

**We do not have time for silence:
proliferation of the hate speech and hate
accidents in Georgia in years 2009-2010**



**Public Movement “Multinational Georgia”
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I Introduction

Today all civilized society is facing one of the major challenges which is combating hate and its manifestations on the background of deeper and deeper diversification of our communities. This struggle prescribes variety of instruments starting from legal tools and ending up with education of children and adults.

Georgia which is currently in the process of formation of the institutional machinery for diversity management is also facing this struggle. Given policy paper is prescribed for the investigation of the advantages and shortcoming of the efforts undertaken by Georgian state and society to eliminate manifestations of hate.

Georgia is a multinational country. On 1 January 2002, the total population was 4 371 535, of which 16.2% were minorities.

Following independence Georgia experienced significant depopulation, with the overall population in 2002 falling by 1 million compared with 1989. In absolute terms all ethnic groups declined; in proportional terms, however, decline was especially dramatic among minority groups (particularly Slavic minorities, Jews, Greeks, Dukhobor and Armenians).

Many groups of ethnic minorities have been formed historically – Ossetians, Greeks, Jews, Armenians, Azeri, Yezidi-Kurds, Russians. Various ethnic groups are geographically concentrated throughout Georgia. There are also specific settlements of Azeri, Armenians, Ossetians, Assyrians, Greeks and Russians.

The decrease in Russian language training effectively denies minorities and majorities a lingua franca; this is especially true for the younger generation. Georgian laws are published in Georgian and sometimes translated into English that makes it hard for minorities to access the laws. The lack of proficiency in the Georgian language among minorities has implications for the civil administration. Lack of knowledge of Georgian language makes it difficult for minority members of the Parliament to participate in work.

Although freedom of religion is guaranteed in the Georgian Constitution, nontraditional religions are often targeted for harassment or are not protected by the authorities. The Church and State are also separate entities according to the Constitution, yet the Georgian Orthodox Church has special privileges such as tax exemption among other benefits. Unlike other Caucus states, there

are no laws requiring Churches register with the State, however, a draft bill seeking mandatory registration was introduced in 2002. Such a law would deny those churches not registered the ability to conduct services, rent property, and import literature.

Georgia acceded to the International Convention on Civil and Political Rights and ratified the European Framework Convention for the Protection of National Minorities. Some action has been taken on the European Charter for Minority Languages and allegedly its ratification is planned for the December 2010.

The Georgian Constitution guarantees equality before the law irrespective of “race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title status or place of residence” in Article 14. Article 38 addresses minorities specifically. Section one of this Article states that all citizens are “equal in social, economic, cultural and political life regardless of national, ethnic, religious or language origin” and that in conformity with norms of international, all citizens possess “the right to develop their culture freely without any discrimination and interference.” Moreover they are guaranteed to employ “their language in private and public life.” However, no special law on minorities exists. Provisions of the Constitution prohibiting discrimination on any ground are not reinforced by the subordinate legislative acts. Cases when provisions of Constitution are applied in the court practice as provisions of the direct action are very rare. The same refers to the provisions of the international documents, such as CoE Framework Convention, UN Convention on prevention of all types of racial discrimination or International Covenant on Civil and Political rights. While national legislation of Georgia in the field of discrimination and prevention of the hate actions is very vague, which fact has been underlined several times by the representatives of the European Commission against Racism and Intolerance (ECRI). ECRI recommended to Georgia to reform its criminal, civil and administrative legislation in the field no action has been taken so far despite of initiatives of the civil society organizations, in particular Public Movement “Multinational Georgia” (please see information on the initiative in the Annex).

In 2008, Order No.282 of the President created a Strategic Vision Project - the National Conception and Action Plan on Civil Integration and Tolerance. The document identified the main objectives of the Concept of Culture and Education.

After the Rose Revolution new stage has started in the modern history of Georgia. In the new social and political realities, citizens of Georgia found themselves more confident about the future of state. Especially important this perspective appeared to be for representatives of the ethnic minority groups, who for the first 15 years after regaining of independence had been deprived of possibility to take adequate part in the decision-making, political and social life of Georgian community. At the new stage of political development representatives of the ethnic minority groups felt that there are direct preconditions for elimination of past confrontations and interethnic hatred as well as aftermath of unresolved conflicts, as one of the factors negatively influencing public consciousness and behavior and needed to be addressed by the policymakers. However majority of these hopes did not come true, nevertheless preconditions for the creation of new policy in the field of fight with discrimination and intolerance have been created, the whole range of gaps within institutional and legal systems, as well as number of persistent problems are still at place. Recently situation in Georgia with regard to the level of tolerance of population towards “old” (traditional) minorities and new ones (migrants) has been decreased.

This trend is promoted by number of factors including wide acceptance and usage of the hate speech by political figures, cultural workers and representatives of the non-formal radical orthodox groups. Radicalization of the manifestations of hate is described in the following sections of the report.

Thus, new policy decisions and actions promoting harmonious interethnic relations along with fostering of the civil integration are essential for the development of civil society and enhancement of the launched democratic reforms. It is also vividly essential for the whole political system and transition process to improve legal and institutional environment in the society enabling all groups of the society to take equal part in the democratic reforms and promoting tolerance, mutual understanding and public peace. However it should be underlined that this legal and institutional environment has not been formed yet. Not only strategy for better protection of ethnic minority rights and targeted programs for enhancement of their civil participation have not been implemented, but no efforts in general have been allocated to promotion of tolerance in public consciousness and behavior. In the meantime, in order to integrate successfully into the democratic space, Georgia needs to follow principles and values peculiar for successful democracies, where state building is understood as common cause, involving every member of the community with no regard to ethnic and cultural background.

Mentioned above problems are not legalized and diagnosed to the full extent, thus treated by state policies randomly, gradually leading to the disintegration of society and coming out from time to time in capacity of manifestations of racism and intolerance unacceptable and outrageous for any civilized society.

Among the possible areas for the detection of the main obstacles for the successful elimination of racism and intolerance in Georgian society are:

- Educational sphere;
- Mass-media;
- Political parties;
- Central and local authorities;
- Civil society.

Described above spheres of the social activity and respected stakeholders are the main points for influencing on society as a whole, creating preconditions and environment for the gradual implementation of the long-termed legal and institutional frameworks on promotion of tolerance and diversity in Georgian society. The main gaps are:

- Deficit of the intercultural communication and space for the intercultural exchange;
- Absence of the appropriate attention to the intercultural perspective and policies within the educational system, including both high and secondary education, development of the separate disciplines and integration of these discipline to the existing curricula;
- Lack of the non-formal education and adult education efforts, with special attention to the certain groups such as mass-media workers, politicians, teachers, cultural workers;
- Inadequacy of the legal provisions on qualification of racism, discrimination (based on ethnicity, religion, language or culture) and hate speech;
- Lack of professionalism of mass-media workers with regard to coverage of the intercultural and inter-ethnic relations;

- Absence of monitoring and identification techniques for the prevention of hate speech proliferation;
- Lack of the awareness on the issue inside political parties and absence of the appropriate reflection of the ethnic minority problem in the party strategies;
- Lack of solidarity and coordination between different types of NGOs working in the field.

All mentioned above creates background for the proliferation of hate speech, hate actions and radicalization of some parts of the society in particular young people and religious believers. Mentioned fact cause development of the opposite trend – intolerance towards representatives of the ethnic Georgians on the side of minority representatives, revanchist moods and even direct discrimination of the representatives of the ethnic minorities towards ethnic Georgians in the regions where minority representatives are settled compactly and represent factual majority. State authorities should be aware that impunity of the perpetrators of hate speech and hate driven actions is one of the major challenges for the national security of such multinational state as Georgia, which is suffering aftermath of the unresolved frozen conflicts. As experience of other countries, such as Ukraine, Russia, Poland, France etcetera shows limited incidents if left without any appropriate legal attention and institutional intervention might lead to the creation of the institutionalized hate movement. Hate movements become powerful non-formal actors of societal relations and practice violence on the regular basis. Collection and dissemination of information about hate incidents are very important. In order to address the problem representatives of the society and state authorities should be aware of its scope. Purpose of the given report is to attract attention of the public at large and other responsible stakeholders to the phenomenon of hate. Representatives of the ethnic, religious, linguistic and sexual minorities are afraid that their belonging might become cause of discrimination or other negative impacts. Many victims of the hate driven actions do not believe that representatives of state and especially law enforcement authorities will undertake necessary measures to protect them. That is why it very important to built intersectoral framework for protection of victims and litigating perpetrators. We still have time to prevent its wider proliferation, but we do not have time for silence.

II Main problems faced by minorities: background for the proliferation of hate

Some of the general problems faced by the minority communities are mentioned in the Introduction section. Below you can find detailed information on the mentioned problems with regard to the following points: legal and institutional environment, peculiarities of the regions with the compact settlement of the ethnic minorities, political and civil participation, and situation in educational sphere. This brief introduction allows investigation of the major components of the background on which proliferation of hate takes place.

Legal and institutional systems

Nevertheless there are several institutions responsible for the protection of ethnic minorities, in particular State Minister on Civil Integration, Office of the Public Defender, Parliamentary Committee on Human Rights and Civil Integration, Council on Ethnic Minority Issues attached to the President of Georgia, Advisors of President of Georgia on Interethnic Relations, absence of coordination between these bodies, as well as between them and civil society undermines their activities

Among the shortcomings of the legal system the following should be mentioned:

- European Charter of the Regional and Minority Languages, which is still not ratified. Process of ratification first of all should be supported through awareness raising campaign and public discussions, in order to eliminate fears existing in the society that this charter can somehow harm status of Georgian language as state language. This will also allow to provide wider alliance of the advocates for the ratification of the Charter
- The same applies to the “Convention on the Participation of Foreigners in Public Life at Local Level” and “The European Convention on Nationality”
- Implementation of the CoE Framework Convention on Protection of National Minorities is not sufficient first of all with regard to the lack of involvement of the minority representatives to the planning and carrying out of this implementation including creation of the subordinate documents and adjustment of the legal environment to the Convention. There are also other areas of concern in this regard, which are described in details in the Alternative report of the PMMG, which is attached to the given recommendations.
- Still there is no special legal act on the status of the ethnic, religious and linguistic minorities, adoption of which has been recommended by ECRI, UN Human Rights Committee and FCNM Advisory Committee. PMMG developed draft law, which has been subjected to the number of the public discussions in the minority regions, within expert community and has been submitted to the consideration of the MPs of the Parliament of Georgia who provided number of the remarks to it. Efforts on advocating for its adoption are still carried out. Support of the international organizations is necessary in this regard. Please see draft law attached to this document.

- There is still no adequate legal base for the combating of hate crimes and hate speech, as well as no lack of the adequate judicial environment, low level of capacities of the law enforcement and other judiciary personnel. There is also lack of awareness raising efforts among public at large and especially youth on the issue.
- Mentioned above point promotes impunity of those who conducts hate speech and hate crimes, both at the level of the everyday life and at the level of the political statements. Mass-media space and internet are also full of the hate statements. Monitoring efforts are not permanent and comprehensive.
- Criminal-Procedural Code of Georgia does not secure interests of the ethnic minorities especially at the level of the court of the first instance and at the level of the preliminary investigation with regard to provision of the qualified aid of interpreters. There are no standards in the selection and there is no process of certification of the interpreters.
- Educational system does not have tolerant environment. Text-books contain intolerant

Peculiarities of the regions with the compacts settlement of the ethnic minorities

Situation in the minority regions remains complicated as far as its isolation prevented full-fledged democratization processes which took place in the country after year 2003. Clan system is preserved in the region to the large extent defining trends in its development and formation of the public opinion. Local intellectuals and elite are not represented in local decision-making on the hand and on the other hand left without connection with other parts of the country. Local population not only has problems with access to the information because of the language barrier, but is not motivated to be part of the mainstream informational space. On the other hand local elite is also unable to produce and disseminate information about situation in the region which will outreach public outside the region, which fact also contributes to the both sides disinformation and inappropriate understanding of the country situation in the region and of the regional situation in the country. All mentioned above promotes certain separatist trends and their imitation reflected in the disinformation disseminated by media outlets and being potential threat for the destabilization of the situation in the country.

Today, regions remain politically, economically, culturally and with regard to information and values, isolated from the capital. If not addressed properly, these situations run the risk of being exploited by politically ambitious groups that can capitalize on fears and isolation of local population. Especially important this issue becomes after political and military confrontation which took place in August 2008 and brought in not only aggravation of the situation in the zones of conflicts, but also increased negative impact of the number of the system problems existing in Georgia society including those related to the ethnic minorities, as well as conflict potential within society.

Isolation, insufficient development of the infrastructure and information vacuum is other system problem of the regions with the compact settlement of the ethnic minorities. Despite a number of TV programmes on minority languages broadcasted through the public television, as well as a number of newspapers and journals on minority languages, the scope of information, particularly a range of different viewpoints, is not enough to form a full picture of the current events; the information is late to reach, sometimes even in a marred form, the faraway regions densely populated with ethnic minorities.

Citizens' participation of the ethnic minorities

The genuine participation of ethnic minorities is especially low (though their formal turnout in elections is relatively high). Situation with regard to the political participation of the minorities in general and in the elections in particular is still very poor and complicated. It is first of all caused by the general underprivileged conditions of the minorities, their isolation from the major political processes and low level of legal literacy.

Senior government posts tend to be occupied by ethnic Georgians, and there is a firm perception of ethnic discrimination in personnel appointments, especially in law enforcement agencies. Political representation is also an issue, both on national and local levels. Georgia's single-chamber parliament does not provide any special arrangements for the representation of minorities. Minorities are represented by only eight members in the 150 member-strong Parliament. As not all of these MPs understand Georgian perfectly, it is unclear how they participate in parliamentary legislative work. Also problematic has been the government's practice of appointing judges and administrators who speak only Georgian in minority-populated areas. Locals complain that this system leads to unfair treatment and court decisions.

Education

Educational reforms carried out recently are very important and significant as commitment of the state to ensure integration of the minorities. In the meantime, as far as education appears to be the core problem in the scope of the difficulties faced by minorities and in the meantime as a corner stone of the successful civil integration, educational reform should be designed and implemented in a way corresponding to the needs of the minority communities. We should separately assess different actions within the state educational reform: those of general character and those directly aimed at civil integration, as far as their impact is almost divergent. On the one hand language policy was toughened by the new system of the enter exams to the high educational establishments and by the elimination of the Russian sector in the high educational establishments, on the other hand certain efforts have been made in order to provide for intensive learning of the state language in the regions with compact settlement of the ethnic minorities.

One more concern with regard to education is lack of multicultural approach, caused by gap in the professional training of teachers, who are not familiar with techniques of the multicultural education. The same refers to the school text-books (i.e. history and geography) which sometimes serve as a source of the inflammation of interethnic hatred and contain intolerant phraseology.

Recently step forward has been made with regard to the legal and institutional environments for protection of the ethnic minority and creation of the diversity management system, as far as National Action Plan on Civil Integration of Minorities has been adopted in May 2009. Now all responsible state bodies and civil society groups involved in the relevant activities are challenged with regard to the efficient implementation and monitoring of the success of the action plan. Local implementing partner is a member of the Council of the Ethnic Minorities attached to the Public defender's Office and took part in the initial stages of the elaboration of the action plan. Local implementing partner also cooperates with State Ministry on Civil Integration, thus within the given proposal these state institutions as well as Ministry of Science and Education will be involved as supporters and participants of the all project activities.

Basing on all mentioned above we can see clear necessity of the creation of the legal environment and acting institutional machinery for the protection of ethnic minorities, especially guarantees for their equal participation in the social and political life. Given mechanism should prescribe direct involvement of the ethnic minority representatives at the all stages of its functioning and planning of their activities. Work of the institutional machinery should be well-coordinated and be based on the number of the specific programs focused on the different

aspects of civil integration. Work focused on creation of the common informational space and awareness rising for the minorities and majority should be priority and promote development of tolerance in the society. In the long-termed perspective it will contribute to the forming of the more just society with lower conflict potential and higher level of stability.

III Manifestations of intolerance and hate

a) Religious intolerance

Ethnicity is closely correlated with religion in Georgia. However, Georgia is outstanding for the absence of cause-effect relation between religion and ethnic conflict. Cases that evidence religion-ridden confrontation between different ethnic groups are hardly detectable in Georgia's history. Paradoxically, however, Georgia's modern history is rich in conflicts both on religious and ethnic grounds. But this has not prevented politicians of modern times from speculating on Georgians' tolerance.

Indeed, it is more than a decade that Georgian authorities have been promoting a thesis about extraordinary tolerance of the nation to alien ethnic groups and religions.

The most frequently cited example that serves as one of the apt illustrations of the legacy of Georgians' tolerance is Maidani, a patch of land in the very downtown Tbilisi, where next to the Georgian Orthodox Church nobly stand Armenian Apostolic Church, a Synagogue and a Mosque. Although this in fact has made Maidani Georgia's important touristic destination, similar examples are common too elsewhere in the country. Still, some experts and media commentators tend to view the mentioned thesis about Georgians' tolerance as a major propagandistic trick of the central government aimed at molding the favorable international public opinion. Nevertheless, the skeptics challenge the popular view about Georgians' tolerance by pointing at the mentioned cases in recent times of ultranationalistic policies and infringement upon freedom of religion. In the meantime religious sphere is one of the spheres where hate speech and hate actions are very often and inequalities between Georgian Orthodox Church and other churches and religious confessions, in particular Roman Catholic, Armenian Apostolic, Muslim religious communities are very obvious in different aspects starting from their legal status and up to conflicts over property. However hate accidents and hate speech cases in the given sphere are not documented and tabooed by the state authorities and general public because of high sensitivity of the sphere.

Despite a general tolerance toward minority religious groups of citizens remained very apprehensive towards Protestants and other nontraditional religions, which were seen as taking advantage of the population's economic hardships by gaining membership by providing economic assistance to converts. These groups were viewed as a threat to the national Church and the country's cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. These views had gradually evolved into aggressive attitudes.

Unlike ultranationalistic attitudes the religious intolerance had become apparent in the late 1990s as violent attacks on adherents of non-traditional religious groups, such as Baptists, Jehovah's Witnesses, Evangelists, Pentecostals, and Hare Krishnas began to take place. These groups faced hate speech and violent attacks by organized groups of Orthodox Christian vigilantes. The state failed to respond adequately, and sometimes even cooperated in the attacks, which consequently

became more frequent and pervasive, spreading from Tbilisi to many other regions throughout Georgia. At the moment activation of the non formal Orthodox groups such as Union of Orthodox Parents and People's Orthodox Movement become aggressive towards other religious denominations also, in particular in year 2000 9 they organized several protest actions in front of the newly built Roman Catholic Cathedral in Tbilisi and near several Mosques in the capital and in the Kvemo Kartli region. In the Kvemo Kartli region there were even attempts of prevention of the construction works in the new mosques by local population, representatives of radical Orthodox groups and allegedly by local authorities. In village Fakhralo in Bolnisi district, mosque which had been built in year 1909 was being reconstructed using funds of the business company "Socar" and villagers worked on it. Orthodox priests organized demonstrations and used aggressive terminology describing Islam in offensive terms. There was reaction on the side of Patriarchy and law enforcement authorities who protected members of Muslim community from the radical priests.

Radical Orthodox movements are also involved in other cases of the hate speech and hate actions, in particular aimed at the sexual minorities. Mentioned cases will be described in the appropriate sections bellow.

The Ministry of Internal Affairs and Procuracy have become more active in the protection of religious freedom and have pursued criminal cases against Orthodox extremists for their continued attacks against religious minorities. While less harassment was reported in recent times, the problems remain. There are no laws regarding the registration of religious organizations. The Georgian Orthodox Church remained the only religion with legal status in the country. The new Government has not addressed a previous draft law to allow for registration or proposed other changes. Unregistered religious groups are not officially permitted to rent office space, acquire construction rights, import literature, or represent the international church.

Also, the Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed or given to the Georgian Orthodox Church during the Soviet period. Additionally, the Ministry of Education requires all 4th grade students to take a "Religion and Culture" class, which covers the history of major religions. Many parents complain of teachers focusing solely on the Georgian Orthodox Church. The Church has a consultative role in all curriculum development.

b) New minorities (migrants)

In Georgia grows number of immigrants from Uzbekistan, Turkey, China, Sri-Lanka, Pakistan, Nigeria, Iran and Iraq, from whom approximately 30 persons obtained the refugee status up to date.

Majority of temporary residence permits are granted for the purpose of employment, mainly to Turkish and Chinese applicants. The Law on Legal Status of Aliens in Georgia has only come into effect in 2006. Prior to this, no proper residence permit system was in place, which can explain the difference in figures between 2006 and the preceding years. Migrants who enter the country legally (with a valid visa or exempted from visa) can work in Georgia even without a work permit. Mentioned above makes Georgia very attractive to the migrants and creates problems in the gathering of the appropriate statistical data. According to the last reliable data produced by UN and cited by International Organization for Migration in its Country Migration profile for Georgia (2008), migrants constitute 191,220 (2005) and 4.3% (2005) as percentage of

total population. With regard to the temporary resident permits in year 2006 there was more than 1000 of such permits issued, among which majority is for purposes of employment and much less for the purposes of studying. However number of the students from Africa and Asia started to grow since year 2006.

The migration flow is not perceived positively in the Georgian society. Considering the two conflicts in the regions of Georgia settled by minorities, distrust towards the representatives of other ethnicities formed in the aftermath of the conflicts, negatively influences on the attitude towards the “new” minorities/immigrants. Absence of information concerning identity features of “new” minorities and existence of stereotypes towards them entails appearance of xenophobic and racist attitudes in the society. Shops owned by the Chinese entrepreneurs in Tbilisi (area of Plekhanov avenue especially) are covered with the black graffiti calling them in offensive form to leave Georgia. There was case of killing of Chinese farmer in Racha-Lechkhumi region in year 2008. Initial investigation suspected hate motives of the offence. However no appropriate legal evaluation has been provided, nevertheless defendants and witnesses even in the mass media programs directly stated that victim was “alien” trying to interfere in their lives and that is why was not tolerated by locals.

Subways and walls of city of Tbilisi for the first time in the modern history of Georgia bear symbols of hate (swastika and rune “Zig” (SS) which are widely used by Neo-Nazi groups all over Europe). Georgian Internet is full of the intolerant phraseology, xenophobic statements and even direct summons to violence (e.g. statements of Georgian young people united under group “Yes, I am racist” on Facebook, who state that “Georgia is for Georgians”, “violence is only way to put minorities at their place”, “Georgia should recall to the policies of Adolf Hitler”, using well-known Neo-Nazi slogans such as “white power”). These findings already cause significant concerns, however there are also direct violent actions against immigrants. Our partner organization Public Movement “Multinational Georgia” discovered at least 4 attacks committed against immigrants of Chinese origin in the downtown of city of Tbilisi in November-December 2009 by the group of young people, who also draw symbols of hate on the walls in the areas of accidents. Currently investigation of these cases is provided. However we are deeply concerned that these facts are only top of the iceberg. Many of facts are not discovered because immigrants themselves afraid to interact with law enforcement and law enforcement is not prepared for the investigation of such cases as far as hate crimes are new phenomenon for Georgia. However basing on experience of our partners from Russian Federation, Georgia and Poland, we can clearly see that if not addressed properly phenomena of intolerance can grow in unprecedented wave of violence, which everyday takes lives of the young people all over Europe.

Immigrants appear to be the most unprotected target of the current and potential hate accidents, as far as there is not appropriate statistical data about them, as well as outreach of the immigrants by any service providers in line with mentioned above information about them available for the public at large.

The problems stated above have been highlighted in the report issued by the European Commission against Racism and Intolerance (ECRI) issued on 15 June. In addition, ECRI has recommended the Georgian state authorities to sign and ratify the Convention on the Protection of Rights of Migrants and Their Families.

In view of the above there is a great need for the mobilization and education of the members of immigrant communities to act against hate actions and hate speech in Georgia together with civil society organizations.

Society of Georgia does not have appropriate awareness of diversity as a value. If ethnic diversity is declared as such but is not sufficiently ensured (no education, no legal guarantees), other criteria of diversity are totally neglected. Discrimination and stigmatization are very usual, as far as traditional society and xenophobia at the everyday level. No prerogative of the radical groups, but was in everyday level. On the one hand it is positive, because less violent. But recently trend is appeared that everyday life hate is amounting and taking violent forms and also organized radical groups appear.

All this happens on the background of the undecided frozen conflicts and recent aftermath of war, IDPs, pain and suffering. Thus definition of the alien – is always sharp.

c) Conflict areas and adjoining regions

Conflict regions of Georgia (breakaway regions Abkhazia and South Ossetia) and adjoining territories of Georgia (Shida Kartli and Samegrelo regions respectively) are areas where issue of the hate driven actions is very sharp and even related to the peak of the aggression which has been manifestating itself even in ethnic cleansings. During the violent stage of the conflicts in early 90s and later on in years 2006 and 2008, facts of the discrimination of the ethnically Georgian population, deprivation of property, looting, other types of violence and forced displacement took place. On the other hand there are cases of the oppression of the ethnic minorities, in particular Ossetians in the zones adjoining conflict areas, as a violent response of ethnic Georgian population to the aftermath of the conflicts. Both ethnic Georgian and ethnic minorities remained unprotected in the conflict and adjoining areas as well there are no measures at place aimed at prevention of the hate accidents, awareness raising and other activities (including psychological rehabilitation) aimed at the decrease of the aggression and intolerance potential of the conflict affected communities. There reported cases of the hate driven actions also in the Gali district adjoining breakaway region of Abkhazia, however it is impossible for the Georgian NGOs to investigate situation in the breakaway regions because of the lack of access to it. Leaders of the de-facto government often practice hate speech in relation to ethnic Georgians using different cliché phrases such as “Georgian fascists”, “Georgian bandits”, “Georgian invaders and murderers” etcetera. Responsibility for the hate speech of the mentioned persons cannot be established because of lack of authority over the territory of breakaway regions.

d) Hate speech accidents

It matters what the leaders say or don't say in a structure where hate speech is democratized. We found that the perceived leaders were critical and they can turn violence on and off like a switch especially at the early moments. It was instructive that in the 2008 violence neither side publicly and seriously went on a campaign against the violence-except condemning the “other sides”.

Individual speech is important when it fits into the broader social narrative that each community has for itself. It is also important what leaders don't say as much as what they say. One of the most interesting factors in these circumstances is the effort to jump to "victimhood" that all communities aspire to during times of tension.

Naming and shaming in a society that gives rhetorical value to being a "nationalist" has made some political leaders more circumspect in using hate speech overtly, using more coded language than before. But without the threat of real accountability—either from the top down using law, or from the bottom up by the public rejection of these leaders—then the problem is merely hidden away and not resolved.

The media plays a crucial role in hate speech and its attendant problems since it "legitimizes" and normalizes what is often in the private domain, by publicity. The more something is heard on radio, for instance, the more "right" it feels. Moreover, media reaches far more people than rallies and direct contacts can, and in this way, it can more quickly exacerbate existing tensions.

Technology such as SMS, email and blogging have clearly contributed to the "democratization" of hate speech and made it easier to spread without accountability. It also allows for a free airing of views and perceptions which could be important in terms of responses to combat hate speech. But conversely, it makes response harder since much of this is anonymous, and also leads to knee-jerk reactions to control these media as response, which is also dangerous in divided, fragile societies where the state is overbearing.

Clearly the flourishing of impunity over the years; the acceptance of patronage and development depending on the control of state power; the presence of a police force that is partisan, corrupt and incompetent; and weak institutions; make fertile ground for violence.

International media coverage and indeed international attention has to be careful in the way issues are defined. In addition, the stereotypes of different ethnic groups that were started in the colonial period often influence many internationals (and locals to be sure) and can twist coverage and response.

It is clear that especially in societies that are verbal rather than written; speech is a critical determinant of future violence. If leaders speechify on violent terms, asking their communities to be ready and to make sure that they do not lose the presidency, then the likelihood of violence is raised.

In societies such as Georgia's the role of political leaders is critical. If they can show maturity and disdain for hate speech; if they could organize in ways that are not ethnic in form and content; if they could show by example objective patriotism to Georgia first rather than to the ethnic group, then the possibilities for positive changes are very high. But this is unlikely, unfortunately, with the existing group of political leaders who lead for themselves first, then their ethnic community, and finally, and a distant third, for other Georgian citizens.

According to the monitoring of the Public Movement "Multinational Georgia" carried out during last 2 months the most unbalanced information and coverage of the situation and problems of ethnic minorities in Georgia has been produced by the following mass-media entities:

Internet mass-media

- www.lenta.ru
- www.nr2.ru
- www.regnum.ru
- www.interfax.ru
- www.apsny.ge

- www.newsgeorgia.ru
- www.osinform.ru
- www.rosbalt.ru
- www.kardu.ge

Internet Forums (selected)

- www.babajana.com
- www.toko-tvali.ge

Other print and electronic mass-media

Certain mass-media entities from time to time apply to the hate speech formulations, among which TV Channels “Rustavi-2” and Public Broadcaster of Georgia, Newspaper “Asaval-Dasavali” (Georgia), newspaper “24 hours” and “Alia” (Georgia), news agency “Interpressnews” (Georgia) and magazine “Sarke”.

There are specific cases of the hate speech at the national TV channels, which attracted very high public attention.

On 2d of March of the current year the TV Broadcaster “Imedi” aired the show “the Moment of Truth” in which the host Nanka Kalatozishvili posed the following question to the invited guest Jiji Redjini: “have you ever been ashamed of your Armenian roots?” Construction of the question shows Armenian ethnic origin as a possible reason for being ashamed. Due to such generalization, question can be evaluated as of offensive character towards any person of Armenian ethnic origin. While ethnic origin of the person is private and emotionally untouchable and should not be subject for discussion or scrutiny. Next day management of the channel apologized for the intolerant phraseology, however such cases are very rare, usually there is no reaction of the mass media outlet, as in case with TV Company “Rustavi-2”.

In the TV-show “Postscript” in the evening air of the TV-broadcaster “Rustavi-2” on 19th of December 2009. In the piece of the TV show “Confession of serial murderer” covering actions of the Ms. Venera Obolashvili, real estate broker, suspected in killing of several persons with the aim of selling of their property, sounded direct speech of the suspect: “... first of all investigation authorities should take into account that I did not touch (ethnic) Georgians. They were Russian blood-suckers.” Such statement of the Ms. Obolashvili was accompanied by the comments of the journalist of the program: “It depends on court decision whether mentioned fact should be considered as mitigation factor.”

Hate speech of the political figures

When meeting with the Finance Ministry top officials on July 27, 2010, President Saakashvili rebuked customs officers for searching a group of Spanish tourists at a border crossing point between Turkey and Georgia. Then he asked one Finance Ministry official and PM Nika Gilauri present at the meeting whether they had ever been searched while entering into any EU state and after receiving answers from them that they had never been searched Saakashvili told them: “Then are we Negroes or what? Explain to me why are we acting like savages?”

According to the explanations of the Press Service of President expression, which sounds extremely dubious for an English speaker, is a common idiom in Georgian. However PMMG

with the believe that President of such multinational state as Georgia positioning himself as advocate for tolerance and diversity should not use “idioms” of such kind and on the contrary promote ban on such kind of phraseology in the public statements applied to the President and Parliament of Georgia with the initiative to adopt new legal provisions in the field of counteraction to the hate speech including in particular measures on combating cyber hate and increasing responsibility of the civil servants for the hate speech. No reaction of the official bodies is received at the moment. It is second time when President of Georgia uses titles of the different nationalities and racial groups to describe savage behavior. First case took place last year, when President in his speech asked rhetorical question: “Are we Papuans, why do we behave like this?”. Then PMMG applied to the President calling upon elimination of hate speech in public sphere, however no reaction has been received.

In year 2009 politician Zviad Dzidziguri remarkably publicized these concerns in his speech during the protest rallies stating that: “those times should end in Georgia when some Chinese and Japanese have work in Georgia and ethnic Georgians do not”. Public Movement “Multinational Georgia” (PMMG) then applied to the politician with the demand to provide explanations on his xenophobic public statement, Conservative Party of Georgia responded and assured that there was no deliberate intent to offend Chinese or Japanese migrants, but speech was focused on protection of labor rights of local residents. PMMG was assured that leaders of the party will put more attention on the tolerance issue and will in future avoid any kind of intolerant statements.

Hate and intolerant formulation in the educational materials approved for the public schools

Ministry of Education and Science of Georgia plans introduction since new academic year in the school program of the auxiliary textbook of history titled “Two Hundred Years of Russian Occupation”. Public Movement “Multinational Georgia” considered this title of the text book as manifestation of the intolerance and requested to take this issue with maximum responsibility and to keep correctness while creation of given and other textbooks of history in order to avoid any display of hate speech. Ministry responded stating that despite of the title of the book, special attention is put on degree of tolerance of the school books and it will not contain any kind of hate or xenophobic statements. Currently PMMG experts are conducting expertise of the book content.

Promotion of the interethnic hatred happens not only through mass-media but also through other types of the public activities, for example in sphere of culture.

There is performance in the the repertoire of the Tbilisi State Academic Theater named Mardzhanishvili "Kakutsa Cholokashvili" staged by artistic director Levan Tsuladze, which has caused astonishment among representatives of ethnic minorities.

In the play there are sayings foaming interethnic hatred, insulting Russian, Armenian and Ossetian peoples. The following maxima are put into the mouth of the character performing Head of the Tsarist secret police: "We consciously settle Ossetians and Armenians in the inner Georgia and deport Georgian Muslims to weaken the country, dividing it in half." "We will destroy the Georgians, women and children, as Shah Abbas, Tamerlane and other invaders did”.

Characters with Armenian names and surnames (for example, Kirakozov) are shown as the traitors and provocateurs, responsible for killing of Ilya Chavchavadze, Shio Chitadze and bloodshed of Georgian princes during sovietization. First, it is a violation of historical truth (known, for example, that Ilia Chavchavadze was killed by Berbichashvili on orders of the

Georgian Social-Democrats). Secondly, it is impossible to divide the people of Georgia on the "good" representatives of the titular nation and "bad" representatives of national minorities.

Hate speech in everyday life

Public Movement «Multinational Georgia» was appealed by the representatives of the Assembly of Tbilisi Armenians (ATA) who informed about an incident that had taken place in one of the taxi-cabs belonging to the company «GIG taxi» on July 9, 2010. According to their words, in communication of company's taxi drivers via radio transmitter the passengers heard one of the drivers saying "Only lousy Armenians still remain in Tbilisi". Unfortunately, it was impossible to identify the name of the driver immediately. Despite of the trial made by the driver of a taxi in which there were ATA representatives, answer from the speaking person did not follow. Upon the request of ATA, "Multinational Georgia" contacted the operator of the "GIG Taxi" who promised to identify the driver, however it was not done. We also informed management of the "GIG Taxi" company, in particular chief of security service Davit Gurgenidze regarding the accident and demanded to take appropriate measures. As a result of the joint reaction of "Multinational Georgia" and management of the "GIG Taxi", the driver was dismissed and the other employees were strictly warned not to admit similar facts in future. There are also number of cases which are being investigated by the PMMG at the moment including:

-case of Yelena Gorgisheli who is allegedly being deprived of her private apartment by the neighbors. During the arguments neighbors mention her ethnic Russian belonging in offensive terms

- случай с армянской семьей на живущей на сололаки и столкнувшихся с аналогичной проблемой

-case of the representative of Jewish community Mrs Bazelashvili, who has argument with business company "Center Point" related to the property rights on apartment in the down town of Tbilisi. In course of the arguments according to Mrs Bazelashvili, representatives of the business entity several times mentioned her ethnic belonging in offensive way.

e) Hate accidents

Racial and other bias motivated violent crimes are dramatically on the rise in Georgia. Immigrants and minorities are most vulnerable to violent attacks, many of which occur in broad daylight.

Although monitoring efforts by civil society organizations are limited and mainly focus on the largest metropolitan areas, at least 5 attacks with a suspected bias motivation were reported by nongovernmental monitors in 2009. There were undoubtedly many other violent incidents that went unreported and/or undocumented. The government does not currently collect statistics or publicly report on violent hate crimes. Incidents, when they are reported, are most often registered as hooliganism rather than as bias-motivated crimes.

The government's response to the rise in hate crimes has been insufficient and inconsistent. A small group of politicians, including President, has spoken out against racist and xenophobic violence. However, these statements have been undermined by the rhetoric of other key law enforcement officials whose remarks have suggested a denial of the problem.

Law enforcement officials lack training and experience in recognizing and recording the bias motivations behind attacks, limiting the ability of prosecutors to pursue hate crime cases in court. Many instances of violence with a suspected racial motivation go unreported, as many victims fear harassment by law enforcement officials, among other factors.

An inadequate legal framework also hinders the ability of criminal justice officials to prosecute hate crimes as such.

While the more violent examples of hate crime hit the media and receive widespread attention, the low level, everyday harassment goes unpublicised and, often, unreported, despite it having damaging and long-term consequences for victims, their families and broader communities.

We would argue that hate crimes are acts of prejudice towards an individual's perceived identity. They are often believed to be 'message crimes' designed to intimidate the victim's wider minority community. However, contrary to popular opinion, these crimes are not always carried out by right-wing political extremists. It is common for these crimes to be committed by 'ordinary' members of the public whose prejudices may have been reinforced by the mainstreaming of far-right ideology, such as the 'Georgian jobs for Georgian workers' slogan (please refer to case of Zviad Dzidziguri above). It is also important to realise that it is not just minority ethnic or faith communities who are targeted - victims include gay and transgender communities as well as the disabled."

In year 2010 one hate accident ended up in lethal injury was identified. Group of young people (2 young men and 1 one young girl) were returning by minibus from outskirts of Tbilisi to the city and they spoke Russian. According to one of the victims, one of the passengers made remark according to which he is "sick and tired about persons speaking Russian language". After that offensive dialog started and ended in clash: one of the young people was killed and one of them was severely injured.

What the research suggests is that we need a deeper understanding of what hate crimes actually are, their impact on the victim, who carried them out and, crucially, how they are dealt with by the criminal justice system. There is some evidence that the policing of hate crimes has improved, with the police now prioritising the investigation of such crimes. Relations between the police and minority communities are still problematic, though, and this is one of the main reasons that the majority of hate crimes are not reported to the police. This lack of reporting makes it difficult to accurately ascertain the exact level of these crimes. What we can say is that, from our research, it appears that current levels of hate crime are having devastating effects upon victims.

Defamation and violence against members of the lesbian, Gay, Bisexual and Transgender (LGBT) community

We have witnessed several high profile cases in which Georgian politicians, parliamentarians, public figures and journalists have brought LGBT issues in politicized context, making the LGBT community the target for defamation, disgrace and physical violence.

During the winter session of the Parliamentary Assembly of Council of Europe (PACE) the issue of the resolution on "Discrimination on the basis of sexual orientation and gender identity" gave a push to the controversy in Georgia, thus prompting the leaders of several religious communities to condemn PACE's intention to address the issue of homophobia.

This criticism was immediately accelerated by Christian Democrat's Movement, a political party represented in the Georgian Parliament. The Party misinterpreted resolution as obligatory instrument for recognizing same sex marriage and parental rights and was able to stir negative PR for the resolution in Georgia.

As a matter of fact, on the May 3, International Press Freedom Day, two extremist orthodox organizations, the Peoples' Orthodox Movement and Orthodox Parents' Union, organized rally in front of Ilia State University which was attended by two mayoral candidates. They requested withdrawal of Irakli Deisadze's book from the university bookstore.

The newly published book criticizes extremist orthodox ideology, and allegedly includes passages that may upset the feelings of Christian Orthodox believers. In addition, the protesters requested a place for Orthodox worship in the state university and demanded dismissal of University Rector, Gigi Tevzadze who, they claim, drives the youth (meaning students) to perversion. Organizers handed out information leaflets that quoted excerpts from the book, with the accent on content of the book that has homosexual allusions.

On May 4, responding to this attack on Ilia State University, a number of civil activists decided to stage flash mob in front of the same university to defend the freedom of expression and alert public about the fascistic hysteria in the country. They feared that demanding to ban a piece of publication from the university bookstore is an extremely alarming signal of infringement of one's constitutional and inalienable right to free expression and access to information.

During the May 4 demonstration, several people from People's Orthodox Movement joined the mob and attempted to disrupt it. Later on, members of extremist groups steadily outnumbered the activists and started targeting organizers and participants. Street bullying, coupled with anti-gay slogans, chasing and attacking the activists' physical and mental integrity. This has happened regardless of the fact that the mob aimed at supporting general freedom of speech and not any particular groups' rights. In other words, this was not an LGBT demonstration whatsoever.

Police did not adequately handle the situation; they only tried to separate individuals when fights have become extreme. Neither did they stop perpetrators from limiting right of free assembly of mob participants. In addition to this they made participants leave the territory while letting perpetrators remain in control of the vicinity until they made sure mob was disrupted.

Several participants were severely beaten up in front of police officers, others were chased in the street by perpetrators with knives in their hands. Perpetrators were individually asking about participants sexual orientation while targeting them. While doing so, they have been threatening with physical liquidation and sexual assault. Several persons have suffered brain concussion and physical injuries. Some were targeted on following day in their neighborhoods having been identified through television coverage.

IV Conclusions and recommendations

Conclusions

1. There is trend of growth of the hate accidents in the society
2. Frozen conflicts, multiethnic society and regions with compact settlement of ethnic are the challenges in the struggle with hate
3. There are no appropriate legal provisions on the issue and consequently no court cases, no institutional machinery, no qualified legal and law enforcement professionals, low level of legal literacy of the population , which promotes culture if impunity
4. There are no educational programs for media professionals and educators
5. Hate accidents are taboo and there is no awareness , thus hate becomes norm of social life
6. There is no consolidated statistics and data, especially on migrants and LGBT
7. Representatives of the law enforcement authorities, judiciary and other relevant state institutions are not prepared for the appropriate work with the given social phenomenon
8. Impunity of the perpetrators of the hate speech and hate actions is wide spread
9. Additional efforts are necessary on promotion of level on tolerance in the educational institutions, state bodies/for civil servants, judiciary bodies and within local authorities
- 10.

Recommendations

STRATEGY for Georgia

Policy advocacy

- Adoption of the Law “On rights of the persons belonging to the National Minorities”
- Amendments to the Criminal Code of Georgia (hate crimes)
- Implementation of the international obligations (CoE Framework Convention etcetera)
- Creation of the special responsible body combating hate crimes, racism and xenophobia
- Educational reform (secondary and high school)

Monitoring jointly conducted by the representatives of the civil society, Public defenders’ office, law enforcement bodies and Parliament of Georgia including creation of the Intersectoral Taskforce on the issue with attached Network of the Regional Monitors

- Hate speech
- Hate crimes

Creation of system for complex protection of victims including:

- Legal aid
- Psychological aid
- Promotion of networking of victims

Education and Awareness Raising

- Adult education
- Teaching tolerance of children
- Public Campaign
- Cultural workers against hate
- Work with mass media focused at the development of clean informational space and competences of the mass media workers in the field of coverage of the sensitive topics related to the different kinds of the minorities residing in Georgia

Work of Law enforcement and other government agencies should be governed by the following principles and following actions should be undertaken

- Law enforcement agencies should publicly commit to investigate allegations of bias motives in specific violent crimes committed against people of other races and creeds, including foreigners and migrants, and to provide regular public updates into the investigation and prosecution of such crimes.
- The Interior Minister should ensure that the ministry's special unit responsible for combating ethnic crimes has clear guidelines to address crimes—including those committed against foreigners—that are motivated by racism and xenophobia. If the ministry deems necessary to specifically monitor crimes committed by foreigners (as this unit also does), this should be undertaken by a separate unit
- The Interior Ministry should develop an internal protocol mandating police officers and investigators to record bias motives in the commission of a crime. The Interior Ministry should commit to making data on the incidence of violent hate crimes public—an important step toward improved public policy on combating hate crime.
- The Georgian authorities should provide training for police and prosecutors in identifying and recording bias motivations, and in bringing evidence of bias motivations before the courts. They should commit to take advantage of training opportunities available by international organizations, e.g., the OSCE's Law Enforcement Officer Program on Combating Hate Crimes, and on a bilateral basis, e.g. through the United States Department of Justice as well as through international and local nongovernmental organizations working in Georgia.
- Law enforcement officials should take steps—including by reaching out to community and other nongovernmental groups—to increase the confidence of hate crime victims to report crimes to the police. The authorities should ensure thorough investigation of any reports of police harassment of hate crime victims and ensure the prosecution of offenders.

As a follow-up to steps already taken by the government, we further recommend the following:

- The Georgian authorities should reach an agreement with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and European Commission Against Racism and Intolerance, identifying specific areas in which international institutions would provide technical support and assistance to combat violent hate crimes, including through expanded law enforcement training.
- The Georgian authorities should ensure regular public reporting of the concrete actions, achievements, and shortcomings of the special units on combating racism and xenophobia created in the Interior Ministry and the State Security Service, State Committee for Nationalities and Religion, the Foreign Ministry's special envoy and the recently created Inter-Ministerial Commission on combating racism, xenophobia, and discrimination. The

Inter-Ministerial Commission should be entrusted with adequate authority and sufficient resources to address the problem.

- These bodies should formalize outreach to civil society, including by meeting on a regular basis with nongovernmental organizations in the framework of the Diversity Initiative, a coordination group of organizations based in Georgia and dealing with the problem of hate crimes.
- The Georgian authorities should work to pass legislation to strengthen the criminal law on violent hate crimes. In particular, consideration of racial motivation under Article 67 should be mandatory rather than discretionary. The article, which regrettably has never been invoked, allows for a motive of “racial, national, or religious hatred” to be considered an aggravating circumstance by a judge in determining the sentence. The systematic use of such penalty enhancement provisions in appropriate cases will send a strong message of condemnation of hate crimes.

Small potential of hate grows rapidly under influence of conflict aftermath, suffering, and inadequate social development. Small potential of hate easily transfers itself in wide-spread violence. Silence is the best soil for the growth of hate, both silence of victims and silence of witnesses. We do not have time for silence.