. If a candidate fails to be elected, the government will then appoint a suitable representative. This latter aspect of the draft law has caused concern among minority experts, due to the fact that if a representative is to be selected by the central authorities, it could compromise the independence of the minority representatives.¹⁹

The **Law on the Foundations of Administration and Administrative Proceedings**, adopted in 2004, guarantees the right to use minority languages in dealings with administrative authorities, and translation or an interpreter will be provided for when necessary.²⁰ In practice, however, this right is not always realised, largely

19. Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Armenia, (2006), 21

20. The Law of Armenia on the Foundations of Administration and Administrative Proceedings, Article 27.

due to financial constraints. For the most part, however, those working in local authority structures can communicate in minority languages and therefore this is not a significant issue for national minorities.

1.5 Language Issues

Armenia is party to the European Charter on Regional or Minority Languages (ECRML) and has also adopted a corresponding legal and policy framework for its implementation. **The Law on Language declares Armenian as the only official state language** and according to the 2001 census, 97.7% of the population claim Armenian to be their native language.²¹

The Russian language is widely known and used throughout the country and, as a legacy of the Soviet era, is commonly used as the lingua franca in interactions among the majority and minority groups. Reportedly, Russian is the second language of 85% of the population²² and, accordingly, is constitutionally recognised, though not with the status of an official language.²³

While it is difficult to ascertain precise figures, it is estimated that in 2003, about 90% of the Assyrians living in Armenia consider Assyrian their native language, 80% of the Yezidis stated that their native language was Yezidi, and 58% of the Greeks regard Greek as their native language. Nearly 78% of the Kurds use Kurdish as their native language, and, of the Russians living in the country, nearly 98% consider Russian as their native language.²⁴ **Armenia has granted these languages the status of national minority languages.**

It is worth noting that until 1989, Kurdish and Yezidi languages were considered as one language; Kurmanji Kurdish, which used the Latin script. The separate categorisation came about due to disagreements between the two communities concerning religion, ethnic self-identification and political considerations in the region. As a result, the Armenian government began to classify Kurdish and Yezidi as two separate languages; **Kurmanji and Ezdiki**, the latter recently having adopted the use of Cyrillic script. This has caused serious problems in identifying

.....
21. National Statistical Service of the Republic of Armenia

22. Second Report of the Republic of Armenia, pursuant to Article 25 of the Framework Convention for the Protection of National Minorities, 2005, p. 10

23. See <http://www.culturalpolicies.net/web/armenia.php?aid=422>

24. Second Report submitted by Armenia to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, 2005. www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_SR_Armenia_en.pdf

and addressing minority issues among the two groups and has become a highly politicised issue.

Armenia has adopted a state language policy, which outlines the country's intention to encourage and develop minority languages, while concurrently promoting the use of the Armenian language among ethnic minority groups.²⁵

1.6 Education

The Law on Language also contains a clause which makes the **teaching of Armenian an obligatory element of education**.²⁶ In addition, admission to higher education institutions is granted on the basis of passing an entrance examination in Armenian, unless the language of instruction of the course, being applied for, is Russian, in which case the exam may be taken in Russian.

Russian, being the second language of the state, is quite **commonly used in education** as the language of instruction in pre-school, primary, secondary and third level education throughout the country. No other minority language is used as a language of instruction in the country and voluntary classes in these languages are also limited. It is considered that the increased emphasis on Armenian-language education has and will continue to increase the number of minority groups who opt for Russian education, and therefore abandon minority-language elective classes.

Approximately 10,000 pupils in 47 schools throughout the country receive an education where Russian is the language of instruction, at both the primary and secondary level. In addition, pre-school education is in some cases provided in Russian, unlike any of the other languages listed. There is also a Russian Language Department in the most universities in Armenia and there is a Russian-Armenian University in Yerevan, offering many courses with Russian instruction.²⁷

The situation is a lot less favourable for other minority languages. Kurdish is taught for two hours per week in one village (Zovuni) at both primary and secondary level. For the remaining twenty villages with a **Kurdish-speaking population, there are reportedly no qualified teachers available to provide education** in the language. Kurdish studies are, however, offered at Yerevan State University. In addition, it is

.....
25. The State Programme on Language Policy, 'RA National Minority Rights in the Area of Language', Section 7

26. The Law on Language, Article 2.

27. Report of the Committee of Experts on the European Charter for Regional or Minority Languages, ECRML, (2005), 12.

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often difficult to ascertain whether a village is, in fact, Kurdish or Yezidi, due to the reclassification of the languages as discussed above.

The same can be said for **Yezidi education**, but according to the Council of Europe Committee of Experts of the ECRML, it is offered at the primary and secondary level in most of the fourteen villages where Yezidi communities are living. Generally, there is a **serious lack of sufficiently qualified teachers** to fill these posts and with no third level education being offered in Yezidi, the future prospects of the Yezidi language in schools is doubtful.²⁸ In addition, a **lack of textbooks** is a serious problem for Yezidi schools, and although the Armenian government has recently published a textbook for grades one, two, and three, the provision of materials is still inadequate. Reportedly, publications will continue to develop in the coming years.²⁹ However, a serious issue regarding textbooks is that the UNICEF sponsored books have been published in the Cyrillic script.³⁰ As noted above, the recent division between these two languages and groups has caused many problems, most notably because the Kurdish community as well as many Yezidi communities do not accept these textbooks and prefer to use the Latin script instead. As a result, twelve of the fourteen Yezidi villages are not using these newly created publications and do not benefit from recent efforts.

Assyrian is taught to approximately 800 pupils in four villages (Verin Dvin, Dimitrov, Arzni, Nor Arthages) and in the Yerevan Pushkin School N 8. In two of these schools, Assyrian history and culture courses are also taught, although the language of instruction is Armenian. However, the **lack of textbooks** considerably impedes the teaching of the language. The government has recently published a beginner's level textbook for teaching Assyrian in elementary schools, but overall schools are largely dependent on donated material from Iran and Sweden, which is out of date and considered insufficient. Similarly to Yezidi, no third level education is available in Assyrian.

Greek language classes are offered in three schools at the primary level (Vanadzor and two schools in Yerevan) and in two schools at the secondary level (in Yerevan). There are relatively few issues related to the qualifications of teachers and the provision of textbooks, due in large part to the financial assistance and donated materials from the Greek government. Greek language studies are offered in two universities, as well as in other private institutions.

.....
28. Ibid.

29. Ibid, 30

30. Onnik Krikorian "Armenia Yezidi Identity Battle: New Textbooks Highlight Division within Armenia's Yezidi Community", Caucasian Reporting Service No. 364. (2006).

The training of teachers in minority language schools is an issue of particular concern. It is often very limited and has to be done by minorities themselves. Furthermore, most ethnic Armenian teachers who work in schools with a large proportion of minority pupils lack a basic knowledge of the relevant minority language. A UNICEF-commissioned survey showed that this could be a relevant explanation for the relatively large amount of minority children who drop out of school after 8th grade.³¹ The school attendance rates for these children are significantly lower than the national average.

The Armenian government is also in the process of introducing an ‘**optimization programme**,’ whereby smaller schools will be merged with others. Although this is aimed at increasing the efficiency of resources, this may have a detrimental impact on national minorities living in small villages. Recognising the potential implications, the government has withdrawn nineteen schools where minority languages are taught from this programme.³² However, not all minority language schools are protected and there is still a possibility that the optimization programme will diminish the number of minority-language classes. The Assyrian language education would become particularly endangered if this reform were to be carried out.³³

1.7 Employment

After several years of massive economic growth, Armenia faced a significant recession in 2009 with the GDP declining by at least 15%. Since the break-up of the Soviet Union in 1991, **Armenia has implemented several economic reforms including privatization, price reforms and prudent fiscal policies**, but pervasive monopolies in important business sectors and the dependence on Russian economical support have made the country particularly vulnerable to the deterioration of the global economy. Despite good legislative progress, international surveys reported no reduction in perceived corruption in 2009, demonstrating the need for effective enforcement in this area. 26.5% of the population lives below the poverty threshold and, at the end of 2009, the official unemployment rate was estimated at 7.1%. Young people and women continued to be particularly affected with respectively 20.7% and 70.7% of official unemployment. Agriculture represents 46% of the labour force, industry 16%, and services 38% .³⁴

31. See: http://www.unicef.org/armenia/media_4877.html.

32. Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Armenia, (2006), 18.

33. Report of the Committee of Experts on the European Charter for Regional or Minority Languages, ECRML, (2005), 10

34. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/am.html>

There have been **allegations of discrimination made by the Yezidi community** in regard to access to employment. However, no systematic discrimination of national minorities in the area of employment rights or participation in the labour market has been officially or legally identified. In addition, there is no available statistical data on the employment status of national minorities or their socio-economic situation, thus making it harder to assess the reality.

It is the obligation of the Armenian government, as a state party to the Framework Convention, to promote and provide measures to ensure the economic inclusion of national minorities, yet no such measures appear to have been taken.

1.8 Media

The freedom of media in general is an issue of considerable concern in Armenia. Efforts to increase the coverage of minority issues and the use of minority languages in the mass media have somewhat improved matters recently, particularly after following the opinions and recommendations of the Council of Europe monitoring experts. These efforts, however, are still considered insufficient and **restrictions on minority languages continue to be imposed.**

The **Law on Television and Radio** stipulates that 65% of all programmes are to be locally produced and that all transmissions are to be in Armenian, except those for ethnic minorities.³⁵ However, as the majority of the population understands Russian, programmes in this language are not dubbed and are instead subtitled. Additionally, a ten minute news programme in Russian is aired daily.³⁶

The law also regulates the language used in broadcasts and stipulates that programmes aired in languages other than Armenian can be restricted to one hour per week on television and one hour per day on the radio.³⁷ The law does not oblige stations to do so, but merely allows for the possibility and does not clarify whether this relates to all minority languages in Armenia.

In practice, minority languages are rarely, if at all, heard in television broadcasts. The situation with respect to radio broadcasts is more positive. Regular broadcasts

.....
35. The Law on Television and Radio, Articles 5 and 9.

36. Report of the Committee of Experts on the ECRML, 2006, p. 21.

37. The Law of the Republic of Armenia on Television and Radio, Article 28

are aired in Russian, and both Kurdish and Yezidi language programmes are broadcast for 30 minutes per day. A less frequent radio programme is transmitted in Assyrian.³⁸

There are newspapers and magazines published in Russian, one of which is partially funded by the government. There are publications in Yezidi and Kurdish, also co-funded by the government, but published on a more occasional basis; the latter of which is only published monthly due to a lack of finances. There are no equivalent ventures in Greek or Assyrian to date.³⁹

1.9 ENP Priority Areas and General Objectives⁴⁰

The EU-Armenia ENP Action Plan⁴¹ was adopted in 2006, for a period of five years. The principal areas identified for improvement and strengthening relevant to minority protection are as follows:

Strengthen democratic structures and rule of law (Priority area 1)

To strengthen the stability and effectiveness of institutions guaranteeing democracy and rule of law is a priority area in the Armenian ENP Action Plan. As with Azerbaijan and Georgia, the support for increased local self-governance is a key issue in Armenia. Although national minorities are not as compactly settled as they are in the other two states, the separation of power and regional authorities is still an important element concerning minority groups in the country. Most notable is the specific action to encourage civil society. Minority representatives need to become involved in decision-making processes at the local and national levels and for their concerns to be taken into account in practice. The development of the Human Rights Ombudsman institution is also of great importance if this goal is to be achieved.

According to the 2009 EU ENP Progress Report on Armenia,⁴² steps have been taken to strengthen local self-government. A Public Council for consultation with

38. Advisory Committee on the FCNM, Second Opinion on Armenia, (2006), 13.

39. Report of the Committee of Experts on the ECRML, 2006, p. 22.

40. See Chapter 2.5.2.1

41. For all priority areas and general objectives see the EU-Georgia ENP Action Plan, http://ec.europa.eu/world/enp/pdf/action_plans/armenia_enp_ap_final_en.pdf

42. European Commission, Implementation of the European Neighborhood Policy in 2009: Progress Report Armenia, May 2010 http://ec.europa.eu/world/enp/pdf/progress2010/sec10_516_en.pdf

civil society organisations was established in March 2009, aimed at providing a forum for public consultation on matters of public interest, but the opposition and a number of NGOs continue to question its independence. Overall, **consultation between NGOs and the government on the subject of draft legislation and the NGOs' participation in parliamentary hearings has increased**, but still occurs on an ad hoc basis. However, civil society organisations were not consulted on new amendments to the government's Law on Public Organisations. Given the criticism from NGOs in response to the proposed obligatory publication of annual reports on NGO activities, the amendments were temporarily suspended in Parliament.

Strengthen respect for human rights and fundamental freedoms (Priority area 2)

Ensuring respect for the rights of persons belonging to national minorities is one of the general objectives in the Action Plan. Freedom of the media is an important aspect of this priority area and, despite the efforts made in recent years, pluralism is still below satisfactory. Armenia has been urged to improve the media's autonomy by strengthening the independent regulatory body for public and private broadcasters. **It is necessary to provide a more inclusive approach to media issues and to develop a culture of diversity and tolerance throughout all areas of broadcasting and publication.** Specifically, national minorities must be consulted and included in the media sector, and legal provisions restricting minority language use and foreign media should be amended.

In April 2009, four laws were adopted to amend the statutes of the National Commission of the Television and Radio and Public Television and Radio Council, and most recommendations from the Council of Europe were incorporated into these new laws. However, the composition of broadcasting regulatory bodies and the means of appointing their members raise questions about how truly independent these bodies are.

Enhance poverty reduction efforts and social cohesion (Priority area 3)

Progress in poverty reduction is a key objective in the Action Plan for Armenia. There is an urgent need to reduce the number of people with an income below the poverty line. Special focus should also be placed on sustainable systems for education, health, and other social services for everyone, including minority groups. Reforms in the fields of labour, social security and social protection are a necessary step, and it is in these areas that the improvement of the welfare of the most vulnerable groups is the most apparent.

It should be noted that significant reforms regarding education, employment opportunities and social assistance have taken place in Armenia, and efforts have been made to include civil society actors in policy development. However, the corresponding implementation framework concerning these goals has only recently been developed and therefore the impact of this strategy, whether positive or negative, cannot be fully assessed at present. It is hoped that this strategy will further the participation of national minorities in all spheres of civil society.

As a result of the economic crisis which seriously affected Armenia, the Government decided to temporarily suspend the Sustainable Development Programme on poverty reduction.

Contribute to a peaceful solution of the Nagorno-Karabakh conflict (Priority area 7)

The Nagorno-Karabakh conflict has dominated relations between Armenia and Azerbaijan since the 1990s and as a result **there is no cooperation between the two neighbours.** Armenia should promote sustained efforts towards the peaceful resolution of this conflict. The promotion of measures to assist refugees and IDPs and the active involvement of civil society are two important goals included in this priority area.

Negotiations conducted by the OSCE Minsk Group on a peaceful resolution to the Nagorno-Karabakh conflict have increased considerably and have enhanced dialogue at the highest level, but the situation remains very tense at points of contact.

Further Reading

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Selimyan, Gayane (2004) Ethnic minorities in public administration in the Republic of Armenia: distant utopia or a tangible future? <http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan018445.pdf>

Government websites

The official site of the President of the Republic of Armenia, www.president.am/president/cover/eng/

National Assembly of the Republic of Armenia, www.parliament.am/index.php?lang=eng

National Assembly Committee on Human Rights and Public Affairs, www.parliament.am/committees.php?do=show&ID=111152&lang=eng

National Assembly Committee on European Integration, www.parliament.am/committees.php?do=show&ID=111150&lang=eng

National Assembly Committee on Social Affairs, www.parliament.am/committees.php?do=show&ID=111160&lang=eng

Ministry of Foreign Affairs, <http://armeniaforeignministry.com/>

Other sources

Human Rights Defender of the Republic of Armenia, www.ombuds.am/

Information Sources

Armenian Helsinki Committee, www.armhels.org/index.php?lang=eng

European Centre for Minority Issues (ECMI), www.ecmigeorgia.org

European Commission Against Racism and Intolerance, www.coe.int/t/dghl/monitoring/ecri/default_en.asp

Institute of Peace and Democracy, www.tt-ipd.org/az/

Internal Displacement Monitoring Centre, www.internal-displacement.org/

Library of Congress – Country Studies, <http://lcweb2.loc.gov/frd/cs/cshome.html>

Minority Rights Group International, www.minorityrights.org/

Open Society Institute Assistance Foundation, www.osi.az/

Radio Free Europe Radio Liberty, www.rferl.org/section/Azerbaijan/151.html

Regionalism Research Centre (Georgia), www.rrc.ge/

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UN Refugee Agency (UNHCR), www.unhcr.org/cgi-bin/texis/vtx/home

2. AZERBAIJAN – Minority Needs Analysis

2.1 Statistics

Ethnic Composition of Azerbaijan ^{43*}			
	1989 Census (%)	1999 Census** (%)	1999 Census
Azerbaijanis	82.7	90.6	7,205,500
Lezgins	2.4	2.2	178,000
Russians	5.6	1.8	141,700
Armenians	5.6	1.5	120,700
Talysh	0.3	1.0	76,800
Avars	0.6	0.6	50,900
Turks	0.2	0.5	43,400
Tartars	0.4	0.4	30,000
Ukrainians	0.5	0.4	29,000
Tsakurs	0.2	0.2	15,900
Georgians	0.2	0.2	14,900
Kurds	0.2	0.13	8,900
Tats	-	0.2	10,300
Jews	0.4	0.2	13,100
Udins	0.1	0.05	4,100
Khinalugs***	-	-	-
Kryzs	-	-	-
Budukhs	-	-	-
Others	0.6	0.12	9,600
Total	100% (7,021,200)	100% (7,953,400)**	7,953,400

*The data shown is according to the official Soviet and state census. Minority representatives have claimed that the population of some ethnic groups, particularly the Lezgin, are significantly greater in reality.

** The last published census results for Azerbaijan date back to 1999. A new census was conducted in 2009, but the results were not available at the time of writing. However, estimates from the State Statistical Committee suggest that the total population reached 8,629,900 in 2008.

*** The Khinalugs, Kryzs and Budukhs have not been counted separately in the censuses.

43. State Statistical Committee of the Republic of Azerbaijan, at. http://www.azstat.org/statinfo/demographic/en/1_4.shtml

2.2 Overview

Azerbaijan is home to **over ten different ethno-national minority groups**, the most sizeable of whom are the Lezgins, the Russians and the Talysh. The **Lezgins** represent the second largest group after ethnic Azeris. Most of them live in rural areas in the northern part of Azerbaijan, close to the Russian border. Lezgins have very close ties with the Republic of Dagestan where the Lezgin population form a constitutive ethnic group. The separation from their kinsmen after Azerbaijan independence is still an important grievance. Furthermore, the forcible inscription of Lezgin men into the military for deployment in Nagorno-Karabakh sparked widespread protests against the Azeri government. Lezgins are Sunni Muslims whereas the majority of Azeris are Shiites. Most of them speak Lezgin as their native language, as well as Russian and Azerbaijani.

The **Talysh** are an Iranian people living in the south-eastern part of Azerbaijan and northern Iran. They speak Talysh but most have a good command of Azerbaijani. They adhere to Shi'a Islam and reportedly under strong Iranian influence. In the early 1990s, a group of Talysh officers tried to establish a break-away Talysh republic but without any real popular support, the uprising was easily crushed. The fallout of this uprising has been an increasing fear among the general population about a supposed collusion with Armenia and Russia. Attempts to suppress Talysh identity and culture during the Soviet period have clearly left deep wounds.

While the official census of 1999 lists Armenians as comprising 1.5% of the population, over 80% of those are living in the disputed Nagorno-Karabakh region and are hence out of de facto control of the Azerbaijani authorities, as Armenian forces still occupy the whole area.⁴⁴ The **Nagorno-Karabakh conflict** between Armenia and Azerbaijan has monopolised the political discourse of the state since the break-up of the Soviet Union and continues to be the dominant concern in the elaboration of domestic and foreign policy. Almost the entire Armenian population have been expelled from Azerbaijan and from the Nakichevan Autonomous Republic.⁴⁵ The Armenian community still living outside the disputed territory faces widespread discrimination. Reportedly, such discrimination is tolerated by some state officials and is regarded as justifiable in light of the conflict. Today, there

44. European Commission against Racism and Intolerance (ECRI), Second Report on Azerbaijan, 2006, 27.

45. The Nakichevan Autonomous Republic is an Azerbaijani exclave located between Armenia, Turkey and Iran. It is part of Azerbaijan, but enjoys autonomous status with its own elected parliament.

are approximately 140,000 Armenians in Nagorno-Karabakh and an estimated 20,000 in the rest of Azerbaijan.

There has been no proposed solution as to what kind of rights or status Azeris should have if the return of the Nagorno-Karabakh Republic (NKR) to Azerbaijan were to become possible. Authorities in the de facto NKR have given a formal statement declaring that Azeris are welcome to return, provided they assume the citizenship of the NKR. Included in this citizenship would be a full range of minority rights. However, the Azeris are not willing to return to the region as a national minority. Contact between the two groups from the region is extremely limited.

Persons of Roma origin are not included in the applicable scope of the Framework Convention in Azerbaijan. In the report submitted by Azerbaijan to the Advisory Committee to the FCNM in 2007, the Roma are not mentioned as an ethnic group, even though there are reportedly several hundred Roma living in Azerbaijan.

Ethnic Chechens, mostly Russian citizens from Chechnya, who have been living in Azerbaijan for many years due to the conflict in their homeland, have reported difficulties in obtaining refugee status. This is mainly due to Azerbaijan's unwillingness to become involved in any way in the politically sensitive Chechen conflict. As a result, Chechens are unable to benefit from their basic rights in Azerbaijan and have no means of subsistence due to a lack of access to employment opportunities.

Azerbaijan has pursued strong nation-building policies since gaining independence, which has had a negative impact on all ethno-national minority groups living in the state. There is a **clear lack of domestic legislation protecting non-Azeri ethnicities and a weak anti-discrimination legal framework**.

However, since accession to the Council of Europe in 2001, Azerbaijan has **undertaken a number of steps towards the social, economic and cultural inclusion of ethnic minorities**. Though widespread discrimination still exists, specifically with relation to the Armenian community, the government has committed itself to some important international treaties and has upheld its regular reporting obligations.

There continue to be **serious problems concerning freedom of association, freedom of expression and freedom of peaceful assembly in the country**. Organizations advocating minority rights have faced intolerance and harassment.

2.3 Legal Status of Minorities

2.3.1 Legal Framework

The Republic of Azerbaijan is party to over fifty international legal human rights instruments and has a good record of regular state reporting. Among the treaties ratified by Azerbaijan, the principal legally binding document regarding minority rights is the **Framework Convention on the Protection of National Minorities**, which Azerbaijan became party to in October 2000. Thus far, two state reports have been submitted, in 2002 and 2007 and recommendations made by the Advisory Committee have been well received.⁴⁶

→ Section 1 - 1.3.2

In addition, the state has ratified the **major international treaties guaranteeing general human rights protection**, including the ICERD, the ICCPR, the ICESCR and the ECHR.⁴⁷

→ Section 1 - 1.2.2, 1.2.3

Although Azerbaijan signed the **European Charter for Regional or Minority Languages** in 2001, it has not yet ratified the instrument.

→ Section 1 - 1.3.1

Azerbaijan's Constitution contains basic human rights guarantees and non-discrimination provisions, bestowing the **equality of rights and freedoms to all citizens, regardless of ethnicity**.⁴⁸ Additionally, Article 45 protects the right to receive education in minority languages.

However, there is **no comprehensive domestic legislation concerning ethnic minorities**. A Presidential decree, adopted in 1992, entitled 'The Protection of the Rights and Freedoms and state support for the Promotion of the Languages and Cultures of National Minorities', limits minority rights protection to the promotion of traditional art, music and craft, and is, thus, entirely insufficient. Since the accession of Azerbaijan to the Council of Europe, a bill on the protection of national minorities has been under consideration, but as of yet, no such legislation has been

46. Full text of State Reports and Advisory Committee Opinions, at: <http://tandis.odihr.pl/index.php?p=country,aze,ssr>.

47. See the Office of High Commissioner for Human Rights database for a complete list of treaties ratified by Azerbaijan, at www2.ohchr.org/english/.

48. Article 25 of the Constitution of the Republic of Azerbaijan.

adopted due to the fact that it is considered to be unnecessary and inappropriate by Azerbaijani authorities.⁴⁹ The lack of a national framework for minority rights protection has repeatedly been highlighted as a cause for concern by human rights monitoring bodies.⁵⁰

To date, there is **no comprehensive anti-discrimination legislation** and there have been no legal cases of discrimination based on ethnic grounds, which indicates a lack of a legal framework regarding minorities in Azerbaijan. Awareness of discrimination-related issues in the law enforcement bodies and in society at large is limited. Furthermore, monitoring of discrimination and data on the situation of persons belonging to minorities is missing.

In addition, the **Law on State Language**, adopted in 2002 to promote the use of the Azerbaijani language, may have **possible negative implications** for other ethnic minorities with relation to language use and preservation.

→ Section 2.5

The ***de facto* Nagorno-Karabkh Republic** (NKR) claims to have unilaterally ratified several international human rights agreements, including the ICCPR, ICESCR and the ECHR. However, there is no monitoring mechanism to ensure compliance with the agreements. The ***de facto* Constitution**⁵¹ of Nagorno-Karabakh includes protection of general human rights and freedoms (Chapter 2) and a prohibition of discrimination (Article 21). The Constitution further ensures everyone the right to preserve his/her own national or ethnic identity and also guarantees the right to national minorities citizens' to preserve and develop their language and culture (Article 43).

2.3.2 Implementation

Azerbaijan has not yet adopted the **bill on the protection of national minorities**, despite the fact that ratifying this law is part of the country's obligations and commitments to the Council of Europe. Although there are some constitutional

49. See Council of Europe, 'Azerbaijan's Application for Membership of the Council of Europe', Parliamentary Assembly Opinion 222 (2000) 14 (iv) g, at <http://assembly.coe.int/Documents/AdoptedText/TA00/eopi222.htm>.

50. See the Report by the Commissioner for Human Rights on his Visit to Azerbaijan (2008), at www.coe.int. See also the Human Rights Committee Concluding Observations on Azerbaijan's Third Periodic Report, CCPR/C/AZE/Q3 (2008), 23.

51. Available at www.nkrusa.org/country_profile/constitution.shtml#chapter2

and legislative guarantees for persons belonging to national minorities, **the legal framework for protection of minorities is very limited**. As a consequence, commitments to minority rights are implemented either through subject-specific laws or not at all.

The fact that Azerbaijan has not yet adopted any comprehensive anti-discrimination legislation, coupled with the lack of case law related to discrimination on grounds of belonging to a national minority, further adds to the insecure situation of minorities in the country. There is no system in place by which authorities can regularly monitor cases of discrimination, and data on the situation of persons belonging to national minorities remains underdeveloped.

2.3.3 Institutions for the Legal Protection of National Minorities

There is no institutional structure specifically mandated to work on minority issues in Azerbaijan at present. A **Consultative Council on National Minorities** was established in 1993, but this forum **is no longer functional**.⁵² Similarly, the State Committee for Work with National Minorities has been abolished in recent years, as have other similar structures that never achieved effective functionality.

The office of the **Ombudsman**, of which there are five regional branches in areas where minorities live in significant numbers (Sheki, Sabirabad, Kuba, Ganca, and Nakichevan), is mandated to ensure the protection of general human rights for all citizens in Azerbaijan. The regional branches are meant to increase the accessibility of the institution for persons belonging to national minorities. The Office is increasingly active in the field of inter-religious dialogue and trans-frontier co-operation on national minority protection. Furthermore, the preservation and development of the cultural heritage of national minorities is included in the National Action Plan on the Protection of Human Rights adopted in 2006.

The **Coordination Council of the Cultural Centres** of national minorities was created in 2004 to serve as a consultative body to the Ministry of Culture. However, it must be noted that the Council is not involved in the decision-making process and its function is limited to producing proposals. Consultation occurs only on an ad hoc basis. There are no consultative bodies at the regional level.⁵³

52. Advisory Committee on the Framework Convention on National Minorities, Second opinion on Azerbaijan, (2007), 4-5

53. Advisory Committee on the Framework Convention on National Minorities, Second opinion on Azerbaijan, (2007), 27

At present, the **Ministry of National Security** is the most prominent institution dealing with minority issues but, as the title suggests, the ministry is primarily concerned with minority issues that negatively affect the state, such as possible secessionist tendencies and threats to security.

The present lack of an institutional capacity to consider minority issues, coupled with an insufficient legal framework, renders **ethnic minority concerns virtually unheard of within the state structure.**

2.4 Political Participation of Minorities

The political system is to a large extent controlled by the President. The parliament is comprised of 125 members, the majority of whom belong to the Presidential party, the New Azerbaijan Party (YAP). Despite criticism from the Council of Europe Congress of Local and Regional Authorities, **Azerbaijan remains a centralized authoritative state** with a weak local self-governance structure, thus severely hindering the input of minority groups in regions densely inhabited by minorities. The most recent constitutional amendments have further limited the independence of local authorities, in addition to extending the presidential term indefinitely.⁵⁴

There are **no political parties currently representing the interests of national minorities in Azerbaijan** at the legislative level. Moreover, there is **no legislation ensuring political representation of national minorities**, but informal efforts have been made at the legislative level in this respect. Persons belonging to national minorities are present in parliament as well as in administrative bodies and ministries, but there is no policy to include minority representatives at the state level. There are also several representatives of ethnic minorities in local authority structures. Nonetheless, as discussed above, their influence on decision-making processes is limited. There are few possibilities for minorities to effectively direct their concerns to the authorities. A Forum of Religious Communities of Azerbaijan exists, but there is no specific framework in which minorities can discuss their issues with the authorities. Therefore, the influence of persons belonging to minority groups in centralized state structures may have a rather limited impact on policy-making initiatives.⁵⁵

54. See Venice Commission 78th Plenary Session, “Opinion on the Draft Amendments to the Constitution of the Republic of Azerbaijan”, Opinion 518(2008). The constitutional amendments were passed by referendum in March 2009 by an overwhelming majority.

55. Advisory Committee on the Framework Convention on National Minorities, Second opinion on Azerbaijan, (2007), 6/25

It should also be noted that there have been reports of instances of harassment of persons belonging to NGOs concerned with political issues, such as the dissemination of information on human rights and minority issues. There are also heavy restrictions on the registration of NGOs and on the funding that they receive from foreign sources, thus further impeding their work which could have an adverse effect on national minority NGOs and their participation in politics.

The **de facto Nagorno-Karabakh** Republic (NKR) holds regular presidential and parliamentary elections. In 2006, a constitution was adopted on the basis of a referendum, in which the displaced Azeri population did not take part.

2.5 Language issues

There is a **satisfactory knowledge of the Azerbaijani language among minority groups** in the state; hence knowledge of the official state language is not a factor hindering minority integration. **Russian is the second most widely spoken language** among persons belonging to minority groups, notably among Lezgin, Talysh, Udins, Azars, Kurds, Tats and Ukrainians, with an estimated two million persons using Russian as their primary language at home and at work. In addition, an estimated 50-70% of the entire population is familiar with the Russian language as a result of education in Soviet times and because of the sizeable labour migration caused by the economic opportunities available in Russia.⁵⁶

The level of Russian language competency among the population has led to **fears of the decline of the Azeri language**. As a result, the **Law on State Language was adopted in 2002**, to promote the use of Azeri throughout the state. The provisions of the law contain requirements for using Azerbaijani in public administration and the media, while also retracting the protection provided for minority language education that was previously enshrined in the 1992 Law on State Language. **The provisions of the new Law on State Language require the sole use of Azerbaijani in all administrative areas of the public sector**, including all services and procedures.

56. Johanna Popjanevski , “Minority Protection in the South Caucasus”, Silk Road Paper, Central Asia – Caucasus Institute and Silk Road Studies Programme, (2006), 66.

57. Lea Gerber, “Minorities in Azerbaijan: The Sociolinguistic Situation of Lezgin, Udis, Georgians (Ingiloy) and Talyshs in Azerbaijan- with a Particular Focus on Education”, CIMERA, Geneva, (2007).

The preservation and encouragement of the use of Azerbaijani is a fully justified goal of the state, but it concurrently has **serious implications for minorities with relation to the preservation of minority languages** and may be in contradiction with provisions enshrined in the Framework Convention for the Protection of National Minorities, particularly Articles 9, 10 and 11.

In practice, minority languages are still used in dealings with authorities and state officials in regions densely settled by minority groups. There is a certain amount of flexibility on the part of some state officials to accept written procedures in languages other than Azerbaijani but again this can only be said for the regions mainly inhabited by minority groups.

There is a **need to adopt or amend domestic legislation** on this matter to bring it into line with Council of Europe standards of minority protection and to reflect current practices in the state. Azerbaijan signed the ECRML in December 2001, but has not ratified it yet.

2.6 Education

The Constitution of Azerbaijan and the 1992 Law on Education guarantees the **right to receive education in one's native tongue**.⁵⁸ Furthermore, the 1992 Law on State Language provided the right for minority groups compactly settled in a region to have separate classes or schools in their native language.⁵⁹

However, following the recent reform efforts of the Azerbaijani government to increase the use of Azerbaijani language in the education sector, this provision has been somewhat revoked. The introduction of the new Law on State Language in 2002 saw a reverse trend emerge, aimed at ensuring that schools teaching in languages other than Azerbaijani were 'in accordance with the legislation'.⁶⁰ This clause reveals the extent to which the **guarantees regarding minority language education** can be vague and open to interpretation.

.....
58. Article 45 of the Constitution of the Republic of Azerbaijan and Article 6 of the 1992 Law on Education

59. Article 3, the 1992 Law on State Language

60. Lea Gerber, "Minorities in Azerbaijan: The Sociolinguistic Situation of Lezgis, Udis, Georgians (Ingiloyis) and Talyshs in Azerbaijan- with a Particular Focus on Education", CIMERA, Geneva, (2007), 20.

In practice, some schools do offer the full curriculum in Russian and Georgian languages, the latter to a lesser extent; an estimated 6.6% of pupils in the country frequent schools where Azeri is not used as the first language. Additionally, **in regions compactly settled by minorities, schools offer two hours of classes per week in minority languages, from the first to the fourth grade.** Approximately 25% of the schools in Lenkoran (the region densely populated by Talysh speakers) offer two-hour weekly classes. In addition, three Udi schools, using Russian as the language of teaching, provide similar Udi language classes. This practice has also been recently extended for the Lezgin minority group, and classes are now offered from the first to the eleventh grade in certain Lezgi towns, such as Gusar. However, except for the Lezgin, Russian and Georgian languages, there is no minority language teaching beyond the 4th grade.

In theory, the actual means for minority language education in primary schools seem to be satisfactory for Russian and Georgian languages (as well as Lezgin in certain regions), but legally, the situation is far from adequate. There is **no legislative protection for the preservation of minority languages** at present and the Azerbaijani state has been encouraged to rectify this by the Council of Europe.⁶¹ More efforts also need to be made to ensure a satisfactory level of preservation of the Udi and Talysh languages, as well as a number of other languages for which there is no native language training at all.

Further concerns exist regarding both **insufficient teacher training and provision of textbooks for minority language education.**⁶² The guidelines for teacher training never mention ethno-national minority issues. According to Talysh activists, the teachers of Talysh language are not qualified and the standard of teaching is very low. Often, Talysh classes are used for teaching other subjects.⁶³ While all minority groups have reported shortcomings with relation to the above, there is a larger impact on smaller minority groups, with many schools having to rely on books from Russia or on oral lessons from their teachers.

History education is often an issue in multiethnic societies and Azerbaijan is no exception. In recent years, Azeri history books have been translated into Russian and Georgian for use in minority schools but there still is an **absence of minority**

61. Advisory Committee on the FCNM, Second Opinion on Azerbaijan, (2007), 7

62. Ibid. 6.

63. L. Gerber, "Minorities in Azerbaijan: The Sociolinguistic Situation of Lezgis, Udis, Georgians (Ingiloyis) and Talyshs in Azerbaijan- with a Particular Focus on Education", CIMERA, Geneva, (2007), 44.

groups' history. Most notably, both the Lezgin and Talysh minority groups have been left out of secondary school history textbooks.

Higher education in Azerbaijan is offered in both Azerbaijani and Russian and due to proficiency in these languages among minority groups such as the Lezgis, Talysh and Udins, **access to higher education has not been a serious issue.** This may, however, be indicative of the lack of minority language teaching in secondary school and the limited possibility of studying their native tongue at university level.

During Soviet times, members of minority groups were given special privileges during entrance exams for the universities. A certain quota was established for Georgian pupils to enter Azeri universities. Since the termination of the quota system for minority groups in the mid 1990s, exams have been centralized and **pupils belonging to minorities must take the same test as native Azeris.** Georgian students now overwhelmingly prefer to study in Tbilisi. Although minority youth often have a good oral command of the Azerbaijani language, it is insufficient for passing the state university examinations.⁶⁴

2.7 Employment

Following strong economic growth on the back of rising oil prices in 2006-08, economic expansion in Azerbaijan slowed in 2009 due to the impact of the global economic crisis. However, Azerbaijan was much less affected than other countries in the region and its growth rate has remained above 9%. **Azerbaijan's oil production has increased dramatically since 1997,** when Azerbaijan signed the first production-sharing arrangement (PSA) with the Azerbaijan International Operating Company. Oil exports through the Baku-Tbilisi-Ceyhan Pipeline remain the main economic impetus behind current efforts to boost Azerbaijan's gas production. However, **Azerbaijan has made only limited progress in instituting market-based economic reforms and corruption is widespread in public and private sectors.** 6% of the population are unemployed, and 11% live below the poverty threshold. Agriculture represents 38% of the labour force, services 50%, and industry 12%.⁶⁵

The Labour Code, adopted in 1999, **prohibits discrimination on ethnic grounds.**⁶⁶ To date, there have been no reports concerning individual cases of

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64. Ibid, p.42

65. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/aj.html>

66. Article 16

ethnic discrimination. However, the 2002 **Law on State Language** may have a **discriminatory effect on the employment rights of ethnic minorities** as it prohibits trade union procedures in languages other than Azerbaijani, thus discouraging those members of minority communities with a low level of the official state language from seeking gainful employment. This law further restricts persons belonging to ethnic minorities with a low level of Azerbaijani from applying for positions within the public service, due to the strict language requirements. According to this law, all services and procedures in state and non-government agencies must be in Azerbaijani or with translation into Azerbaijani. However, as stated previously, in practice the above-mentioned provision is rarely enforced in regions densely inhabited by minority groups, as the legislation could be seen as potentially discriminatory.

Apart from the language issues in accessing employment, there have been **reports of discrimination against ethnic Armenians** when applying for jobs, particularly in the public sector. As previously noted, discrimination against this particular minority group exists in almost all spheres of life in Azerbaijan. Reportedly, in some instances, Armenians are completely disregarded as applicants once their nationality becomes known.⁶⁷

2.8 Media

Azerbaijan imposes **strong restrictions on media outlets** and there are numerous reports of pressure, harassment and detention of journalists.⁶⁸ Coverage of ethnic minorities in the media is incredibly low, at an estimated 1%, and there are many reasons for this unsatisfactory figure that are addressed below.⁶⁹

The **Law on Mass Media** provides the right to use minority languages freely in the media,⁷⁰ as did the aforementioned 1992 Presidential Decree. However, the introduction of the Law on State Language contradicts this right and states that all television and radio broadcasting must be in the official language of the state; a provision that has been widely criticized by local and international human rights organizations.

67. European Commission against Racism and Intolerance (ECRI), Second report on Azerbaijan, (2007), 22,28

68. See Azerbaijan Country profile on the Radio Free Europe website, at www.rferl.org, for reports on recent incidents.

69. Media Diversity Institute 'Press Media Coverage of Minority Groups in the South Caucasus', 2005.

70. Law on Mass Media, adopted 12 July 1999, Article 6

In 2003, **The National Council for Television and Radio Broadcasting** further declared that a minimum of 75% of all media should be broadcasted in Azerbaijani, which is indicative of the current percentage of Azerbaijani broadcasting.⁷¹ An additional regulation was added in 2008, declaring that only films in Azerbaijani or Turkish could be aired on both public and privately owned television channels, sparking huge criticism from the Russian community.

These restrictions have made it virtually impossible for adequate broadcasting in minority languages. Currently, there are **no television channels operating in languages other than Azerbaijani**. Additionally, public radio broadcasting in other languages is severely limited and broadcasts in Georgian, Kurdish, Talysh and Lezgin are limited to two weekly programmes of fifteen to twenty minutes' duration. Newspapers are also available in these languages as well as in Russian, but financial assistance from the state is reportedly insufficient.

Most worrying is the plight of Novruzali Mammadov, editor of the Talysh newspaper, 'The Voice of Talysh'. **Following a closed trial with no defence council present, Mammadov was convicted for treason in June 2008 for 'the distribution of nationalist ideals' and for threatening to destabilize the state.**⁷² Mammadov was sentenced to ten years in prison and both the court proceedings and the prison sentence have been widely criticized, including allegations that the entire case was made up. In August 2009, he died in prison while calls for his release, fuelled by concerns about his age (68) and the state of his health, went unheeded. This case demonstrates that **the state often views ethno-national minority groups as a threat to the country's sovereignty and safety**.

Another important factor of media and minority issues is the **portrayal of minority groups in the mass media**.⁷³ The most serious allegations of discriminatory representation of minority groups in the media have surrounded the portrayal of the Armenian community. The majority of media reports concerning Armenians in Azerbaijan reportedly include discourses of hatred and are to a large extent tolerated by state officials and, in some instances, even actively encouraged.

71. Resolutions on the Use of the State Language, adopted 25 June 2003.

72. 'Azerbaijan: 10 Year Sentence for Editor', 4 July 2008, International Pen, at www.internationalpen.org.uk/go/news/azerbaijan-10-year-sentence-for-editor

73. According to research carried out in Azerbaijan in 2005, press coverage of minority groups is neither sourced from minority groups themselves, nor from official sources. 100% of all press coverage regarding ethnic minority groups are from 'other' sources. See 'Press Coverage of Minority Groups in the South Caucasus', Media Diversity Institute

The **widespread dissemination of inflammatory speech** is distressing, and there have been no signs from the government of legislating or addressing this problem, despite pleas from international human rights organizations to do so.⁷⁴ Negative reports concerning Armenians and the unsettled Nagorno-Karabakh conflict reinforce notions of hostility towards this community and propagate the perceived disloyalty of the Armenian community in Azerbaijan.

In **Nagorno-Karabakh** the authorities operate radio and TV services and, as a result, there are a very small number of independent media outlets. Locals can, however, receive broadcasts from Armenia, Azerbaijan and, via satellite, from Russia.

2.9 ENP Priority Areas and General Objectives⁷⁵

The EU-Azerbaijan ENP Action Plan⁷⁶ was adopted in 2006, for a period of five years. The priority areas identified for improving and strengthening minority protection are as follows. So far, there has been very limited progress in their implementation in the area of human rights.⁷⁷

Contribute to a peaceful solution of the Nagorno-Karabakh conflict (Priority area 1)

The solution of the Nagorno-Karabakh conflict is the first priority area of the ENP Action Plan of Azerbaijan. Azerbaijan is urged to increase diplomatic efforts and continue to support a peaceful solution of the Nagorno-Karabakh conflict. The priority area includes the promotion of measures to assist IDPs and refugees, active involvement of civil society, and a reinforcement of the cooperation on these and other matters in support of conflict resolution with the EU Special Representative for the Southern Caucasus. Encouraging people-to-people contacts and implementing de-mining initiatives are other actions specified under the priority area.

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74. European Commission on Racism and Intolerance (ECRI), Second Report on Azerbaijan, adopted 15 December 2007. See also, Advisory Committee on the FCNM, Second Advisory Opinion on Azerbaijan, 2007, p. 14, for further details.

75. See Chapter 2.5.2.1

76. For all priority areas and general objectives see the EU-Azerbaijan ENP Action Plan, http://ec.europa.eu/world/enp/pdf/action_plans/azerbaijan_enp_ap_final_en.pdf

77. See Commission of the European Communities, Implementation of the European Neighbourhood Policy, "Progress Report Azerbaijan" http://ec.europa.eu/world/enp/pdf/progress2009/sec09_512_en.pdf

According to the Progress Report on Azerbaijan for the year 2009,⁷⁸ dialogue has intensified for a peaceful settlement of the Nagorno-Karabakh conflict. **There have been six bi-lateral meetings between the Presidents of Azerbaijan and Armenia, but no agreement has been reached and the situation on the line of contact continues to be fragile.** The issue of refugees and IDPs is not mentioned in the report.

Strengthen democracy (Priority area 2)

Strengthening the stability and effectiveness of institutions that guarantee democracy is priority area 2 of the Action Plan. Democracy, manifested through a fair and transparent electoral process in line with international requirements, shall be strengthened. In Azerbaijan, ensuring that power is distributed from the central bodies down to the local structures is critically important. Legislative and administrative reforms with the aim of strengthening local self-government should be continued, particularly those that support the establishment of a national union of municipalities and could ensure the efficiency of said union.

In 2009, amendments to the constitution were adopted by referendum, strengthening the executive power and bringing a serious setback to the democratization of the country. Some progress was made in local governance, but the division of power between municipalities and local executive authorities needs to be more clearly defined.

Strengthen the protection of human rights and of fundamental freedoms and the rule of law (Priority area 3)

The protection of human rights, fundamental freedoms and the rule of law shall be strengthened in compliance with the international commitments of Azerbaijan (PCA, CoE, OSCE, UN). The promotion of diversity, tolerance and the participation of civil society in the affairs of the state is a key goal outlined in Azerbaijan's ENP Action Plan. The rights of persons belonging to national minorities shall be respected. The enhancement of the capacity of institutions dealing with the protection and promotion of human rights, in particular the Office of the Ombudsman and the Government Agent of Azerbaijan at the European Court of

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78. European Commission, Implementation of the European Neighborhood Policy in 2009: Progress Report Azerbaijan, May 2010, http://ec.europa.eu/world/enp/pdf/progress2010/sec10_519_en.pdf

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Human Rights, is an important goal for national minorities. Further goals relevant to minorities include: ensuring respect for the right to freedom of assembly, to enhance gender equality in society and economic life, and promoting education about human rights.

Azerbaijan still has not ratified Protocol 12 to the European Convention on Human Rights on the general prohibition of discrimination and the European Charter for Regional or Minority Languages. Regarding civil society, developments are uneven. **On the one hand the funding available to NGOs has increased. On the other hand, restrictive amendments were passed concerning the establishment of foreign NGOs in addition to new rules further complicating their administrative procedures.** Azerbaijan has a very bad record concerning political prisoners, harassment of political activists and intimidation of journalists. The lack of cooperation from public authorities is still an area of concern.

Balanced economic development and social cohesion (Priority area 6)

This priority area covers many important issues for minority groups including increased access to social assistance for national minorities and education reform. Specifically, Azerbaijan needs to increase efforts to ensure the sustainability of education for minorities by providing relevant third level education for these communities. In addition, economic activities should be developed in rural areas, which in turn would increase the employment opportunities of national minorities.

In the Progress Report, no mention is made of the educational policies towards minorities. A new education law was adopted in 2009 and a new state programme on socio-economic development for the years 2009-2013 has also been adopted. This state programme aims at improving the living standards of the population, diversifying the economy and improving the quality of public services.

Further reading

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www.amnesty.org/en/library/asset/EUR55/002/2008/en/b6e7e186-e5ea-11dc-a281-c950ca3e72a9/eur550022008eng.pdf

European Commission Against Racism and Intolerance (2006) *Second Report on Azerbaijan*
http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/AZE-CbC-III-2007-22-ENG.pdf

Human Rights Watch (2005) *Azerbaijan and the European Neighbourhood Policy*, Briefing Paper
www.hrw.org/legacy/backgroundunder/eca/azerbaijan0605/azerbaijan0605.pdf

Gerber, Lea (2007) *Minorities in Azerbaijan: The Sociolinguistic Situation of Lezgis, Udis, Georgians (Ingiloy) and Talyshs in Azerbaijan- with a Particular Focus on Education* (CIMERA, Geneva)
www.cimera.org/pdf/Minorities_in_Azerbaijan.pdf

Popjanevski, Johanna (2006) *Minority Protection in the South Caucasus –Assessing the Protection of National Minorities in Georgia and Azerbaijan* (Caucasus Institute and Silk Road Studies Programme)
www.silkroadstudies.org/new/docs/Silkroadpapers/0609Popjanevski.pdf

Government websites

President of Azerbaijan, www.president.az/

Ministry of National Security, www.mns.gov.az

Ministry of Foreign Affairs, www.mfa.gov.az/

Ministry of Culture and Tourism, www.mct.gov.az

Ministry of Education, www.edu.gov.az

State Committee on Religious Associations, <http://dqdk.gov.az/eng/>

State Committee on Refugees, www.refugees-idps-committee.gov.az

The State Statistical Committee of the Republic of Azerbaijan

www.azstat.org/indexen.php

The de facto Government of Nagorno-Karabakh Republic, www.karabakh.net/engl/gov?id=1

The de facto Government of Nagorno-Karabakh Republic in USA, www.nkrusa.org/

Other websites

The Commissioner for Human Rights of the Republic of Azerbaijan, www.ombudsman.gov.az/az/

3. GEORGIA – Minority Needs Analysis

2.1 Statistics

Ethnic composition of Georgia			
	1989 (%)	2002*(%)	2002 ⁷⁹
Georgians	70.1	83.8	3,661,173
Armenians	8.1	5.7	248,929
Russians	6.3	1.5	67,671
Azeris	5.7	6.1	284,761
Ossetians	3.0	0.9	38,028
Greeks	1.9	0.3	15,166
Abkhazians	1.8	0.1	3,527
Ukrainians	1.0	0.2	7,039
Kurds	0.6	0.1	2,514
Jews	0.5	0.1	3,772
Assyrians	0.1	0.1	3,299
Kists**	0.2	0.2	7,110
Yezids***	-	0.4	18,329
Avars	-	0.0	-
Udins	0.0	0.0	-
Estonians	-	0.0	-
Poles	-	0.0	-
Roms	-	0.0	-
Moldovans	-	0.0	9,600
Turks	-	0.0	-
Iranians	-	0.0	-
Belorussians	-	0.0	-
Czechs	-	0.0	-
Bulgarians	-	0.0	-
Chechens	-	0.0	1,271
Lezgins	-	0.0	-
Latvians	-	0.0	-
Lithuanians	-	0.0	-
Germans	-	0.0	-
Others	-	0.1	8,946
Total	100% (5,400,841)	100% (4,371,535)	4,371,535

Ethnic Composition of Abkhazia			
	1989 Soviet census (%)	2003 Abkhaz census (%)	ECMI estimates 2009
Abkhazians	17.8	44.2	65,000-80,000
Georgians	45.7	20.6	45,000-65,000
Armenians	14.6	21.0	60,000-70,000
Russians	14.3	10.9	10,000-15,000
Greeks	2.8	0.7	1,500
Others	4.9	2.6	5,000
Total	100% (525,061)	100% (214,016)	186,500 – 236,500

Ethnic Composition of South Ossetia		
	1989 (%)	ECMI estimates 2009
Ossetians	66.2	20–40,000
Georgians	29	2 –3,000
Others**	4.8	<1,000
Total	100% (98,527)	23-44, 000

3.2 Overview

Georgia is a multi-ethnic society where 16% of the population is made up of ethno-national minorities. The inclusion of minorities into the mainstream of Georgian political, economic and cultural life is an issue of crucial importance. The Georgian constitution stipulates that ‘Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging.’⁸⁰

Georgia is **committed to most of the key human and minority rights conventions** of the Council of Europe and the United Nations, but still needs to fulfill its commitment to sign and ratify the European Charter for Regional

* The 2002 Georgian census did not include Abkhazia or those parts of South Ossetia that were not controlled by the Georgian government at this time of the census.

** Before the 2002 Census, Kists were not separated from the category of “other ethnicities”.

*** Since the Soviet population census of 1939, Yezids have been counted together with the Kurds. During the 2002 Census, this group has been separated again.

80. See Georgian Constitution Art. 38 at http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf

and Minority Languages (ECRML) and to adopt a Law on National Minorities - both of these commitments and obligations were undertaken upon accession to the Council of Europe. Georgia also needs to fully implement the provisions of the Framework Convention for the Protection of National Minorities and ensure that the repatriation of deported people (Meskhetians) takes place.

The principal difficulties that minorities in Georgia's regions face derive from the **lack of knowledge of the official state language, i.e. Georgian.** Russian was traditionally used as the lingua franca of minorities in the Soviet era, and since Georgian was introduced as the only state language after Georgian independence in 1991, little effort has been made by government to enhance language learning in the minority regions.

Minorities also remain significantly underrepresented in central and local government and administration in municipalities where minorities do not constitute a local majority.

Minority issues in Georgia are sometimes neglected by the state structures as they are overshadowed by the conflicts over secessionist regions. The state authorities in Tbilisi do not exert control over two breakaway regions: **the *de facto* entities of Abkhazia and South Ossetia**, which so far have only been recognized by the Russian Federation, Nicaragua, Venezuela, and the Pacific island state of Nauru. The legal framework and the policy practice for the protection of rights of the ethno-national minorities in these two entities remains seriously underdeveloped.

Two other regions in Georgia densely inhabited by national minorities are **Samtskhe-Javakheti and Kvemo Kartli.** The districts of Akhalkalaki and Ninotsminda constituting the Javakheti part of the Samtskhe-Javakheti region are populated overwhelmingly by ethnic **Armenians** (95%). This remote and mountainous region is among the poorest in Georgia and remains relatively isolated from the rest of the country. The most sizeable presence of Armenians beside Javakheti is in Tbilisi and Abkhazia. Armenians emigrated to Abkhazia from the Ottoman Empire, particularly in the late-nineteenth and early-twentieth century.

Kvemo Kartli is a multi-ethnic region with a population consisting mainly of Azeris, but also with large groups of Armenians, Greeks and Georgians. The Azeris in Georgia are a relatively homogeneous and overwhelmingly rural population. Following Georgian independence, many Azeris have found themselves poorly integrated into the state structures, with only a small number of them speaking the post-independence official language. In 2002, the Azeri and Armenian minorities

constituted 11.8% of Georgia's population (excluding Abkhazia and South Ossetia) and there has been little progress towards integrating Armenian and Azeri minorities, particularly the ones residing in Javakheti and Kvemo Kartli where low levels of education are pervasive.

The **Assyrians** mostly live in dense settlements. There are 2,000-2,500 Assyrians in Tbilisi, among them 800 are living in the Kukia locality. Many Assyrians fled from South Caucasus during the 1990s. The largest and oldest of the Assyrian villages is Dzveli Kanda (Mtskheta District) with 350 families (about 1,500 people), of which 80 percent are Assyrians. They usually have a good command of Georgian and are well integrated. The situation is quite different in the village of Gardabani (Kvemo Kartli), where some 110 Assyrian families live in a district mostly populated by native Azeris. They are very isolated and divided according to their religion: Catholic and Orthodox.

The majority of the **Yezidi-Kurds** live in urban centres, although there are some Kurdish settlements in villages in the Kakheti and Mtskheta-Mtianeti regions. The number of Kurds that have emigrated after independence is significant. A second large wave of out-migration that took place in 2009 has increased these numbers significantly.

The level of integration among **Ossetians** residing in Georgia is generally very high, while some parts of the community has been assimilated. Unlike other national minorities, Ossetians have few difficulties with Georgian language skills. A recent decrease in the Ossetian population is primarily connected with migration to Russia spurred by difficult social conditions rather than ethnic discrimination or oppression.

In recent decades, the size of the **Greek community** has diminished considerably. There used to be many large Greek settlements along the Black Sea coast, in the Tsalka region and in Samtskhe-Javakheti. However, after independence, migration to Russia, Greece and other countries has reduced the number of younger Greeks by 90% in these areas, leaving behind mostly elderly communities of Greek people.

Meskhethians (also known as Meskhethian Turks) originate from the Meskheta region (today Samtskhe-Javakheti) in Georgia. Their origin is disputed, but today the majority identify as Turks, while a minority identify as Georgians. The Meskhethians are Muslims and their native language is an east Anatolian Turkish dialect. **The entire population, over 100,000 persons, was deported during Stalin's regime to Central Asia, and many died during the migration process or in the first**

years of their resettlement. While other collectively deported people such as Chechens, Ingushs and Crimean Tatars could return to their homelands after Stalin's death, the Meskhetians were not granted the same right. With the fall of the Soviet Union, civil war broke out in Georgia, providing a further hindrance to their return. When Georgia joined the Council of Europe in 1999, however, the government committed to repatriate those of the Meskhetians who wished to return, and in 2007 a law on repatriation of deported persons was adopted. Although the law has been criticised for creating insurmountable technical barriers for the applicants, approximately 9,000 Meskhetians of the total population of estimated 400–450,000 Meskhetians today have applied for repatriation within the two-year deadline. The process of physical repatriation is expected to commence in the second half of 2011. There are three small communities of Meskhetians in Georgia, two in Western Georgia and one in Akhaltsikhe in Samtskhe-Javakheti.

The small Romani community is the most marginalized and disadvantaged ethnic community in Georgia. Extreme poverty, unemployment, lack of access to education and health care, and isolation from larger society are some of the major problems that the Romani community is facing. However, the Romani community is small, constituting only around 1,000 individuals in Georgia proper, (including Moldovans in Tbilisi but excluding around 500 Roms in Abkhazia), making it a manageable task to address the problems of this group.⁸¹

3.3 Legal Status of Minorities

3.3.1 Legal Framework

Georgia has ratified the **major treaties guaranteeing human rights protection**, including the ECHR, the ICCPR, the ICESCR and the ICERD.

→ Section 1 - 1.2.2, 1.2.3

Upon accession to the Council of Europe, Georgia agreed to sign and ratify the **Framework Convention for the Protection of National Minorities (FCNM)**, along with the **European Charter for Regional and Minority Languages (ECRML)** within one year, as well as adopting a law on minorities. Neither of the two latter commitments have been fulfilled by Georgia as of yet. Georgian hesitation towards ratifying the ECRML is based on concerns over the possible implications with regard to the status of regional languages, such as Megrelian and

81. Giorgi Sordia, "A way out? Initial Steps towards Addressing Romani Issues in Georgia", ECMI Issue Brief #21, (2009), 4, at http://www.ecmi.de/download/brief_21_eng.pdf

Svan, and the possible implications on the status of minority languages in regions of dense settlement.

→ Section 1 - 1.3.1

The principal minority rights convention, **FCNM**, was ratified by the Georgian Parliament in October 2005 and entered into force in April 2006. The first report on the implementation of the undertaken obligations was submitted in July 2007, while the second report is expected in 2012. Following a visit to Georgia, an opinion on Georgia's commitment to fulfilling the FCNM obligations was adopted by their Advisory Committee in March 2009.⁸² Despite the fact that Georgia ratified the FCNM and made considerable improvements regarding ethno-national minority rights, the Advisory Committee's opinion is critical of Georgia's implementation process and acknowledges that several difficulties need to be tackled.

→ Section 1 - 1.3.2

The Constitution of Georgia was adopted in 1995 and enumerates general human rights and freedoms, including equality and non-discrimination provisions regarding minority groups (Article 38). This clause also grants the freedom to develop one's native culture and to use one's native language in both the private and the public spheres. Moreover, the Constitution also states that everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, or place of residence (Article 14). There are, however, few specific provisions to enforce or safeguard these general principles.

Article 19 of the Georgian Constitution guarantees the right to freedom of expression, thought, conscience, belief, and religion. According to Article 9 of the Constitution, the state recognizes the Georgian Orthodox Church (GOC) as a legal body with a special legal status, which no other religious body enjoys.⁸³ A concordat that provides the GOC with a number of privileges in terms of state support was signed between the government and the Church in October 2002. However, there is no legislation that ensures the rights of other religious communities, resulting in a lack of protection of non-Orthodox religious communities including Muslims, Jews, Catholics and others. These groups are left to register as non-governmental

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82. Advisory Committee on the Framework Convention for the Protection of Minority Issues, Opinion on Georgia, (2009), at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_1st_OP_Georgia_en.pdf.

83. J. Wheatley, "Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study", ECMI Working Papers, (2006), 48.

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organizations or non-profit private law associations. The lack of legal protection of religious minorities has caused significant international criticism.

According to Article 6, international law takes precedence over domestic law in Georgia, unless it contradicts the Constitution. **The Constitution further declares that the exercise of minority rights cannot undermine the sovereignty, state structure, territorial integrity, and political independence of Georgia (Article 38).** In addition, the Constitution allows for imposing restrictions on the political activity of citizens of foreign countries and, importantly, stateless persons (Article 27).

The Criminal Code particularly mentions ethnically and religiously motivated crime (Article 147). Hatred or hostility based on nationality, ethnicity, race, or religion is seen as an aggravating circumstance for crime. The encouragement of national, racial, or religious discrimination is banned. Moreover, the punishment for genocide is also mentioned in the Criminal Code.⁸⁴

Georgia adopted the ‘Law of Georgia on Property Restitution and Compensation on the Territory of Georgia for the Victims of Conflict in the Former South Ossetian Autonomous District’ in 2006, which provides for compensation of damaged property to all victims of the 1990-92 conflict.⁸⁵ In addition, Georgia has adopted the ‘Law of Georgia on Repatriation of Persons Forcefully Resettled from Georgia by the Former Soviet Union in the 40’s of the 20th Century’, primarily addressing the right of deported Meskhetians to return to Georgia.⁸⁶

As the de facto states of Abkhazia and South Ossetia have only been recognised by the Russian Federation, Nicaragua, Venezuela, and Nauru, **the normative acts of the two de facto entities are not recognized in accordance with international law.** Nonetheless, these legislative provisions are effective for the residents of the territories of Abkhazia and South Ossetia and therefore should be briefly examined:

The **de facto Abkhaz constitution of 1994** does not recognize the current Georgian constitution or any other Georgian legislation introduced since 1991. Although

84. Ibid, 51.

85. Tom Trier, “Minorities and Georgia’s Obligations and Commitments to the Council of Europe: A Review of Recent Progress on the Fulfillment of Obligations and Commitments on National Minorities and Related Issues”, Vol. 6 European Yearbook of Minority Issues (2006/7), 545-574.

86. Ibid, 562-570.

the de facto constitution ensures the universally recognized human and political rights protection (Article 11) as well as claims to guarantee equality irrespective of race, nationality, sex, language, origin, or position, domicile, religion, beliefs, or ideology (Article 12), the domestic legislation fails to guarantee mechanisms counteracting discrimination on ethnic or religious grounds.⁸⁷ The only relevant provision seems to be the Article 6 which provides the right to freely use a native language. But the law ‘on the state language of the Republic of Abkhazia’ passed by the de facto Abkhaz Parliament in 2007, which demands the use of Abkhaz in the public sphere by 2015 is likely to put non-Abkhaz ethnicities in a disadvantaged position given their low level of proficiency in Abkhaz.⁸⁸

The *de facto* **South Ossetian Constitution of 2001** does not recognize the Georgian constitution or any other Georgian legislative instruments. The Constitution guarantees universally recognized human rights and freedoms (Article 18), but neither a provision against discrimination based on ethnic or religious background nor a guarantee of equality is included. Nevertheless, everyone has the right to freely study, develop, and use their language (Article 4) and the freedom of speech, publication, and assembly are all protected (Article 31).

3.3.2 Implementation

Georgia has nominally fulfilled most of its international obligations and commitments – with the notable exceptions of the European Charter for Regional or Minority Languages and the Law on Minorities – but it has made little progress with regard to their actual implementation. The low priority given to minority policy implementation, insufficient financial resources and the incapacity of the state institutions responsible for the implementation seem to be among the main reasons for this lack of progress.⁸⁹

The key central-level government structure for coordinating national minorities and civil-integration related issues in Georgia is the **Office of the State Minister for Reintegration Issues**. It evolved from the Office of the State Minister for Conflict Prevention Issues and the Office of the State Minister for Civil Integration Issues in 2008. The two branches responsible for minority issues are the human rights

87 Tom Trier, Hedvig Lohm, David Szakonyi, *Under Siege: Inter-Ethnic Relations in Abkhazia*, (Hurst & Co, London 2010), 60.

88. Ibid, 47.

89. G. Sordia, “Institutions of Georgia for Governance on National Minorities: An Overview”, ECMI Policy Paper, (2009), 5.

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division and the national minority issues division. While it is an important step that the divisions have been established, the capacity of the departments is strained by their limited number of staff members and the insufficient amount of funding available for their work.⁹⁰

Under the auspices of the Presidential Administration, the **Advisor to the President on Civil Integration Issues** along with the **Council for Tolerance and Civil Integration** oversee the elaboration of both the national integration strategy and a plan of action that involves all institutions engaged in the minority protection and integration issues.

In May 2009, the government of Georgia adopted “**the National Concept for Tolerance and Civil Integration**” along with an action plan of specific activities for the following five years (2009-2014). The document outlines state priorities and practical measures aimed at achieving integration. The main goal of the National Concept “is to support the building of democratic and consolidated civil society that is based on common values, which considers diversity as a source of its strength and provides every citizen with the opportunity to maintain and develop his/her identity.”⁹¹ The National Concept outlines principles and objectives in six areas: the rule of law; education and the state language; media and access to information; political integration and civil participation; social and regional integration; culture and the preservation of identity. The Action Plan specifies activities and programmes which are to be implemented in accordance with the strategic directions adopted in the National Concept. The National Concept was elaborated in a broad participatory process in order to reach a large social consensus, and national minorities were given the opportunity to participate in its drafting.

The Civil Integration and Tolerance Council is responsible for overseeing the implementation of the National Concept, while the technical coordination has to be carried out by the Office of the State Minister for Reintegration Issues. A conference was held in June 2009 to initiate consultations between authorities and national minority representatives on the implementation of the Action Plan. It was emphasized that the Council of National Minorities of the Public Defender (see below) will play a key role in the monitoring of the National Concept and Action Plan. In July 2009, a body called the “**State Inter-Agency Commission for Tolerance and Civic Integration Concept and Action Plan Implementation**”

.....
90. Ibid, 9.

91. See Government of Georgia, National Concept for Tolerance and Civic Integration (8 May 2009), http://www.diversity.ge/files/files/National%20Concept_Eng_ADOPTED.pdf

was established as a structure to coordinate the implementation of the National Concept. The Commission convenes regularly and is the main coordinating body for overseeing the implementation of the National Concept.

3.3.3 Institutions of the Legal Protection of Minorities

The Office of **the Public Defender of Georgia**, established by the Organic Law of Georgia on the Public Defender of 1996,⁹² on its own initiative, monitors the state protection of human rights and freedoms on the basis of the applications and complaints lodged with it (Article 12 of the Organic Law on the Public Defender of 1996). The Public Defender is appointed by the Parliament for a period of five years. The current Public Defender, Mr. Giorgi Tugushi, assumed his duties in September 2009. Based on verified evidence, the Public Defender makes recommendations to the bodies or the relevant public authority that has infringed the human rights for the reinstatement of these violated rights, or requests the review of an earlier court decision to the relevant court. Reports on the status of human rights and freedoms protection is submitted by the Public Defender every six months. Discrimination cases are analysed by the Unit for Freedoms and Equality of the Investigation and Monitoring Department of the Office of the Public Defender, which is entitled to receive appeals and applications. Besides this, under the auspices of the Public Defender, a consultative Religious Council facilitates the social and cultural activities which are vital for religious minorities' integration.

The Council of National Minorities (CNM) is a permanent consultative body, functioning under the aegis of the Public Defender. It brings together over 80 minority organizations and facilitates dialogue between the government and the national minorities. The main achievement of the CNM has thus far been the elaboration of a comprehensive set of recommendations to the government on the implementation of the Framework Convention for the Protection of the National Minorities. The CNM also functions as a monitoring body in the process of implementing the National Concept and action plan (see above).

Since the war in 2008, access to information on the situation in the *de facto Republic of South Ossetia* has become extremely limited, making it difficult to obtain details about governmental structures or institutions in this territory.⁹³

92. See the Organic Law on the Public Defender of 1996 at <http://ombudsman.ge/index.php?page=777&lang=1&n=7>

93. Administration of South Ossetia: <http://www.republicofsouthossetia.org/pages/our-government/government-structure.shtml>.

There is no specific ministry dealing with minority issues in this territory, although an Ombudsman for Human Rights has been established.

In the *de facto* Republic of Abkhazia there are no state structures specifically created to deal with national minorities and ethnic relations issues. However, there are bodies concerned with human rights protection, namely the Committee on Human Rights of the People's Assembly (the *de facto* parliament), and a Plenipotentiary Representative on Human Rights of the *de facto* President, which was established in 2007. The human rights representative can access all areas of detention and is authorised to receive individual complaints on human rights violations, including minority rights. A *de facto* constitutional commission is working on the provisions which would include introducing the institution of an Ombudsman.⁹⁴

3.4 Political Participation of Minorities

The establishment of **political parties by the national and ethnic minorities or by the regions** of the country is, in effect, **not allowed in Georgia**. Article 26 of the Constitution of Georgia prevents the establishment of political parties and other political associations when they appear to aim at: overthrowing or changing the constitutional order in Georgia by force; undermining the independence or the territorial integrity of Georgia; supporting war or violence, or encouraging ethnic, racial, social, and national turbulence. The ban may be made exclusively by a court. Article 6 of the Organic Law of Georgia on Political Associations of Citizens outlaws the registration of regionally based parties, which aims at the prevention of the activity and emergence of secessionist movements in regions where minorities are compactly settled. So far, these provisions have effectively barred national minorities or regional groups from establishing minority parties.

The level of recruitment to administrative structures among national minorities varies greatly between minorities and regions. In general, however, there is an **under-representation of persons belonging to minorities at both national and local levels**. The representation of minorities in the Georgian Parliament is not secured by law. As of February 2009, the Parliament now includes 6 representatives of ethno-national minorities (3 Armenian and 3 Azeri) among 150 MPs. (The parliament elected in 2008 consists of 75 majoritarian deputies elected in single-mandate constituencies and 75 deputies elected through a proportional party-list system).⁹⁵

94. Tom Trier, Hedvig Lohm, David Szakonyi, *Under Siege: Inter-Ethnic Relations in Abkhazia*, (Hurst & Co, London 2010), 59.

95. See: http://www.osce.org/odihr-elections/item_12_30564.html.

At the local level, the situation differs from one region to the other. In Samtskhe-Javakheti, where Armenians form a large proportion of the population, they tend to be well-represented in elected assemblies. But the representation of minorities is far more limited in other regions such as Kvemo Kartli, even though 55% of the population is made up by persons belonging to national minorities.⁹⁶

The main reason behind the low degree of representation at the state level is the **lack of competence in the state language** of persons belonging to national minorities, especially in regions with a territorial concentration of minorities. Georgian is usually the statutory working language in elected assemblies. However, assemblies may work in other languages where they largely consist of persons belonging to national minorities.

Decentralization reform and consistent regional policy might facilitate the social inclusion of ethno-national minorities. In this light, the parliamentary Committee for Regional Policy, Self-Government and High Mountainous Regions, which has been mandated to draft legislation on self-governance, is of principal importance to the minority populated regions. If a coherent regional policy and decentralisation reform is implemented, it could greatly increase the participation of minorities in the decision-making process.⁹⁷

In the *de facto* Republic of Abkhazia, non-Abkhaz ethnicities are represented in the *de facto* state structures, but the proportions of their representation are substantially lower than those of the Abkhaz groups. According to the Abkhaz 2003 census, Abkhazians represent 44.2% of the population; in the Peoples' Assembly of Abkhazia (the *de facto* parliament), elected in March 2007, 74% of members are Abkhazians and only 26% are non-Abkhazians.²³⁰ With regard to high-ranking positions in government structures, non-Abkhazians are also relatively underrepresented.

The *de facto* Constitution of South Ossetia establishes the right for everyone to participate in elections and referenda as well as to be elected (Article 23). Before the war in 2008, the *de facto* government in Tskhinvali controlled the main part of the Ossetian-populated areas of South Ossetia, while the villages inhabited by Georgians were governed by the Sanakoyev-led pro-Georgian South Ossetia

96. G. Sordia, "Institutions of Georgia for Governance on National Minorities: An Overview", ECMI Working Paper, (2009) 33-34.

97. Tom Trier, Hedvig Lohm, David Szakonyi, Under Siege: Inter-Ethnic Relations in Abkhazia, (London, Hurst & Co. 2010), 70.

provisional administration under Tbilisi's authority. The latter was established in 2006 by Ossetian officials opposed to the *de facto* authorities with the blessing from Tbilisi, where the government was eager to use it as a tool for garnering popular support among the Ossetians. As a result of the war and the displacement of almost all ethnic Georgians from South Ossetia, this parallel administration has been relocated from Kurta to Tbilisi, and is now primarily focused on IDP issues.

3.5 Language Issues

Language issues are central to the problems of minority groups in Georgia today. There are two principal aspects to language policy in the state: knowledge and promotion of the Georgian language on the one hand, and the protection and preservation of minority languages on the other. Incidentally, this dichotomy is a recurring theme throughout the post-Soviet space.

Georgian is the official language of the state, while in Abkhazia, the Abkhaz language also has official status, according to the Georgian constitution. Since the Rose Revolution in 2003, the use of Georgian in the public sector and in education has been legislated. In recent years, there has been a trend towards a stricter implementation of the legislation on the official language, much to the detriment of minority groups living in dense settlements who have a very poor command of Georgian, particularly Armenians and Azeris in Samtskhe-Javakheti and Kvemo Kartli respectively. It has been reported that linguistic requirements applied to various occupations have resulted in employees from national minorities being replaced by persons belonging to the majority.

Language policies and legislation have severely affected the abovementioned communities who are, now more than ever, faced with the challenge of learning Georgian in order to be politically, economically and socially included in the wider Georgian society. Of particular concern with regard to linguistic issues, is that **the language of communication in administrative dealings is Georgian**. The Georgian Constitution sanctions that Georgian is the only language of official communication (except in Abkhazia, see above), although in practice, the regions densely inhabited by national minorities do, in fact, use Russian or their native languages when dealing with local authorities. Hence, there is a discrepancy between legislation and practice, which is a cause of concern. There is **insufficient support from the government** in assisting minority groups in overcoming this challenge and the failure to increase efforts substantially in the coming years could render national minorities further marginalized and thus contradict the government's declared goals of advancing civil integration.⁹⁸

.....
98. Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Georgia, (2009), 14-15.

The *de facto* Constitution of Abkhazia recognizes Abkhaz as the official state language. In general terms, the **Abkhaz language is commonly used in the private sphere and predominantly in the countryside**, whereas Russian is used as an official administrative language and dominates in the more urban areas. Because of the threat of extinction in the longer term, the *de facto* Abkhaz government reserves a considerable portion of its budget for the development of the Abkhaz language and Abkhaz is envisioned to dominate all spheres of public life by 2015, as sanctioned by the 2007 law ‘on the State language of the Republic of Abkhazia’. However, there are some objective obstacles undermining the feasibility of this project, such as the severe shortage of qualified Abkhaz-language teachers and lack of state funding. Additionally, in the Gali district, increased pressure on teachers and administrators to give up the Georgian language in favour of Russian-language instruction has been reported since the 2008 war.

As mentioned earlier, the *de facto* Constitution of South Ossetia provides everyone the right to freely study, develop and use one’s language (Article 4). Although the **official language in the de facto Republic of South Ossetia** is Ossetian, Russian and - in the areas compactly settled by Georgians - Georgian shall be recognised as language of state and other institutions (Article 4). The extent, to which Georgian is actually recognised, as a state language since the 2008 war, is unknown due to the restricted access to information on the region.⁹⁹ The official use of Ossetian is, however, limited. There are few newspapers in Ossetian and some only use the language for some of their articles. Russian is the main language in the region and education at all levels is mainly provided in Russian.

3.6 Education

The Law of General Education stipulates that the language of instruction in all schools is Georgian,¹⁰⁰ although minority language education is protected.¹⁰¹ Schools choosing to avail themselves of the right to education in minority languages are obliged to also teach the Georgian language. **The introduction of multilingual education on the initial basis of 40 pilot schools is a very promising development.** This model has already been successfully tested in various multiethnic countries (Kyrgyzstan and Tajikistan) and has proved to be an effective tool for managing diversity.¹⁰²

99. Administration of South Ossetia Website: <http://www.republicofsouthossetia.org/pages/our-government/government-structure.shtml>

100. The Law of Georgia on General Education, Article 4(1).

101. The Law of Georgia on General Education, Article 4(3), 7 and 9.

102. Salome Mekhuzla and Aileen Roche (2009), “National Minorities and Educational Reform in Georgia”, ECMI Working Paper, 17.

So far, the overwhelming majority of schools in the Armenian and Azeri populated districts use their native languages as the language of instruction, with a nationwide total of 218 monolingual Armenian and Azeri schools.¹⁰³ As a result, pupils in these schools, particularly those living in the two regions mentioned, have always graduated with a limited knowledge of the Georgian language, rendering them incapable of benefiting from full participation in wider Georgian society.

Therefore, the **newly introduced requirement** for these schools to **teach a Georgian language component** is a fully necessary aspect of language and civil integration policy. However, in order to implement this policy effectively, training of teachers in the language is vital and, at present, efforts to do so on the part of the government have been considerably scarce. Training was provided briefly in 2004-2006, but has failed to make a significant difference. Reportedly, efforts will be renewed for the 2009-10 academic year, although in what capacity is, as of yet, unknown. Plans to adopt a multilingual or bilingual approach have been discussed. This would protect the right to receive education in minority languages and, at the same time, acquire the state language. The Ministry of Education and Science has developed a Multilingual Education implementation strategy, with the aim of implementing it over the coming years.¹⁰⁴

The introduction of the Unified National Examination (UNE) in 2004 has been a major problem for students from non-Georgian speaking schools who are willing to enroll at Georgian institutions of higher learning. Students wishing to pursue higher education in Georgia are now obliged to take the UNE¹⁰⁵ and, until 2009, this test was only available in Georgian. Consequently, ethnic Armenian and Azeri students were almost universally obliged to study in their kin-states instead, contributing to a ‘brain drain’ of qualified persons from these regions and further marginalising minority groups in the Georgian society. However, the Parliament adopted a number of amendments to the Law on Higher Education in November 2009, in order to secure the entry of students from minority language speaking communities. The so-called “General Abilities Test” can now be passed alternatively in Armenian, Azeri, Ossetian or Abkhaz. The law also establishes quotas ensuring the enrolment of students from minority communities; 5% for Azeris, 5% for Armenians, 1% for each of the groups of Abkhazian and Ossetian. These special provisions, introduced as a temporary measure in place until the academic year 2018/19, represent an important step forward in ensuring equal access to institutions of higher learning for minority students.

103. Ibid, 8.

104. Ibid, 17-18.

105. The Law of Georgia on Higher Education, Article 89.

The *de facto* Abkhaz Constitution permits education in Abkhaz or in any national minority language (Art. 6). The most recent estimates suggest that there are 40 Russian-language schools, 34 Armenian schools and 19 Georgian language schools operating in Abkhazia. In each of these schools, an Abkhaz language and history component is a requirement of the curriculum, regardless of the primary language of instruction.

Very little is known about the situation in ***de facto* South Ossetia**, following the August 2008 conflict. As previously mentioned, education at all levels in South Ossetia takes place almost exclusively in Russian, although Ossetian is sometimes used at the primary level. In 2006, two schools in Tskhinvali started offering bilingual education in Ossetian and Russian as a pilot project. The Department of Ossetian Language and Literature at the South Ossetian State University prepares teachers and researchers, but the quality of the education is rather low. Moreover, wealthy parents tend to send their children to Vladikavkaz or other cities in the Russian Federation for education, leading to emigration and a brain drain.

3.7 Employment

After the years of poverty that accompanied the demise of the Soviet Union in the late 1980s, the economy of Georgia has changed very quickly in the past few years. And, since 2004, numerous structural reforms have been undertaken to improve its efficiency. Georgia today capitalises on its strategic location between Asia and Europe to gain new revenues from the flow of gas, oil and other goods. The construction of the Baku-Tbilisi-Ceyan pipeline and the Kars-Tbilisi-Baku railway has highlighted the new role of Georgia as a major local actor.

Although the economic growth between 2004-2008 was important, **the 2008 war and the 2009 financial crisis brought a sharp slowdown**. Today, agriculture still employs 55% of the workers; the unemployment rate is officially at 17% but probably much higher, and 1/3 of Georgians remain below the poverty threshold.¹⁰⁶

Georgia has an obligation to ensure that minority groups have access to employment and that they are not discriminated against, even inadvertently, in relation to their participation in economic life.¹⁰⁷ While there is no discriminatory legislation concerning the employment rights of national minorities, **opportunities to gain employment are more difficult in some regions of Georgia, including those of**

106. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html> .

107. Framework Convention for the Protection of National Minorities, Articles 4(2), 15.

Samtskhe-Javakheti and Kvemo Kartli. This is due to the unequal distribution of resources, which are less plentiful in the areas furthest from Tbilisi and in mountainous regions. Therefore, economic distribution disproportionately affects minority communities in remote rural regions.

An additional factor that negatively affects the Azeri community is **the issue of land privatization in Kvemo Kartli.** Due to legislation introduced in the early 1990s, land located 21 km from the Georgian border was not to be privately owned following the redistribution of collective farmland. Although this policy was later changed, and the ban lifted, the repercussions are still felt to this day, with many Azeri families only able to own their household plot. This is a significant issue for the Azeri minority as a large portion of the community engages in agricultural activities. The shortcomings of land distribution in this region are largely a result of the excessively long time that authorities have taken to address this issue.

3.8 Media

In comparison to Armenia and Azerbaijan, Georgia has a better record of media coverage of national minority issues. The **Law on Broadcasting** obliges the public broadcaster to highlight the concerns and issues of relevance to minorities, in addition to airing programmes in minority languages.¹⁰⁸ In practice, this requirement is not always carried out to a satisfactory level and national minorities are largely distanced from the mainstream media.

At present, a five-minute daily news broadcast is aired every morning by the first TV channel of the Public Broadcaster of Georgia in four minority languages: Abkhaz, Ossetian, Armenian, and Azeri. The same programme is then aired by regional TV stations in regions where minority languages are spoken. Public radio programmes have so far included five-minute daily news reports in Russian, Armenian, Azeri, Ossetian and Abkhaz, in addition to 20 minutes of weekly programmes in the above languages, plus Kurdish. A new format is currently under elaboration

Newspapers in Armenian, Russian and Azeri are financed by the Ministry of Culture, but in recent years these publications complained that they have had their funds reduced.

In spite of the modest efforts to broadcast in minority languages throughout Georgia, minorities living in the **Samtskhe-Javakheti** and **Kvemo Kartli** suffer the most from a lack of **access to media**, and both the Armenians and the Azeris are

108. The Law of Georgia on Broadcasting, Article 16.

heavily reliant on news from their kin states. Again, this is primarily due to a lack of knowledge of the Georgian language. This predicament not only violates their right of access to information and the abovementioned provision of national legislation, but it also further impedes the civil integration of minority groups and renders them isolated from wider society. As a result, minority communities living in these regions are for the most part unaware of what is happening in the country.

3.9 NATO Priority Areas

Georgia has clearly expressed an interest in becoming a member of NATO and hence needs to fulfill certain requirements. In order for a NATO accession to take place, obligations and commitments before the Council of Europe, including those relating to minority issues, have to be met. Georgia's Individual Partnership Action Plan (IPAP) specifically includes the issue of ratification of the Framework Convention for the Protection of National Minorities (FCNM) and the signing and ratification of the European Charter for Regional or Minority Languages (ECRML). The FCNM was ratified in 2005, but ratifying and passing legislation is not sufficient according to the Council of Europe (CoE).¹⁰⁹ The implementation of the treaties needs to be intensified. This is relevant for other obligations and commitments to the CoE as well, including the Law on Repatriation and the Law on National Minorities. The adoption and implementation of the Law on Repatriation is one of Georgia's key obligations to the CoE and its positive role in the integration into NATO and EU has been mentioned in the law's explanatory note.¹¹⁰ The adoption of ECRML and a law on minorities are the only two major commitments to the CoE that have not yet been undertaken.¹¹¹

3.10 ENP Priority Areas and General Objectives¹¹²

The EU-Georgia ENP Action Plan¹¹³ was adopted in 2006, for a period of five years. There are a number of priority areas identified in the Action Plan and the ones of

109. Advisory Committee on the Framework Convention on National Minorities, Opinion on Georgia, (2009), 8.

110. Tom Trier, "Minorities and Georgia's Obligations and Commitments to the Council of Europe: A Review of Recent Progress on the Fulfillment of Obligations and Commitments on National Minorities and Related Issues", Vol. 6 European Yearbook of Minority Issues (2006/7). 551.

111. Ibid, 570-572.

112. See Chapter 2.5.2.1

113. For all priority areas and general objectives see the EU-Georgia ENP Action Plan, http://ec.europa.eu/world/enp/pdf/action_plans/georgia_enp_ap_final_en.pdf

particular relevance to minority protection are given further attention below. The general objectives and actions complement the specific priorities for action.

Strengthen the Rule of Law (Priority Area 1)

The increased capacity of state structures to effectively carry out democratic policies, respecting human and minority rights based on the principles of international norms and standards, is a priority area of the ENP Action Plan for Georgia. This includes the development of effective local self-governance which, as mentioned above, continues to be an issue for national minorities in the country. To ensure respect for rights of persons belonging to national minorities is a general objective of the Action Plan. The signing and ratification of the European Charter for Regional or Minority Languages is included. Another important step for Georgia according to the Action Plan is to develop and implement a civic integration strategy and ensure its implementation, including creation of appropriate monitoring instruments. **The recently adopted National Concept for Tolerance and Civil Integration can be understood as an attempt to meet this objective.**¹¹⁴ Other important actions mentioned in the Action Plan are the enhancement of the role and independence of the Public Defender/Ombudsman institution and the continuation of efforts to create conditions of safety and security for the civilian population, including respect for property rights and focusing on those areas which are mostly populated by Georgian citizens of various ethnic origins.

According to the Progress Report on Georgia for the year 2009,¹¹⁵ the rights of minorities remain an area of concern. The National Integration Strategy defined in 2009 and the action plan covering the period 2009-14 both foresee the improvement of infrastructures in remote minority regions and the development of classes in Georgian as a state language. **The Council of Europe Framework Convention on Protection of National Minorities is not fully transposed into domestic legislation and the European Charter for Regional and Minority Languages is still not signed by Georgia.** On the repatriation and integration of the Meskhetian population to Georgia, the period for returning applications was once again extended to an additional six months to cover the period until the end of 2009. The capacity of the Ministry for Refugees and Accommodation to deal efficiently with the applications is a subject of concern and no specific action plan to effectively ensure the repatriation of Meskhetians has yet been developed.

.....
114. See Chapter 2.1.3.2

115. European Commission, Implementation of the European Neighbourhood Policy in 2009: Progress Report Georgia, May 2010: http://ec.europa.eu/world/enp/pdf/progress2010/sec10_518_en.pdf

Enhance Poverty Reduction and Social Cohesion Efforts (Priority Area 3)

The Action Plan highlights the need for Georgia to encourage economic development and take significant steps to reduce levels of poverty. The aim is to reduce the number of people with an income below the poverty line as well as to improve social cohesion in the country, including sustainable systems for education, health and other social services with access for everyone, including members of minorities. Enhancing agricultural production and rural development is also of great importance, in particular in the areas of Samtskhe-Javakheti and Kvemo Kartli. Poverty still affects 28% of the population and the implementation of the 2008 program “Georgia without Poverty” was hampered by the global crisis. Reforms are going on in the area of health care, education, and social policy, with a special focus on efficiency and meeting European standards.

Enhance Cooperation in the Field of Justice, Freedom and Security (Priority Area 4)

Migration management is highlighted as a specific priority area within this component and here IDP protection is of significant importance to Georgia. To improve protection for and provide assistance to IDPs is an objective of the Action Plan. The integration of IDPs should be promoted in their places of residence e.g. shelter rehabilitation, skill transfer and creation of employment opportunities. The development of national legislation on asylum and refugees to bring it in line with international and European standards is also emphasized as it would strengthen the capacity of the Ministry of Refugees and Accommodation, particularly with a specific focus on the Department for IDPs.

In May 2009, an action plan was established to implement a strategy on IDPs for the period 2009-2012, but the actions foreseen did not really match the available funds. **There is a lack of clarity on the selection criteria for those who will receive housing, and no mention is made of the number of people whose situation needs to be addressed.** In November 2009, the European Commission approved a Special Measure of EUR 43 million to be used for socio-economic integration of IDPs within Georgian society.

Promote Peaceful Resolution of Internal Conflicts (Priority Area 6)

This priority area stresses the importance for Georgia to contribute to the conflict settlements in Abkhazia and South Ossetia, based on respect of the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

SECTION TWO

The need for constructive cooperation between international actors in the region, including the EU and OSCE Member States, in order to contribute to the peaceful settlement mechanisms in the break-away regions is also pointed out in the Action Plan.

In 2009, five rounds of “Geneva talks” aimed at a political conflict resolution process took place and some results were achieved, notably: gas and water supplies to the South-Ossetian region were restored and an Incident Prevention and Reporting Mechanism was established. But progress is slow, and the EU monitoring mission has still not allowed access to the two breakaway regions.

Further Reading

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Parliament of Georgia, www.parliament.ge/index.php?lang_id=ENG&sec_id=1

President of Georgia, www.president.gov.ge/

Committee for Legal Issues, www.parliament.ge/index.php?sec_id=287&lang_id=ENG

Committee for European Integration, www.parliament.ge/index.php?lang_id=ENG&sec_id=143

Committee for Human Rights and Civil Integration, www.parliament.ge/index.php?sec_id=249&lang_id=ENG

Ministry of Education and Science, www.mes.gov.ge/?lang=eng

Ministry of Culture, Monument Protection and Sport, www.mcs.gov.ge

Ministry of Refugees and Accommodation, www.mra.gov.ge/index.php?lang_id=ENG&sec_id=14

Ministry of Foreign Affairs, www.mfa.gov.ge/?lang_id=ENG

State Ministry of Reintegration Issues, www.smr.gov.ge/en/home

The de facto Republic of South Ossetia, www.republicofsouthossetia.org/

The de facto President of the Republic of Abkhazia, www.abkhaziagov.org

The de facto Government of Autonomous Republic of Abkhazia, www.abkhazia.gov.ge/index.php?lng=eng&page=news

4. List of tools of Section 2

A) International Legislation:

International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) → Section 1 - 1.2.2; Section 2 - 1.3.1, 2.3.1

International Covenant on Civil and Political Rights (ICCPR)

→ Section 1 - 1.2.3; Section 2 - 1.3.1, 2.3.1

International Covenant on Economic, Social and Cultural Rights (ICESCR)

→ Section 2 - 1.3.1, 2.3.1

Framework Convention for the Protection of National Minorities (FCNM)

→ Section 1 - 1.3.2; Section 2 - 1.3.1, 2.3.1, 3.3.1

European Charter for Regional and Minority Languages (ECRML)

→ Section 1-1.3.1; Section 2 - 1.3.1, 2.3.1, 3.3.1

B) National Legislation:

Armenia:

The Armenian Constitution (Law on Culture, Law on Language)

→ Section 2 – 1.3.1

Department for Ethnic Minorities and Religious Affairs,

Coordination Council of National Minorities

The Office of the Ombudsman → Section 2 – 1.3.3.

Azerbaijan:

Azerbaijan's Constitution

The de facto Nagorno-Karabakh Constitution → Section 2 – 2.3.1

The Office of the Ombudsman

Coordination Council of the Cultural Centre's

Ministry of National Security → Section 2 – 2.3.3.

Georgia:

The Constitution of Georgia

The criminal code

The de facto Abkhaz constitution of 1994

The de facto South Ossetian Constitution of 2001 → Section 2 - 3.3.1

Advisor to the President on Civil Integration Issues

Council for Tolerance and Civil Integration

Office of the Public Defender of Georgia

The Council of National Minorities (CNM)

The Council of National Minorities (CNM) (Abkhazia) → Section 2 - 3.3.3



SECTION THREE

MINORITY ISSUES IN THE PROJECT CYCLE

Key Terms:

- Budgeting
- Democratic development
- Development analysis
- Development assistance programmes
- Equal opportunities
- External problems
- External project evaluation
- Focus group
- Internal problems
- Internal project evaluation
- Mapping
- Minority analysis
- Minority indicators
- Minority mainstreaming
- Option choices
- Performance indicators
- Problem analysis
- Process indicators
- Project cycle
- Project fiche
- Rights based analysis
- Results indicators
- Special measures
- Stakeholder analysis
- Terms of reference

1. Introduction: The Importance of Including Minority Issues in Development and Rehabilitation Programmes

Although there are serious efforts being made by the South Caucasus states to **fulfill formal expectations of human rights** commitments, many of these efforts target the international community rather than the citizens of South Caucasus. The international commitments have a tendency to remain **at declarative levels**, while national commitments, being of critical importance for beneficiaries, often remain subject to vague implementation strategies. This is partly due to the retention of constitutional provisions, while minority rights are often regulated outside of these very general references in the constitutions.

→ Section 2 - 1.3.1, 2.3.1, 3.3.1.

In particular, strong nation-building processes of the majority population and minority grievances are the underpinning elements in post-conflict transformation. Therefore, in order to mobilize states to make relevant efforts, the international community establishes various incentives such as **general development assistance programmes**; incentives for specifically identified geographic areas and sectors and also **monitoring and reporting instruments**.

→ Section 1 – 2.6, 1.2.2, 1.3.2/b.

The overall rehabilitation of these countries, based on the inclusion of all beneficiaries in projects and programmes, is crucial to both achieving the successful delivery of results as well as providing efficient assistance for the pursuit of sustainable and participatory development. As these states are multiethnic, and development should be equally distributed among the entire population, minority issues should be at the centre of attention of reconstruction programmes.

Minority inclusion and minority rights, in terms of minority protection as part of general human rights rationale, should be enhanced, e.g. through **European Neighbourhood Policy** collaboration. This process is of great importance in the relationship between the South Caucasus states and the EU, while the level of ambition of the relationships depends on the extent to which common values such as human rights, democracy and rule of law are shared. Because the ENP Action Plans reflect the governments' own priorities, they provide a very useful guidance for donors and actors seeking to support the countries' reform agendas.

→ Section 1 – 2.5.1.

1.1 Overview

The purpose of **presenting minority issues mainstreaming through projects** into activities being both operational and structural, is to demonstrate how international and European assistance can support and influence the inclusion of minority governance at different levels of decision-making processes. International and European activities have a considerable influence on the integrity of the states and their dedication towards their own citizens and the international community in promoting **democratic development**. Democratic development is an overall commitment that states and governments make, not only as a political and legal commitment for ideological purposes, but also as concrete expectations of rewards and benefits that may be provided. This latter incentive is very relevant as states often look towards these options as opportunities for accessing funds, technologies, trade, etc.

Democratic development, meaning equal opportunities and inclusion, is also an important instrument for the **mobilization of internal resources and capacity building opportunities for poverty reduction**. This is a decidedly acceptable and promoted approach, yet states and governments often perceive democracy as an expensive solution and some try to bargain for double standards. Therefore, it is important to include minority analysis in development frames to demonstrate that minorities are an inherent resource - if investments are properly made - both in political and economic terms.

1.2 Including Minority Issues into Programming – a Rationale

Although international and European programmes principally target sectors important and relevant to all beneficiaries, a conscious **inclusion of cross-cutting issues such as minorities into the programming cycle provides for opportunities that otherwise could have been missed**. The risk for the project to miss its objective, to not achieve sustainable possibilities, or to backlash on minority-majority relations is a real threat to the efforts of reconstruction and rehabilitation, particularly in a post-conflict context.

Although most projects will not target minorities directly, they should consider minority aspects. Therefore, minority mainstreaming does not **necessarily mean that minority concerns must be explicitly included in all phases of a project cycle**. What is important is to take them into consideration and decide when and why they should or should not be included in the programming, project planning and its documents.

Often, the phrase “integration of minorities” is used in programming language, but it bears a wrong connotation, **as minorities are already an integral element of the South Caucasian societies**. A critical issue at stake here is their “inclusion” into mainstream societies while simultaneously leaving space and providing for enjoyment of their distinct features.

Two approaches can be used in the methodology of minority mainstreaming analysis: **development analysis** - allowing for identification of the **importance of minorities for the development** process (inclusion/exclusion has economic and social consequences); and **rights analysis** - allowing for the enhancing of both the **promotion and the protection of specific minority rights in the assistance programmes (sector development)**.

1.3 Development Analysis – Priority Needs and Priority Sectors

This analysis applies, in principle, to all vulnerable groups that are politically, economically, and socially disadvantaged. In the development discussion, a persistent and commonly shared belief is that what is beneficial for the whole population is also beneficial for minority groups, in the name of democracy and equal distribution. Yet special needs or inherent rights call for additional or other solutions.

Thinking of the impact of programming on majority-minority groups, a “DO NO HARM” approach of mainstreaming should be considered. For instance, if a minority population does not wish to be brought to the forefront, they should not be specifically targeted. Minorities use various strategies to achieve their goals and these strategies should be respected, unless they are undemocratic or discriminatory.

When cross-checking priority needs in general development, four areas critical to minority inclusion call for particular attention:

- Education – development of skills, and communication
- Access to employment (especially on the local level) – equal opportunities
- Health & social services – social inclusion
- Good governance and rule of law, including minority political participation and access to justice

The best way of achieving maximum synergy and outputs of programmes in the South Caucasus states would be to combine elements of minority critical sectors with sectors impacting minorities, such as:

- Environment – particular geographic areas and their use by minorities, peripheral regions and employment, education
- Energy – equal access and distribution, economic development
- Infrastructure – communication, economic development, education, good governance

By promoting/not promoting equal opportunities as well as ensuring the enjoyment of rights provided through international and national legal frameworks, minorities are potentially faced with two possibilities:

- 1) To become a resource and contribute to improved standards of living or
- 2) To only marginally be involved in the development processes

1.4 Rights-based Analysis – Minority Rights in Sector Development

While offering development opportunities, **specific needs and rights of minorities should be included in development projections when necessary.** Out of a **state's human rights commitments (or lack thereof), in reference to minorities and existing gaps** → Section 1 and Section 2, this type of analysis provides information about needs and specific aspects of sector development.

Those existing gaps can be real ones (a gap between declarations or formal legal provisions but no normative acts for implementation at various levels of administration) or are simply perceived by minorities, due to a lack of transparency or proper information. Here such a **gap analysis of rights is very helpful in order to make relevant programming decisions, funding allocations, donor cooperation, and possibly even a recommendation for political action** to improve the situation. In addition, the rights analysis may sensitize programming to specifically target minorities or to raise awareness about programme impact on minorities and majority-minority relations.

In order to **ensure proper intervention**, both analyses conducted at different levels may disclose relations that will call for additional efforts, in terms of specific actions or additional funding, to be included in the project or political pressure:

- **MACRO Level:** Reflection of international and European Community development and cooperation standards, ENP standards; international commitments of the state; national legal and political commitments, and other donor standards in co-ordination approaches → Section 1 – 3, Section 2 - 3. **The steps envisaged are:** 1) to cross-check relevant international and national provisions; 2) to discuss with responsible government agencies; 3) to discuss with other donors; 4) to

discuss with beneficiaries.

- **MESO Level:** Public services and their equal delivery; equal economic opportunities (employment, business); reflection of public administration at all levels of the composition of the society; institutional availability and reflection; and provision of resources → Section 2, country analyses. **The steps envisaged are: 1) to check with executive bodies for capacities, instructions delivered; 2) to check with recipients (e.g. local administration); 3) to check with beneficiaries (local groups).**

- **MICRO Level:** Equal access to public services in geographic minority areas/ minority critical areas; use of provided resources (incl. non-material resources such as information); cultural reflection of the composition of society; occupational traditions and segregation; educational traditions and segregation; community mobilization; and civil society capacity and co-operation with authorities on decisions related to resource access and their distribution → Section 1 – 1.3.2/ b. **The steps envisaged are: 1) to check availability of designated/provided resources; 2) to check relevant information availability for local recipients and beneficiaries; 3) to check equal/non-equal access to services; 4) to recognize specific cultural aspects of beneficiary groups.**

1.5 Developing Minority Indicators – Measuring Minority Relevance

Another aspect of measuring minority mainstreaming relevance and the potential achievement of goals and aims in the project cycle is the development of **appropriate minority indicators**. So far, **no standardized common minority indicators have been developed** by the international community and instead the indicators are developed for particular purposes of specific programming. In the table below, examples of indicators impacting minority mainstreaming are presented as 1. **directly minority relevant** and 2. indirectly minority relevant:

Table 1. Common minority indicators examples

Indicators	Sector 1. Education	Sector 1. Employment	Sector 2: Energy	Sector 2: Environment.
Minority participation	X	X	If disadvantaged	If using resources
Community climate for diversity	X	X	Not relevant	Using resources in different ways

SECTION THREE

When establishing indicators for a project, the following elements need to be taken into consideration:

1. What we do want to know?
2. What information can give us this knowledge?
3. What are the best pieces of information (**key indicators**) that will give the most accurate information?
4. Is the required information accessible?

Establishing good indicators will reduce the amount of information to be collected!

In a politically sensitive environment, key areas for the development of minority indicators are:

- Majority-minority relations
- Inter-minority relations
- Minority inclusion
- Population balances
- Statistics – data disaggregated by minorities. If there are no reliable data, one can combine information available into **an indicative minority data profile based on available information as a trend.**

■ These can be combined with key dimensions in minority mainstreaming and relevance, such as:

- Impact – how the impact on minority communities will be reflected from projects which do not target minorities
- Effectiveness - are projects effective without specific measures for minority communities
- Special measures – need for additional inputs to achieve specific targets

■ Four basic indicators will facilitate project design and delivery:

- Results indicators – effect and impact of the project (e.g., increased schooling among minority children from a particular group)
- Performance indicators - to measure project delivery (e.g., the number of minority children educated in the project)
- Process indicators - what is needed to accomplish performance indicators (e.g., consumption of resources – teachers and materials needed to provide schooling for minority children)
- Operational statistical/quantitative data and qualitative data – what data is required to measure indicators (e.g., statistics on enrolment rate of minority children and children from general population before and after project delivery)

2. Project Cycle Phases and Tools Relevant to Minority Mainstreaming

Three phases of the project cycle – **project identification stage, project implementation stage and project evaluation stage** - are particularly critical to considerations for minority mainstreaming inclusion, based on a quality frame of RELEVANCE, FEASIBILITY, and EFFECTIVENESS.

At all stages, appropriate tools will facilitate step-wise analysis to properly assess minority issues inclusion indicating when to use them and what the different steps in their application are. Each of the following sections introduces a set of relevant tools for a specific stage.

2.1 Project Identification Stage

This stage should reflect whether minority issues are relevant and can improve the quality of the project and its delivery for all groups of the society. It should also indicate whether it has adequate impact on social, economic, and political developments (e.g. conflict prevention). When gauging the relevance of minority issues, the following key considerations should be applied: **a) not relevant; b) indirect relevance (e.g. impact on majority-minority relations); c) direct relevance to minorities.**

A concise CHECKLIST is very helpful by asking questions such as:

CHECKLIST

1. Does the project have a development component relevant to minorities?
2. Does the project impact key international and national minority commitments and rights (education; language; culture; media)
3. Who are the direct beneficiaries of the project (target sector/region/ municipality/groups)?

The steps under this stage include:

- Analysis of relevant international and national commitments (international & national legislation and formal/implemented regulations)
- Problem analysis
- Stakeholders analysis

2.1.1 TOOL 1: Minority Analysis in International and National Commitments

This tool identifies major aspects of minority issues analysis in the context within which laws and institutions addressing minority issues operate and are based on:

2.1.1.1 Policies Involved

Through legal instruments, state measures and monitoring instruments the assessment should be conducted, whether the countries/entities of the operations have/have not taken positive steps to ensure minority protection/exercise of their rights.

For the South Caucasus countries, the Council of Europe's Framework Convention on National Minorities and the European Charter for Regional or Minority Languages should be used as reference points → Section 1 – 1.3.2; Section 1 – 1.3.1. In addition, the measures taken by the state should ensure minority groups' right to develop and enjoy a distinct identity, and international and national institutions dealing with or including minority aspects should be consulted → Section 1 – 4; Section 2 – 3.

2.1.1.2 Methodology: Desk Analysis and Reality Check

The methodology applied is **the international** (whether the country is party to/has ratified relevant standards) and **the domestic legal framework for minority provisions** (pointing out where it falls short of international and European standards) and the examination of how well this framework functions in practice.

2.1.1.3 Protection from Discrimination (including protection from racially motivated violence)

Non-discrimination is sufficiently defined internationally and is provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD). Requirements of non-discrimination in public life together with minority rights and institutions for minority protection are presented at a snapshot as an important commitment analysis tool.

Protection from Discrimination

For each of the areas below, attention should be paid to the indicated conditions:

	Education	Social Protection	Housing
Relevant non discrimination legal provisions		Full and equal access to public/private healthcare	Full and equal access to housing
Government programmes to combat discrimination and to promote full and effective equality	Are there facilities available for minorities?		Are there specific facilities available in minority areas ?
Critique voiced in reports by NGOs, commissions, experts	Existence of segregated, lower standard schooling for minorities; differentiated achievement among minority students; obstacles to full and equal access to education	Lower standards of public services in areas inhabited by minorities	

	Employment	Access to Justice	Racially motivated violence
Relevant non discrimination legal provisions			Is there legislation prescribing sentencing for racially motivated violence and is it effectively applied?
Government programmes to combat discrimination and to promote full and effective equality	Is there evidence of discrimination in access to employment? Are minorities disproportionately represented/ underrepresented in certain areas of employment? Do members of minorities get full access to unemployment and other work - related benefits?	What legal aid is available? Are members of minorities informed about their legal rights? Do minorities have access to justice in their languages?	Are their special courts/measures for punishing racially motivated violence within the police and other law enforcement agencies? How do they function in practice?
Critique voiced in reports by NGOs, commissions, experts	Have there been any significant cases of discrimination against minorities?	Minorities overrepresented in the prison system; subject to higher sentencing	

2.1.1.4 Minority Rights

Education	Do minorities have access to primary/secondary/tertiary education in their minority language? Is state language included in minority schools/education? Are state-funded schools sensitive to minority history and culture? Is there sufficient teacher training for minority teachers? What other measures have been taken by the state and by NGOs to improve or enhance education for minority groups?
Language	Are minority groups able to use their language in communication -- written and oral -- with public authorities; in local government; on public signs; in names and surnames; during judicial proceedings; at/in private events/functions/businesses? Are there any official restrictions on the use of minority languages?
Participation in public life	Are there restrictions on access to citizenship? Are there formal or informal channels for ensuring minority participation in local/regional/national political bodies? To what extent is the minority group represented in public employment positions/civil service/military forces/government?
Media	Does the minority group operate their own private media outlets, including print, radio and television? Do these receive any state support? Are there any provisions for minority language/minority programming on state-supported radio or television?
Religion	Does the group enjoy legal and practical access to religious institutions? Can they practice their religion freely with the same level of support given to other religious groups?

2.1.1.5 *Institutions for Minority Protection*

The objective of this analysis is to examine how well the institutions that are in place ensure minority protection function in practice.

Note whether the government has established:

- A body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin.
- The existence of any other institutions (ombudsman, commissions, special government ministry/department for minority issues, special advisory bodies, etc.)
- How well each institution functions as a mechanism to develop, implement and evaluate the effectiveness of government policy for minorities.
- Are there mechanisms to ensure structured and meaningful participation of minority representatives on these bodies?
- How well does it reflect the needs/concerns of the minority?
- Is it comprehensive (does it address both non-discrimination and minority rights)? Are minorities involved in implementing and evaluating it?

Does the relationship between the government and civil society organizations dealing with minority issues reflect:

- To what extent the government fosters/hinders the development of these organizations and encourages an independent voice in these organizations, and acts upon their criticism/recommendations?
- To what extent activities and projects undertaken by civil society organizations complement programmes and policies undertaken by the government? To what extent do they critique/seek changes in government policy?
- Have civil society organizations themselves succeeded in presenting a united front to the government on key issues of common concern to all of them and do they have something to offer to the development/implementation of government policy?

2.1.2 *TOOL 2: Problem Analysis*

The value of problem analysis lies in its negative identification of aspects of an existing situation and establishes the cause-effect relationship between the problems identified (gap analysis is similar to problem analysis, yet provides concrete remedies and recommendations for problem solving). Problem analysis is most useful in the identification and formulation phases of programmes. It can also include preliminary budgeting (cost of analysis and solutions proposed).

2.1.2.1 Steps of Analysis and Key Concerns:

- Definition of framework and subject of analysis
- Identification of major problems experienced by target groups
- Shared identification of problems with other projects (peer review of programming)
- Difference in problem identification (diverse needs?)
- Source of problems: internal problems stemming from project design and/or implementation; external problems (state commitments, general situation of the country/region)
- Effects of problems on minority situation and inclusion

2.1.2.2 Working Option Choices for Internal and External Problems

a) Internal Problems

When programming, inadequate consideration of minority issues can stem from various fields but can be amended by:

- Adjusting project design to reflect minority concerns
- Adjusting project implementation
- Revising project funding → Section 3 – 4.1
- Additional initiatives → Section 3 – 2.3
- Amendment of internal agency policy (e.g., peer reviews, focus groups)

To address internal problems, **focus groups** could be created. The key advantage of a focus group is its usefulness in initial concept exploration, evaluation and programme review, and is most appropriate to get a sense of regional, gender, and ethnic differences in opinions, and can also help to obtain inputs and advise modifications for the proposals. Since the format of focus groups is flexible (participant Q & A sessions), this method is simple for allowing a quick grasp of the purpose and process. The focus group method improves the synergy and success/sustainability of the final project design.

b) External Problems

These problems usually stem from the environment in which projects function. They can be addressed in different ways, most commonly by being identified either at the source of the problem or by applying remitting measures, such as additional assistance:

- Levels of solutions – legal, implementation, international, central, local
- Assistance required – external (international, local); internal (normative acts, directives, redistribution of funds, administrative measures)
- No solutions available in the existing context

2.1.2.3 Methodology

- Field work (interviews and questionnaires, expert studies, mapping)
- Gap analysis and overall needs assessment

2.1.3 TOOL 3: Stakeholder Analysis

All parties to the programme/project should be involved in the programming process as they represent diverse interests, perceptions and capacities. Therefore, it is important to identify where the resources are, how they should be distributed and for which purposes. A stakeholder analysis should be conducted **at all levels** – **macro, meso, and micro** to ensure that stakeholders at all levels are interested in the success of the project → Section 3 – 1.4.

Out of this analysis, a picture may emerge about specific problems, practical needs, and possible contributions from each stakeholder (funds, skills, time, etc.). Inputs coming from stakeholders raise awareness on related issues and provide a framework for prioritizing needs.

Stakeholder analysis can be conducted at three major levels of involvement:

- Institutions and implementers
- Recipients and beneficiaries, groups and individuals
- Capacities of stakeholders

2.1.3.1 Sources

- International standards/conventions on minority protection → Section 1 - 3
- Anti-discrimination laws/statutes; laws on minority protection → Section 1 - 3
- Government programmes or policies for minority protection → Section 2
- Reports of monitoring:
 - International bodies reviewing minority protection in the country (particularly, the UN committees (CERD, HRC, CEDAW, CAT, CRC), and the Council of Europe's ECRI) → Section 1 – 1 reporting
 - Government reports and responses to the above international bodies
 - Reports of international and domestic NGOs on minority protection in the country → Section 2

2.1.3.2 Methodology

Stakeholder analysis methodology offers several options: from setting up matrices and conducting SWOT analysis to Venn and Spider diagrams. Yet, for quick and informal analysis, a **focus group** can be established along with a **mapping exercise**.

2.2 Project Implementation Stage

This stage allows for review of progress towards achieving project objectives that reflect minority aspects in the activities, outputs and outcomes. At this stage, corrective measures can be applied if there are deviations in the implementation, e.g., a need for additional political action (discussions with national/local governments), or a need for additional resources (human and financial resources), or general project adjustment.

2.2.1 TOOLS - Indicators and Mapping

Two effective tools can be successfully used during this stage to measure progress in the implementation: minority-sensitive **indicators** → Section 3 – 1.5 and **mapping** as descriptive and diagnostic verification → Section 3 -2.1.3.2.

2.2.2 Methodology

- Reviewing established indicators
- Reviewing and revising mapping as a secondary source of information; in monitoring activities, changes can be recorded on maps

2.3 Project Evaluation Stage

When monitoring and evaluating project progress and results, the project evaluation stage allows for reflection on whether the established goals have been met, whether new aspects have surfaced during the implementation and, if so, how they were tackled.

At this stage the reflection of relevance to minority inclusion could be assessed through:

- **Internal evaluation** – to assess the achievements of the project as planned, including minority aspects (indicators for non-discrimination, minority rights,

inclusion). Final mapping can be used to establish the status of actual changes, perceived costs, and benefits of the changes that have taken place.

- **External evaluation** – evaluators familiar with minority issues and their appraisal of the impact on qualitative project results and added value such as socio-cultural impact (as many projects will not target minorities directly).

2.3.1. TOOLS

- Revisiting Indicators → Section 3 – 1.5
- Revisiting Stakeholders Analysis → Section 3 – 2.1.3

3. Including Minority Issues References in South Caucasus Project Documents (Project Fiche and Terms of Reference)

A general assumption for minority mainstreaming is to include it when it is relevant and justified by the analyses conducted, using appropriate tools within particular sectors. It should be recognized that, in the particular geographic area, mainstreaming of minority aspects calls for specific attention, e.g., how including minority aspects may affect majority-minority relations, minority rights and an overall democratic development perspective. In some countries majorities look upon minorities as a “disturbing” element, and since programmes are often negotiated with governments (national and local), some sensitivity to formulations should be adopted. On the other hand, minorities are citizens of the countries and as such are part of the overall development. Therefore it is necessary to give minority inclusion careful thought and to address it through relevant internal processes: **inter-sector meetings; sector meetings; meetings between stakeholders and project managers; contractors and consultants; and external processes.** Here, **impact monitoring** analysis and orienting the project along **socio-cultural lines**, will complement more technically and/or economically oriented monitoring. Thus, more synergy will be created between projects and, by using this methodology, the inclusion of minority aspects in project documents will reflect a conscious and relevant approach to mainstreaming.

3.1 Project Fiche (PF)

Project Fiche is one of the key documents within the Project Cycle Management Guidelines. While PF provides the legal framework for the Terms of Reference (ToR), it includes directions on minority mainstreaming through relevant chapters and paragraphs.

3.1.1 Project Fiche Entry Points

Paragraphs	Entry Points
Cross-cutting issues	In relation to other cross-cutting issues such as gender, environment, etc.
Strategic framework paragraph	To conduct minority analysis for the sectors
Donor coordination	To look at activities of other International Organizations in the sectors
Context	To include relevant elements of the minority analysis (also to transport into the ToR)
Country co-operation	National and international standards and their implementation (possible recommendations)
Sector context	A stakeholder analysis and co-operation/information to both majority and minority groups
Description /objective	Including impact on /benefit to minority groups
Expected results and activities	Consider whether: main activities may have an impact on minority groups; minority considerations are reflected in them; there is a need for additional actions/ activities targeting minorities
Target groups	Minorities to be included if relevant
Monitoring	Establish minority sensitive/specific indicators if relevant

The indicative checklist for guiding principles and core concerns to be considered:

CHECKLIST

1. Participation and ownership – all relevant stakeholders identified and included
2. Transparency – decentralization and local government reform information flow to relevant groups about project, its expected results and risks
3. Non-discrimination – promotion and protection of rights with net gain for all, free from discrimination.
4. Conflict prevention – increased confidence of beneficiaries

3.2 Terms of Reference (ToR)

This document indicates all modalities of the project and includes labour division, tasks, and skills required from contractors. It provides an overall outline for instances of project design, budgeting, solicitation, implementation, monitoring, and evaluation. Due to its nature, it is the key document for relevantly including minority issues mainstreaming. In the table below, an indication of guiding principles is provided on where and how to take minority mainstreaming into consideration.

Paragraphs	Entry Points
Country background	Indicate ethnic composition /minority analysis
Sector analysis	Relevance/impact on minorities/stakeholders
Donor co-operation	Other donors involvement with minority issues (how programmes may complement others' programmes)
Objective	General – mention inclusion/impact on minorities Specific – if necessary, mention minority groups (also as beneficiaries)
Results	Include impact/direct relevance to minorities; minority involvement; specific minority indicators
Assumptions and risks	Reference to national minority regulatory frameworks (country - relevant minority analysis); stakeholder analysis
Tasks and activities	Staff training on minority aspects (impact, indirect/direct relevance); instances of discrimination; consultations with civil society groups and possible inclusion of minority representatives
Project management	Include, if relevant, minority representatives in management, in providing expertise, and monitoring/assessment
Monitoring	Establish minority-sensitive relevant indicators, including statistical data; achievable results
Special needs	Possible recommendations

The **indicative checklist for guiding principles and core concerns** should include:

CHECKLIST

1. Organizational capacity – management of finances and service delivery offering incentives for all groups, in particular minority groups, to participate and to benefit
2. Participation and ownership – relevant stakeholders and problems identified and concerns taken into account
3. Non-discrimination – benefits from the project free from discrimination
4. Transparency – information about the project and its risks through respective language media

4. Budgeting for the Inclusion of Minority Issues in South Caucasus Projects

4.1 How to Ensure Adequate Budgeting

Even smaller funds designated for minority mainstreaming can make a big difference, ensuring the success and sustainability of the project. If properly analyzed through the application of the tools presented, the programming and the implementation of a project will achieve its **ultimate goal** – to **stabilize inter-ethnic relations** and to prepare a solid ground for **sustainable development** based on **equal opportunities** for all citizens of the countries, regardless of their ethnic origin. The approach should include:

- Proper policy appraisal – explicit and implicit relevance for minorities (stakeholder analysis)
- National guidelines for allocations and expenditures impacting minorities
- National administrative guidelines on procedures – scrutiny for accountability and transparency
- Willingness to add extra resources to build capacity (on-the-job training, etc.) special incentives for contractors to include minority groups
- Specific evaluation on minority inclusion (if relevant)

When budgeting for projects/programmes, **four project cycle phases** are critical to **adequately budget and control the flow of resources**, indicating **effectiveness** and efficiency of project delivery. As some minority issues may require special analysis, financial provisions should be considered:

- **Identification:** Does the project require explicit minority mainstreaming and at what potential costs? How is the minority approach included/absent in national policies/project policy? Can the relevant project share costs with governments or international/national organizations?
- **Formulation:** Do the problem analysis and stakeholder's analysis require additional resources or can they be conducted as an overall assessment with a conscious approach?
- **Implementation:** Is there a need for extraordinary effort when implementing a project with a minority mainstreaming aspect? Do established project indicators reflect a need for a specific budget, or not? Are the extra resources designated for minorities used accordingly and efficiently? What are the corrective actions needed?
- **Evaluation:** If an evaluation is conducted by external bodies – is there a need for experts on minority issues to reflect proper mainstreaming in the project?

4.2 Budgeting Levels

In the South Caucasus countries, there is a limited ability for government budgetary funds to not only cover national action plans related to minority issues but also to provide necessary human resources to enhance minority governance. One way of amending such deficiencies is to **provide secondments to the key governmental bodies** such as inter-ministerial committees or relevant ministries. An additional support to **Minority Councils**, or similar institutional/civil society organizations acting as advisors for those bodies to improve minority participation, could also be budgeted for → Section 2 – 1.3.3, 2.3.2, 3.3.2

4.2.1 National Level - National Strategies

Governments can develop various approaches and strategies to enhance minority issues and to allocate respective funds:

- Inter-ministerial approach – to identify a coordination body and its financial resources
- Line Ministries – to indicate the ways and guidelines for the inclusion of minority issues and to allocate respectively adequate resources
- Sectors – to establish concrete priorities for development, including minority relevance or impact on minorities
- Institutions – to provide analysis/input/monitoring relevant to minority inclusion

4.2.2 Regional & Local Level

Pending devolution of central authority and redistribution of tasks, self-governance, and forms of power-sharing (formal autonomy, high level of decentralized decision making), the region and local governments can make their own decisions on how to use available financial resources in relation to:

- Level of decentralization, local governance and local revenue
- Local accountability and transparency
- Specific development needs and local response

Such decisions will allow for establishing priorities for proper inclusion of minority issues according to national commitments.

4.3 Budget Formulation for programming

At the project level, some preliminary assessments for costs can already be made at the project identification stage. Based on an indicative minority data profile, needs assessment for minority inclusion through public expenditure analysis (financial excuses are the most common arguments for not including minority aspects) and through mapping, budgeting can take into consideration:

- Inclusion and reflection of government strategies and plans, and the voiced needs of the population, including minorities
- Focusing on equal access to resources
- Government's priorities and commitments to allocate funds to specific targeted measures
- Accountability to international commitments and national commitments (**adopted standards are often aspirations not facts**)
- Strategic programmes for individual countries and sectors

Conclusion

Focus on particularly disadvantaged groups and their specific needs (e.g., Roms, small minorities in peripheral regions, minority women, minority elderly, and other less vocal groups) → Section 3 – 1.5 requires that adequate resources are allocated, thus making minority issues implimentable. Declarative statements on minority inclusion not supported by financial means will remain empty shells and will lead to dissatisfaction and frustration, thus obstructing inclusion and true participation in democratic development.



GLOSSARY

Affirmative (positive) action: The general designation for a wide range of programmes designed to overcome the effects of past discrimination and to provide equal opportunity for historically discriminated against groups, especially African Americans and women. The U.S. Commission on Civil Rights defined affirmative action in 1977 as “...any measure, beyond simple termination of a discriminatory practice, adopted to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future.”

Assimilation: The process whereby a minority group gradually adopts the customs and attitudes of the prevailing culture.

Conflict Prevention: A wide range of policies and initiatives aimed at avoiding the violent escalation of a dispute, typically involving such measures as: monitoring, coordinating interventions, starting initiatives to focus on both root and proximal causes, establishing early-warning systems, and institutionalizing the idea of violence prevention at local, regional, and international levels.

Conflict Resolution: The ending of a conflict through satisfactorily addressing the proximal and underlying causes of the conflict.

Delegation: A group of representatives or delegates sent on behalf of an organization.

Discrimination: one person, or a group of persons, being treated less favourably than another on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation (direct discrimination), or where an apparently neutral provision is liable to disadvantage a group of persons on the same grounds of discrimination, unless objectively justified (indirect discrimination).

- **Reasons for:** European anti-discrimination policy covers the following grounds: sex, racial and ethnic origin, religion and belief, disability, age and sexual orientation, both within and beyond the labour market.

Diversity: The acceptance that people from different backgrounds, languages, ethnicities, and religious orientation have the right to exist in a mixed community with equal rights to security, dignity, and opportunity.

Early Warning: Systems designed to provide early warning of outbreaks of violence, through diplomatic signals or intelligence-based monitoring.

Empowerment: The process of gaining access and developing one's capacities with a view to participating actively in shaping one's own life and that of one's community in economic, social and political terms. (European Commission, 1998)

Ethnic Cleansing: The systematic elimination of an ethnic group or groups from a region or society, as by deportation, forced emigration, or genocide.

Ethnic Group: A group that regards itself or is regarded by others as a distinct community by virtue of certain characteristics that will help to distinguish the group from the surrounding community. Characteristics include: a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; a cultural tradition of its own, including family and social customs and manners; a common geographical origin or descent from a small number of ancestors; a common language, not necessarily peculiar to the group; a common literature, peculiar to the group; a common religion different from that of neighbouring groups or from the majority population; a minority status or being oppressed by a dominant group within a larger community.

Ethnic Tensions: A state of increased risk of violence or dispute between ethnic groups, not necessarily involving the dominant regional group.

Framework Convention for the Protection of National Minorities: The first ever legally binding multilateral instrument devoted to the protection of national minorities in general, developed by the Council of Europe in 1998 with 39 states currently party to it.

Good Governance: Government practices that result in the effective achievement of objectives through such means as inclusiveness, transparency, responsiveness, accountability, equity, and strategic planning.

Human Rights Commissions: A human rights commission is an independent body, mandated to ensure that human rights laws are applied effectively and to protect people from discrimination and abuses of human rights. A commission may also monitor or review the government's human rights policies and implementation of international standards, and raise awareness of issues. A commission may hear complaints about human rights abuses and have investigative powers.

Human Rights Violations: Transgressions of the human rights of individuals or groups by states. Transgressions by non-state actors are usually known as human

rights abuses. Violations may be gross human rights violations, which are very serious violations and severely reduce the subject's ability to survive. Examples include: murder, abduction, slavery, ethnic cleansing, and torture.

Implementation: The act of putting a plan into action.

Internally Displaced Persons (IDP): Internally displaced persons are “persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border” .¹

Integration: An inter-dependent combination of equality, interaction and participation.

Legislative Framework: A series of laws that relate to one general theme or area.

Mandate: A document giving an official instruction or command, or also legitimation to hold a position of authority or command through appointment or election.

Marginalization: The process whereby a group or a sub-group of a society which exhibits characteristics considered undesirable by the mainstream are pushed out to the margins of society where they are denied equal opportunity to, for example, prosper, claim rights, be heard, or expect equality before the law.

Minorities: A relatively small group of people differing from others in the society of which they are a part in race, religion, language, political persuasion, etc. (Oxford Dictionary)

- o **External:** Minorities that, while living on the territory of one state (host-state), are the ethnic kin of the titular nation of another, often neighbouring, state (kin state).
- o **Indigenous:** Ethnic groups living in their ancestral homeland that is on the territory of just one state of which they are not the titular people.
- o **Linguistic:** A linguistic minority is a group of people speaking a minority

1. UN Guiding Principles on Internal Displacement, http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html

language, i.e a language, different from the official language of that state, traditionally used by nationals of that State who form a group numerically smaller than the rest of the state's population.

o **National v. Ethnic:** European instruments tend to mention 'national minorities' (FCNM), where international documents refer to 'ethnic minorities'.

o **Racial v. Ethnic:** Initially, the League of Nations minority protection system used the criteria of 'race', 'language' and 'religion'. This was further abandoned by the UN Sub-Commission who decided in 1950 to systematically replace the term 'racial' with 'ethnic' when mentioning minority groups. This replacement was justified by the fact that the criteria for 'racial' referred to physical features and could not be scientifically justified. On the contrary, the term 'ethnic' was broader and comprised biological, cultural and historical characteristics.

o **Religious:** A religious minority is a group of people whose religion is not the one of the majority of the population of the state.

o **Transnational:** Ethnic groups whose homeland stretches across several different states without their forming the titular nation in any one of them.

Monitoring: A process that involves collecting, storing, analysing and evaluating information with the purpose of measuring performance, progress, or change. Monitoring racial equality involves collecting, storing, analysing, and evaluating information about the racial groups to which people say they belong.

National Human Rights Institutions: A national human rights institution (NHRI) is an administrative body, often established by a state constitution, specifically mandated with the promotion and protection of human rights in the state. It is, therefore, a key institution for protecting citizens' rights in a democratic society. The 1991 UN "Paris Principles" make recommendations for the establishment, mandate and status of NHRIs. Best practice requires compliance with the minimum conditions set out in these principles, including political and financial independence, and a constitutional or legislative foundation for the institution and guarantees of pluralist representation. The Paris Principles also include recommendations for the institution's mandate and scope of functions.

Nationality: An aspect of a person's identity conveying rights and duties, and defined by a specific legal relationship between an individual and a state, through birth or naturalisation, which is recognised by that state. Nationality 'is the legal bond between a person and a state' which 'does not indicate the person's ethnic origin'. (Article 2 of the European Convention on Nationality)

Ombudsman Institutions: An Ombudsperson is an alternative dispute resolution mechanism, offering free, confidential, non-judicial and flexible complaint handling services. The ‘classical’ form of an Ombudsman institution is a public office established and funded by the legislature, hearing citizens’ complaints and ensuring that the public administration is held accountable for its actions. The Ombudsman institution can provide a quick and effective remedy for members of the public against alleged occurrences of maladministration by government entities. Even without specialization, the general nature of the Ombudsperson’s task of protecting citizens’ rights means that Ombudspersons with a general jurisdiction covering administrative matters are often involved in minority issues. It may thus offer a remedy for members of minorities.

Organization for Security and Co-operation in Europe (OSCE): The world’s largest security organization, with 55 member states in Europe, North America and the CIS. It is a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in the European area.

Political Legitimacy: The degree to which other parties consider the power holder of a state to be the rightful power holder.

Political Participation: Provisions for political participation of minorities range from the local level (e.g., school boards) to the national governments. At base, there is civil society mobilization. Minority NGOs can be brought together with other groups to advocate common interests in a cooperative and more effective manner. Then there is the design of local government to ensure that minorities are fully represented in all relevant decision-making bodies. Similarly, special provisions may have to be made at regional or even national levels to ensure that government bodies, the legislative and executive, are fully representative of all communities. This may require the sensitive drafting of electoral laws, decision-making procedures that respect minority views, and a proactive commitment to ensure access to public services for members from all groups.

Ratification: The process of formally approving something. It normally refers to the process where national governments formally approve, or agree to follow, an international treaty.

Safeguard: A measure designed to protect against, or prevent, abuse.

Segregation: Segregation on racial grounds is automatically regarded as treating the segregated person less favourably than others. It constitutes unlawful direct racial discrimination.

Specialized Bodies: There is a trend towards increasing the specialization of ombuds institutions, e.g., for privacy, consumer rights, children's rights, etc. Many 'newer' ombudsman institutions are in fact labelled "Human Rights Commissioner", referring directly to a special mandate. For its part, the European Commission Against Racism and Intolerance recommends that states establish specialized bodies and legislation to combat racial discrimination. Only a few European states have established specialized Ombudspersons for the protection of minorities.

Social Exclusion: Marginalization from employment, income, social networks such as family, neighbourhood and community, decision-making processes and from an adequate quality of life.

Stereotypes: A stereotype is a popularly held belief about a type of person or a group of people which does not take into account individual differences.

Universal Declaration of Human Rights: This declaration is a non-legally binding United Nations declaration that was brought into effect by an unopposed resolution in the UN in 1948. As it is not a legal document, there are no signatories, but nevertheless it can be used to exert powerful moral and diplomatic pressure on states that violate the principles.

Value: A principle, standard, or quality considered worthwhile or desirable. Shared Values are those values held in common by a group, ethnic group or nation e.g. belief in democracy, diversity and the rule of law are shared values of the members of the Council of Europe.