

IN-DEPTH ANALYSIS

Minorities in the South Caucasus: New visibility amid old frustrations

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Abstract

One of the most multi-ethnic regions on Europe's periphery, the South Caucasus's bumpy path to democracy has often been accompanied by ethnic conflict, stoked by nationalism. Since acquiring independence from the Soviet Union, secessionist movements have grown among local minorities in the areas surrounding the countries' new, sovereign borders. The lack of state mechanisms to channel such sentiments has led to violent ethnic clashes with long-lasting consequences. Today still, a lack of experience in conflict resolution and power-sharing between dominant and minority communities hinders the development of common ground and democratic co-existence. Mechanisms which promote parliamentary representation, law-making and the oversight of minority rights are still largely absent. Although reforms in the South Caucasus have pushed for new laws to create greater accountability, instruments promoting inclusive dialogue with the minorities require further development. For the minorities of the South Caucasus, the most pressing issues are a lack of respect and the protection of their rights. For the sake of state-building and democratic development of the region, inclusive policies must be implemented with respect to ethnic minorities, through their political participation, including them in the higher levels of decision-making.

This paper is an initiative of the Policy Department, DG EXPO.

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PUBLICATION:

English-language manuscript completed on 27 June 2014.

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Printed in Belgium

This paper is available on the intranet site of the Directorate-General for External Policies, in the [Regions and countries](#) or [Policy Areas](#) section.

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TABLE OF CONTENTS

| | | |
|-----------|---|-----------|
| 1. | Introduction | 4 |
| 2. | Armenia | 5 |
| 2.1. | Overview | 5 |
| 2.2. | Legal status of minorities | 6 |
| 2.3. | State of play | 7 |
| 2.3.1. | Minority representation in decision-making | 7 |
| 2.3.2. | Language, education and media | 8 |
| 2.4. | Religion | 9 |
| 3. | Azerbaijan | 10 |
| 3.1. | Overview | 10 |
| 3.2. | Legal status of minorities | 12 |
| 3.3. | State of play | 13 |
| 3.3.1. | Minority representation in decision-making | 13 |
| 3.3.2. | Language, media and education | 13 |
| 3.4. | Religion | 14 |
| 4. | Georgia | 15 |
| 4.1. | Overview | 15 |
| 4.2. | Legal status of minorities | 19 |
| 4.3. | State of play | 20 |
| 4.3.1. | Minority representation in decision-making | 20 |
| 4.3.2. | Language, media and education | 21 |
| 4.4. | Religion | 22 |
| 5. | The EU and minorities in the Eastern Partnership countries | 23 |
| 6. | Annex I: Map | 28 |

1. Introduction

The fall of the Soviet Union gave rise to ethnic and religious conflicts in the South Caucasus, spurred by nationalistic sentiments.

The most important common attribute across the region today for minorities is their severe endemic poverty.

The protection and promotion of minority rights are feared in the South Caucasus as a means of further disintegration..

Parliamentary representation, law-making and oversight are indispensable to addressing economic challenges and human development.t

Problems with ethnic minorities have become apparent in the South Caucasus since the fall of the Soviet Union. Attempts towards democratisation began early in the region, in an environment of total economic decay. The nationalistic mobilisation that followed spurred ethnic and religious conflicts in a multi-ethnic region, which muddled through the decade, completely neglected by the international community.

Today, minorities in the South Caucasus often feel disenfranchised and alienated, contesting the legitimacy of the states in which they reside. The most important common attribute for minorities across the region nowadays is the severe endemic poverty that they experience. Isolation from the rest of the country that they reside in and the consequent fear that they experience are altogether indicative of the challenging circumstances which minorities face vis-à-vis the state. Although legally speaking the basic rights of minorities are protected in all three countries, state legitimacy is continually contested through weak institutional practice. The weakness and insecurity of the South Caucasus countries is visible through the limited respect for and protection of minority rights, which in turn challenges state responsibility from within.

Conditions for communication and compromise are better provided in democracies that are tolerant of minority demands and offer peaceful mechanisms for regime change. These are the main traits which are lacking in the South Caucasus, where the minority question is primarily viewed by state authorities from the perspective of national security. The protection and promotion of minority rights are mostly feared as a means of further disintegration and a stimulus for secessionist tendencies, rather than as a foundation of peace and prosperity¹.

In order to find solutions to economic challenges and other barriers to human development, pluralistic and representative systems are required. Countries of the South Caucasus must achieve the latter through: free and fair elections; the separation of powers between the three main governing pillars – the executive, the parliament, and the judiciary; openness in governance and access to information; transparency within their societies; and political adaptability. The adequate representation of ethnic minorities in national parliaments reduces the gap between minorities and the state, and increases the chances of peace in the long run. A common and effective way to achieve the latter is through facilitating over-representation in parliaments from regions where minorities reside. As a result, majority groups learn to act moderately towards minority

¹ Sabanadze, N., 'States, Minorities and Regional Hegemons in the South Caucasus: Whose Responsibility to Protect?', in Palermo, F. and Sabanadze, N. (eds.), *National Minorities in Inter-State Relations*, OSCE HCNM, 2011.

2014 saw the introduction and adoption of the anti-discrimination legislation brought about by the ENP..

Although reforms are being introduced, the multi-ethnic character of the region still poses pressing challenges to development and stability.

groups, engaging in inter-group bargaining. Minority representation can also be addressed through a 'committee mechanism' in the parliaments concerned. Committees with specific concerns are able to bring them to the table, ensuring that compromise solutions are reached.

In addition, parliaments can further promote peace-building by introducing and adopting pieces of legislation that protect fundamental freedoms. 2014 saw many changes in the region in this respect. Since the Vilnius Summit in November 2013, reforms have been steadily introduced and implemented. The latest of these reforms was the adoption of comprehensive anti-discrimination legislation by Georgia in May 2014, which includes, inter alia, provisions on the rights of people who belong to minorities.

Although changes are taking place and reforms are being introduced, the multi-ethnic character of the region and the way in which this aspect is managed still pose pressing challenges that threaten its overall development and stability. An effective method must be sought both to strengthen these states and to respect the identity and culture of their ethnic minorities. Other than the aforementioned representation, law-making, and parliamentary oversight, democratic institutions, together with civil society groups, must be in continual interaction with the people and with governments. Experiences must be developed in promoting democratic co-existence and power-sharing between the dominant ethnic community and smaller ethnic minorities. It is essential for state-building and conflict prevention that minorities be fully integrated and represented at higher levels of decision-making.

2. Armenia

2.1. Overview

Armenia is one of the most ethnically homogeneous countries in the world, with 98 % of its population being ethnic Armenians.

The once large Azeri community fled the country following the Nagorno-Karabakh conflict.

Armenia is the most ethnically homogeneous of the three South Caucasus republics. According to the latest census (2011), ethnic Armenians constitute over 98 % of the population. In contrast to Georgia and Azerbaijan, the minorities do not form local majorities in any region and are scattered across the country.

The Nagorno-Karabakh conflict has negatively affected Armenia's ethnic diversity. Before the war the largest minority in Armenia was the Azeris. As a result of the war, they were all displaced to Azerbaijan, while the Armenian minority in Azerbaijan (other than in Nagorno-Karabakh) fled to Armenia.

The Yazidis are currently the largest ethnic minority in Armenia². This Kurdish-speaking minority arrived in the country in the nineteenth

² Most of Yazidizs live in north [Iraq](#), but there also are Yazidis communities in Armenia, Georgia, Syria and Turkey . There is an on-going dispute over ethnicity between Yazidis and Kurds who are both Kurdish people. As Yazidis practise Yazidism, they claim that they

The current largest ethnic minority in Armenia is the Yazidis, who arrived in the nineteenth century during the Russo-Turkish war.

century, during the Russo-Turkish war. Following repression during the First World War, in the early twentieth century, some Yazidis, together with a significant number of Armenians, moved to Georgia. These two ethnic groups continuously supported each other.

Russians are the second largest ethnic minority after the Yazidis. The Russian language is widely known and understood throughout the country.

The Greek community, mainly descendants of the Pontic Greeks, lives in Yerevan, in the province of Ararat and in several villages in the north of the country, close to the Georgian border. While according to the state census they number less than 1 000, the Greek population in Armenia may actually range from 2 000 to 5 000 people³.

Table 1:

Ethnic composition of Armenia.

Source: National Statistical Service of the Republic of Armenia, 2011.

| Ethnic group | 2001 State Census | % | 2011 State Census | % |
|--------------|-------------------|------|-------------------|------|
| Armenians | 3 145 354 | 97.9 | 2 961 514 | 98.1 |
| Yazidis | 40 620 | 1.3 | 35 272 | 1.2 |
| Russians | 14 660 | 0.5 | 11 862 | 0.4 |
| Assyrians | 3 409 | 0.1 | 2 769 | 0.1 |
| Kurds | 1 519 | 0.0 | 2 131 | 0.1 |
| Ukrainians | 1 633 | 0.1 | 1 176 | 0.0 |
| Greeks | 1 176 | 0.0 | 900 | 0.0 |
| Others | 4 640 | 0.1 | 3 230 | 0.1 |

2.2. Legal status of minorities

Armenia has ratified major international human rights treaties. However, it has not yet adopted comprehensive anti-discrimination legislation.

Armenia is a party to major international human rights instruments and has ratified the Framework Convention on the Protection of National Minorities and the European Charter on Regional and Minority Languages of the Council of Europe. Armenia has also implemented three cycles of the Council of Europe Framework Convention on the Protection of National Minorities⁴. However, Armenia has not yet adopted comprehensive anti-discrimination legislation, outlined in the ENP Action Plan, and aimed at closer cooperation with the EU⁵.

The Armenian Constitution prohibits discrimination based on any

form an ethnic group distinct from Muslim Kurds. Many Yazidis willingly served in the Armenian army and died during the [Nagorno-Karabakh War](#).

³ European Centre for Minority Issues, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011.

⁴ Council of Europe. *Framework Convention on the Protection of Minorities*. Retrieved 15 April 2014, from <http://goo.gl/cG4PRX>.

⁵ European Commission (2014), *ENP Country Progress Report 2013 – Armenia*. Retrieved 15 April 2014, from <http://goo.gl/hTRJg1>.

grounds, including race, colour, ethnic or social origin, language, religion or belief, political opinion, or membership of a national minority⁶. The Law on Freedom of Conscience and Religious Organisations guarantees religious freedom, while granting special status and privileges to the Armenian Apostolic Church. The Law on Language (1993) and the Law on Culture (2002) reiterate the constitutional commitment to protect minority languages and the right of ethnic minorities to receive education in their mother tongue. However, the Law on Language also places special emphasis the promotion of Armenian⁷.

2.3. State of play

2.3.1. Minority representation in decision-making

Minorities are not represented at national level in decision-making.

Armenian law does not make special provisions to ensure minority representation in the Armenian Parliament (National Assembly) or in government bodies. Minorities are sometimes elected as local councillors at municipalities but not at a higher level; this results in a lack of participation and representation among them at national level.

A similar situation is observed in other sectors, with there being no minority representatives in the National Commission on Television and Radio – elected by the government – which leads to the neglect of minority issues in the media⁸.

A number of institutions have been established for the legal protection of minorities. The Division for Ethnic Minorities and Religious Affairs drafts legislation on relevant minority issues, in consultation with representatives of minority communities. However, according to a number of surveys, it does not always take into consideration the concerns voiced by minority representatives⁹.

The work of institutions established to protect and represent minority interests is hampered by the lack of adequate funding.

The Coordination Council of Ethnic Minorities is a consultative and advisory body comprising twenty-two members from eleven national minority groups (two per group). The Council prepares recommendations to the government and parliament on minority issues, primarily in the fields of culture and education. Yet, its influence on the decision-making process remains limited.

Although specific institutions and measures to protect minority rights are in place, their efficacy is heavily constrained by Armenia's poor economic situation and financial difficulties. All minority groups suffer from a lack of available funding. Furthermore, insufficient state aid to minority organisations is allocated to all minorities on an equal basis, irrespective of their size.

⁶ Constitution of the Republic of Armenia (without amendments), *Chapter 2, Fundamental Human and Civil Rights and Freedoms*. Retrieved 14 April 2014, from <http://goo.gl/E2U1TV>.

⁷ Law of the Republic of Armenia. (1993). *About Language*. Retrieved 15 April 2014, from <http://goo.gl/Wln4m9>.

⁸ European Centre for Minority Issues, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011.

⁹ European Centre for Minority Issues, *Copy-editing*.

2.3.2. Language, education and media

Armenian is the only official state language and the authorities promote its use for inter-ethnic communication.

Except for Russian, which is recognised under the Armenian Constitution and widely spoken in the country, the use of other minority languages in education and the media is limited.

According to the Law on Language, Armenian is the only official state language. The adopted state language policy promises support for minority languages, but it promotes the use of Armenian as the language of inter-ethnic communication¹⁰.

Due to the Soviet legacy, Russian is widely known and understood throughout the country¹¹. While Russian does not have the status of an official language, it is commonly used in communication between the majority and minority groups. Apart from Russian, Assyrian, Greek, Kurdish and Yazidi are all granted the status of national minority languages.

The teaching of Armenian is obligatory in schools and an entrance exam in Armenian is one of the requirements for entering higher education institutions, except where the language of instruction of a given course is Russian¹².

While Russian is used as the language of instruction in certain schools and universities, other minority languages are less privileged. Only a few schools throughout the country offer Assyrian, Kurdish, Yazidi and Greek language classes at primary and secondary level. The number of these classes is usually very limited. A common problem is the lack of qualified teachers and available textbooks. As a result, many minority groups choose to receive their education in Russian.

There are significant restrictions on minority languages when it comes to the media. The Law on Television and Radio states that all broadcasts are to be in Armenian, with the exception of programmes for ethnic minorities. These are limited to one hour per week on television and one hour per day on radio. In practice, minority languages are rarely seen on television, with the exception of Russian¹³. However, there are regular radio programmes in Russian, Kurdish, Yazidi and Assyrian.

There are several newspapers and magazines published in Russian, as well as occasional publications in Kurdish and Yazidi, which are partially funded by the government, although there are no publications in Assyrian or Greek.

¹⁰ The State Programme on Language Policy. *RA National Minority Rights in the Area of Language*, Section 7.

¹¹ The Armenian Government recently (June 2014) complained about the demand made by a famous Moscow TV presenter (at a channel close to the Kremlin) that Russian be made an official language of Armenia along with Armenian.

¹² In which case the exam may be taken in Russian.

¹³ Programmes aired in Russian are subtitled in Armenian.

2.4. Religion

The main religion in Armenia is Christianity and the leading denomination is the Armenian Apostolic Church, which was also a symbol of the struggle for national independence

The Armenian Constitution supports the separation of church and state, which is not so clearly evidenced in practice.

Although education in Armenia is proclaimed as being secular, the Armenian Apostolic Church participates in the teaching regulations of certain courses in public schools.

Registration of all 'untraditional' religious

The main religion in Armenia is Christianity and the leading denomination is the Armenian Apostolic Church, which was also a symbol of the struggle for national independence. Today 93 % of Armenian Christians are members of the Armenian Apostolic Church.

Although the Armenian Constitution establishes the separation of church and state, it supports and 'recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity.' The Apostolic Church further benefits from exceptional privileges from the state, such as the placing of church representatives in social institutions and military units. What is more, the law prohibits proselytism and forced conversion in Armenia, which applies to all religious groups including the Apostolic Church. Foreign funding for foreign-based denominations is also prohibited by law.

Although the Armenian Constitution proclaims education as being secular, courses in the history of the Armenian Apostolic Church are nevertheless a mandatory part of the public school curriculum. The church participates in developing the syllabus and textbooks for the course, along with defining the qualifications of its teachers and often even nominating candidates. In July 2012, the Collaboration for Democracy Centre published a report which concluded that the above-mentioned course focuses more on the belief system of the church and less on its history.

Smaller religious groups in Armenia include Roman Catholics, Armenian Uniate (Mekhitarist) Catholics, Orthodox Christians, evangelical Christians, Molokans, Pentecostals, Seventh-day Adventists, Baptists, Charismatic Christians, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Yazidis, Jews, Sunni Muslims, Shia Muslims, and pagans¹⁴.

Yazidis practise Yazidism, a highly syncretic fusion of local Kurdish beliefs related to Zoroastrianism, and live mostly in agricultural areas northwest of Yerevan. The north is largely inhabited by Armenian Catholics. A majority of Orthodox Christians, Jews and Mormons, and a small community of Shiite Muslims are concentrated in Yerevan. The Russian 'sectarian' group known as Molokans (derived from the Russian word *moloko* (milk), together with Orthodox Russians, make up one of the major religious minorities in Armenia, after the Yazidis. The Molokans reject Orthodoxy and refuse to worship anything that is human-made, including icons and the cross. The once large Muslim community Islamic community is nowadays very reduced as large numbers of Muslim Azeris

¹⁴ Mekhitarists, Molokans, Pentecostals, Seventh-day Adventists, Baptists, Mormons and Jehovah's Witnesses are religious groups formed under Christianity. Yazidis are a Kurdish ethno-religious community who believe in a god that created the world and placed it under the care of seven holy angels. Pagans are a community of a polytheistic religious tradition.

groups is mandatory in Armenia, with the fulfilment of certain criteria being mandatory.

had to flee the country during the Nagorno-Karabakh war. As the registration of 'untraditional' religious groups is mandatory under Armenian law, such groups are obliged to fulfil certain criteria, namely that they must have at least 200 members, and 'must be free from materialism and be of a purely spiritual nature', subscribing to 'historically recognised holy scriptures'¹⁵. As of 2006, there were 10 religious organisations registered in Armenia. The Jehovah's Witnesses community (estimated at 12 000) failed to qualify for registration as their status clashed with the aforementioned legal regulations and requirements.

3. Azerbaijan

3.1. Overview

Azerbaijan is home to more than fifteen ethnic minorities. The largest groups are the Lezgins, the Russians and the Talysh.

A small Armenian community that remains in Azerbaijan following the war faces a difficult situation.

The Lezgins, live both in Russian Dagestan and in northern Azerbaijan, and are now the most vocal minority claiming discrimination in Azerbaijan

There are more than fifteen different ethnic minorities in Azerbaijan. Of these, the Lezgins, the Russians and the Talysh constitute the largest groups. As in the case of Georgia, Azerbaijan also struggles with the issue of refugees. Due to the war in Nagorno-Karabakh, around 800 000 Azeris¹⁶ from Nagorno-Karabakh and other occupied territories of Azerbaijan, as well as from Armenia, were forced to flee from these areas and are now refugees in Azerbaijan.

In the past Armenians constituted the largest minority in Azerbaijan. The majority of Armenians (over 80 %) listed in the state census lived in the disputed region of Nagorno-Karabakh, but there were also ethnic Armenians in Baku and other cities. Following the 1991-1994 Nagorno-Karabakh war, almost the entire Armenian population was forced to leave Azerbaijan, including the Nakichevan Autonomous Republic¹⁷. The tiny Armenian community that remains outside of the disputed region of Nagorno-Karabakh¹⁸ faces a difficult situation.

Today the Lezgins¹⁹ make up the second-largest group after ethnic Azeris. They are also the most vocal minority, claiming that they suffer discrimination. They argue that many Lezgins themselves asked to be considered as Azeris to avoid job and education discrimination and that as a result current Azerbaijani official statistics have artificially reduced in two thirds or more their numbers, counting many of them as Azeris. The Lezgins are particularly upset by the large number of ethnic Azeri refugees who fled from Nagorno-Karabakh and the surrounding regions, and

¹⁵ U.S. Department of State, Bureau of Democracy, Human Rights and Labor. *International Religious Freedom Report for 2012: Armenia*. Retrieved 23 April 2014, from <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208286#wrapper>

¹⁶ The Azeri Government claims that this number stands at 1 000 000.

¹⁷ An autonomous Azerbaijani exclave between Armenia, Turkey and Iran.

¹⁸ Estimated at 20 000 people, according to the European Centre for Minority Issues.

¹⁹ The indigenous groups speaking Lezgic languages have inhabited the [Northeast Caucasus](#) at least since the Bronze Age. These peoples formed in the IV century BC the Caucasian Albanian state. Contrarily to that of the Azeris, their language does not belong to the Turkish family.

Armenia during the Nagorno-Karabakh war and who were settled in their ancestral lands by the government. Most Lezgins live in the rural areas of northern Azerbaijan along the Russian border. They constitute the absolute majority (90 %) of the population in the Gusar district. In contrast to the Azeris (who are Shiite Muslim) Lezgins are Sunni Muslims²⁰, and as they live in border regions, they speak Lezgin, Azerbaijani and Russian. The Lezgins from Azerbaijan historically maintain close relations with the Russian republic of Dagestan, where Lezgin is one of the state languages, along with Russian and other local languages. Dagestan is home to some 250 000 Lezgins²¹.

Avars and Tsakhurs are other minority groups living both in Dagestan and in the north of Azerbaijan

A significant number of Avars²², who constitute the largest ethnic group in Dagestan, can also be found in the north of Azerbaijan, close to the border with Dagestan. The north of Azerbaijan is also home to Tsakhurs²³, who are also inhabitants of south-western Dagestan. Tsakhurs are originally from Dagestan, but many moved to Azerbaijan in the 13th century. In addition, some 12 000 Tats reside in Baku, in the north-eastern part of Azerbaijan and in Dagestan.

Other minorities across the country are Ashkenazi Jews, Meskhetians Georgians and Kurds.

The Ashkenazi Jews, also known as European Jews, arrived in the Caucasus after the region became part of the Russian empire. A large number of this group now lives in Azerbaijan, initially having been attracted by the oil boom in Baku in the 19th century.

A large number of Meskhetians (Georgians from the Akhaltsikhe region), who were deported in 1944, now reside in Azerbaijan. The first Meskhetians arrived in Azerbaijan in the 19th century, with another wave following in the early 20th century.

As with other areas in the Caucasus, Azerbaijan is home to a Kurdish minority. Between 1923 and 1929, the Azerbaijan Soviet Socialist Republic bordered the Kurdistan Autonomous Soviet Socialist Republic, also known as Red Kurdistan, which was fully integrated into Azerbaijan in 1930²⁴.

The number of the Iranian-ethnic group Talysh, in the south-east is probably significantly higher than in the registers.

The Talysh are an Iranian ethnic group who settled in the region between south-eastern Azerbaijan and northern Iran. Most Talysh in Azerbaijan are bilingual in Talysh and Azerbaijani. Like the Azeris, the Talysh adhere to Shia Islam and have strong ties with Iran. It is only since the census of 1989 that the Talysh have had the possibility of registering as a separate ethnic group. The suppression of their identity, language and culture during the Soviet times has resulted in internalised self-repression, with only a section of the Talysh population indicating their ethnicity at census time. Therefore, the actual number of Talysh in Azerbaijan may be significantly higher than that which is stated in the census.

²⁰ The majority of Azeris are Shiites.

²¹ Lezgins have lived on the territories split between present Russia and Azerbaijan since the 19th century. However, after the break-up of the USSR, the border between the two states became international land and divided the people.

²² The Avars /were a group of equestrian warrior nomads of [Altaic](#) extraction.

²³ The Tsakur language is related to that of the Lezgins

²⁴ Coene, F., *the Caucasus: An Introduction*, Routledge, London and NY, 2010, p. 63-68.

Table 2:

Ethnic composition of Azerbaijan.

Source: The State Statistical Committee of the Republic of Azerbaijan, 2009.

| Ethnic group | 1999 State Census | % | 2009 State Census | % |
|-------------------------------|--------------------------|----------|--------------------------|----------|
| Azerbaijanis | 7 205 500 | 90.6 | 8 172 800 | 91.6 |
| Lezgins | 178 000 | 2.2 | 180 300 | 2.0 |
| Russians | 141 700 | 1.8 | 119 300 | 1.4 |
| Armenians²⁵ | 120 700 | 1.5 | 120 300 | 1.4 |
| Talysh | 76 800 | 1.0 | 112 000 | 1.3 |
| Avars | 50 900 | 0.6 | 49 800 | 0.6 |
| Turks | 43 400 | 0.5 | 38 000 | 0.4 |
| Tartars | 30 000 | 0.4 | 25 900 | 0.3 |
| Ukrainians | 29 000 | 0.4 | 21 500 | 0.2 |
| Tsakurs | 15 900 | 0.2 | 12 300 | 0.1 |
| Georgians | 14 900 | 0.2 | 9 900 | 0.1 |
| Kurds | 13 100 | 0.2 | 6 100 | 0.1 |
| Tats | 10 900 | 0.2 | 25 200 | 0.3 |
| Jews | 8 900 | 0.1 | 9 100 | 0.1 |
| Udins | 4 100 | 0.0 | 3 800 | 0.0 |
| Others | 9 600 | 0.1 | 9 500 | 0.1 |

3.2. Legal status of minorities

Azerbaijan has yet to adopt comprehensive legislation for the protection of national minorities and their rights.

Azerbaijan is a party to major international human rights treaties²⁶ and the Framework Convention on the Protection of National Minorities. However, at the time of writing, Azerbaijan had not yet ratified the European Charter for Regional or Minority Languages, which it signed in 2001²⁷, nor had it adopted the bill on the protection of national minorities²⁸. The Constitution of the Republic of Azerbaijan points out that the state guarantees equal rights and liberties for its citizens, irrespective, for example, of race, nationality, religion, language, sex and origin and protects the right to receive education in one's mother tongue²⁹.

Despite its basic human rights guarantees and non-discrimination

²⁵ Almost all Armenians live in the disputed territory of Nagorno-Karabakh.

²⁶ Including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

²⁷ Council of Europe. *European Charter for Regional or Minority Languages*. Retrieved 20 May 2014, from <http://goo.gl/qRLGBA>.

²⁸ One of the country's obligations to the Council of Europe.

²⁹ See Articles 25 and 45 of the Constitution of the Republic of Azerbaijan.

The state limits the issue to the promotion of traditional cultures and it concerns itself primarily with questions of national security.

provisions, Azerbaijan lacks comprehensive legislation as regards ethnic minorities. The presidential decree of 1992³⁰ is insufficient in this regard, as it does not contain a national framework for minority rights protection and limits the issue to the promotion of traditional arts and crafts. Neither is there appropriate legislation to tackle anti-discriminations issues. This situation contrasts with the fact that Azerbaijan took over in May 2014 for the next six months the chairmanship of the Council of Europe's Committee of Ministers.

At institutional level there is no specific body to deal with minority issues, although the Office of the Ombudsman seeks to partially fill this gap. As a result, the most prominent institution involved in the matter is the Ministry of National Security, which concerns itself mostly with threats to the State, including secessionist tendencies.

3.3. State of play

3.3.1. Minority representation in decision-making

The impact of minorities on the decision- and policy-making processes within the highly centralised political system of Azerbaijan remains low.

Minorities are poorly represented in the Azerbaijani political system, which is very much under the control of the president and a few important Azeri clans. In the absence of legislative provisions ensuring political participation among national minorities, there are no political parties to represent their interests. There are, however, parliamentarians and members of administrative bodies, ministries and local authorities who are of minority origin. Their impact on the decision-making process remains limited due to the highly centralised state structure.

Neither the Forum of Religious Communities of Azerbaijan nor the Coordination Council of the Cultural Centres of National Minorities are directly involved in policy-making and serve only as consultative bodies.

3.3.2. Language, media and education

National minorities in Azerbaijan have a good command of Azerbaijani, while Russian and other minority languages are also widely used.

The Law on State Language, adopted in 2002, requires the use of Azerbaijani in public administration and the media, although minority languages are often used for official communication in the regions which are densely populated by minority groups.

In contrast to Georgia, national minorities in Azerbaijan have a sufficient knowledge of the state language. Similar to Armenia and Georgia, Russian is widely spoken by minority groups in the country.

The fact that Azerbaijan has still not ratified the European Charter for Regional and Minority Languages, coupled with the national policy of promoting the use of Azeri, highlights the need for relevant domestic legislation to preserve minority languages.

The state mainly regards minority groups as a potential threat to national

³⁰ On the Protection of the Rights and Freedoms and on State Support for the Promotion of the Languages and Cultures of National Minorities.

There is, however, a lack of national legislation for preserving and promoting the use of minority languages.

Azerbaijan imposes heavy restrictions on the public media in terms of minority languages.

The opportunities to receive high-school and university education in minority languages are limited.

security, and there are heavy restrictions imposed on the media regarding the use of minority languages. The Law on State Language stipulates that all television and radio broadcasts must be in Azerbaijani, thereby contradicting the Law on Mass Media. The latter provides for the right for the citizens of Azerbaijan to produce and disseminate information in other languages³¹. At present, there are no television channels broadcasting in minority languages. The public radio stations air two short weekly programmes in Georgian, Kurdish, Talysh and Lezgin.

The Constitution of the Republic of Azerbaijan and the Law on Education³² guarantee the right to be educated in one's mother tongue and the right of minorities to have classes or schools in their language, but the Law on State Language, undermines these guarantees.

In regions densely populated by minority groups schools offer two hours of classes per week in minority languages. In addition, there are schools which offer their full curriculum in Russian and, to a lesser extent, in Georgian. Nevertheless, it should be noted that apart from Russian, Georgian and Lezgin, these classes are offered only until the fourth grade.

As in the other two South-Caucasus republics, there is a distinct lack of qualified teachers and available textbooks for minority-language education.

Russian and Azerbaijani are the two languages used for instruction in higher education. Most minority groups are proficient in both languages; therefore access to higher education is not a serious issue. Although the quota system for minority groups was abolished in the 1990s, many ethnic Georgian students, for instance, prefer to study in Tbilisi³³. Overall, the opportunities to study minority languages at university level are very limited.

3.4. Religion

Azerbaijan has a predominantly Muslim population (96 %), of which 65 % are Shia Muslims and 35 % are Sunni. Muslims coexist peacefully with other traditional religious groups in the country.

Azerbaijan has a predominantly Muslim population (96 %), of which 65 % are Shia Muslims and 35 % are Sunni. Muslims coexist peacefully with other traditional religious groups in the country. Religious minorities consist of Russian Orthodox, Armenian-Gregorian, other Christians, and Jews. There are large Jewish and Christian communities in Baku, where Jewish history dates back 3 000 years. Smaller religious groups are scattered around the country including, Lutherans, Roman Catholics, Baptists, Molokans, Seven-Day Adventists, and Bahais. Azerbaijan has a number of 'untraditional' religious groups, also referred to as sects, including Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishna followers. Since the early 1990s the

³¹ See Article 6 of the Law on Mass Media.

³² See Article 45 of the Constitution of the Republic of Azerbaijan and Article 6 of the Law on Education.

³³ European Centre for Minority Issues, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011.

The Constitution provides for religious freedom, prohibiting the government from interfering in the religious activities of any group or individual. However, the activities of some religious minorities are state-regulated.

Proselytism by foreigners is prohibited by law in Azerbaijan, but excludes citizens of Azerbaijan from this rule.

government has required religious groups to re-register. As a result, some untraditional religious groups, such as Jehovah's Witnesses, and unsanctioned Muslim organisations have been denied registration and face difficulties in functioning.

The Constitution of the Republic of Azerbaijan provides for religious freedom, prohibiting the government from interfering in the religious activities of any group or individual. However, the activities of certain religious minorities are state-regulated. For example, a religious organisation that acts in contradiction with its own founding objectives – e.g. causing animosities on a racial, national, or social level, or propagating faith that goes against the principles of humanism – can be dissolved by the government. In addition, legal registration is necessary in order to function as a legitimate religious organisation. Registration can be denied in cases where the documents provided by a community are found to be in contradiction with the law, or if the information provided is false.

The constitution also prohibits religious proselytism by foreigners, but not by citizens of Azerbaijan. Furthermore, political parties are prohibited by law from engaging in any religious activities. The law also bans hate speech based on religious beliefs and prohibits head coverings in official photographs³⁴.

4. Georgia

4.1. Overview

Georgia is the most ethnically diverse country in the South Caucasus, with large Armenian and Azeri minorities. Georgians themselves are divided into four separate groups: Georgians proper, Megrelians, Svans and Laz.

Georgia is the most ethnically diverse state in the South Caucasus, with minorities constituting 16 % of its population³⁵. Moreover, Georgians themselves are divided into four separate groups: Georgians proper (dispersed throughout the country), Megrelians (living in central West Georgia), Svans (living in the central North mountainous region), and the Laz (living in the southwest mountains, with a substantial number also residing in Turkey)³⁶.

³⁴ U.S. Department of State, Bureau of Democracy, Human Rights and Labour. *International Religious Freedom Report for 2012: Azerbaijan*. Retrieved 23 April 2014, from

³⁵ This figure stood at 29.9 % in 1989.

³⁶ Coene, F., *The Caucasus: An Introduction*, Routledge, London and New York, 2010, p. 59.

Table 3:

Ethnic composition of Georgia.

Source: National Statistical Service of the Republic of Georgia, 2002 (there are no recent statistics on minorities in Georgia offered by Geostat.ge or by the ECMI).

| Ethnic group | 1989 Soviet Census | % | 2002 State Census ³⁷ | % |
|-----------------------------|--------------------|------|---------------------------------|------|
| Georgians | 3 787 393 | 70.1 | 3 661 173 | 83.8 |
| Armenians | 437 211 | 8.1 | 248 929 | 5.7 |
| Azeris | 307 556 | 5.7 | 284 761 | 6.1 |
| Russians | 341 172 | 6.3 | 67 671 | 1.5 |
| Ossetians | 164 055 | 3.0 | 38 028 | 0.9 |
| Greeks | 100 324 | 1.9 | 15 166 | 0.3 |
| Yazidis³⁸ | - | - | 18 329 | 0.4 |
| Ukrainians | 52 443 | 1.0 | 7 039 | 0.2 |
| Abkhazians | 95 853 | 1.8 | 3 527 | 0.1 |
| Kists | - | 0.2 | 7 110 | 0.2 |
| Assyrians | 6 206 | 0.1 | 3 230 | 0.1 |
| Jews | 24 795 | 0.5 | 3 772 | 0.1 |
| Kurds | | 0.6 | 2 514 | 0.1 |
| Others | - | - | 19 817 | 0.5 |

Ethnic Abkhazians make up 51 % of the population of the disputed territory of Abkhazia, with Georgians comprising 18 %, Armenians 17 %, Russians 9 %, and Greeks 1 %. Another 1 % identify as Megrelians. The refugee problem that arose from the 1992-1993 war is still unresolved. As a result of the war, 250 000 ethnic Georgians (almost half of the population of Abkhazia at the time) were forcefully displaced or fled the region. Based on the current situation, the complete return of ethnic Georgian refugees is not foreseeable, given that this would pose a threat to Abkhazia's secessionist character.

Table 4:

Ethnic composition of the Abkhazia region.

Source: ECMI, 2011.

| Ethnic group | 1989, Soviet Census % | 2003, Abkhaz Census % | 2009 ECMI Estimates |
|-------------------|-----------------------|-----------------------|---------------------|
| 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 |

³⁷ The 2002 Georgian census did not include Abkhazia and parts of South Ossetia that were not under the control of the Georgian Government at that time.

³⁸ According to the 1989 census, the number of Yazidis and Kurds (combined) was 33 331 which constituted 0.6 % of the population.

Due to the complex political situation in the secessionist regions of Abkhazia and South Ossetia, the issue of minorities is viewed as a national security issue in Georgia.

Table 5:

Ethnic composition of the South Ossetia region.

Source: ECMI, 2011.

Following the 2008 Georgian-Russian war, most ethnic Georgians fled from the region of South Ossetia. The treatment of minorities in today's Georgia is, 'above all, a question of national security and where legitimacy and sovereignty of the state is contested both from within its borders and from outside its borders'³⁹.

| Ethnic group | 1989 Soviet Census % | 2009 ECMI Estimates |
|--------------|-------------------------|------------------------|
| Ossetians | 66.2 | 20 000 – 40 000 |
| Georgians | 29 | 2 000 – 3 000 |
| Others | 4.8 | < 1 000 |
| Total | 100 % (98 527) | 23 000 – 44 000 |

Armenians make up 55 % (about 250 000 people) of the population of the Samtskhe-Javakheti region in southern Georgia, bordering Armenia and Turkey. The municipalities of Akhalkalaki and Ninotsminda which form Javakheti have a predominantly Armenian population (95 %). This mountainous region, isolated from the rest of the country due to weak infrastructure and bad road connections, is one of the poorest in Georgia. Armenians can also be found in Tbilisi and Abkhazia, although a substantial number of them left Abkhazia during the conflict in the area. Despite current difficulties, there is a long history of good people-to-people relations as regards the presence of Armenians in Samtskhe-Javakheti. Armenians, together with Jews, were a crucial part of Georgia's feudal cities, having been active contributors to the country's economy. At the end of the 18th century, more than 7 000 Armenians had settled in Georgia from Karabakh (present-day Azerbaijan) and another 2 000 in the early 19th century from Erzurum in Turkey.

The minority situation in Samtskhe-Javakheti, also known as Meskheti, is all the more complicated given its long history of forced displacement and strategic emigration policies, executed first by the Ottomans and then by the Russians. The people who originated from the Samtskhe-Javakheti region are known as Meskhs, an ethnic sub-group of Georgians. In the 16th century, when the Ottoman Empire invaded Georgia, a large-scale process of proselytisation towards full Islamisation was launched, and therefore towards political and economic control of the region. By the 19th century most of the population had converted to Islam, a process which was enhanced by the establishment of Mullahs⁴⁰ as political emissaries in the region who further pursued this strategy. By this time the autocephaly of the Georgian Orthodox Church had been eradicated in

Meskhetsians represent one of the most tragic cases of an ethnic minority. As a sub-group of Georgians, they became a Turkish-speaking minority in 19th century Georgia, after the 16th century Ottoman invasion. During Stalin's era, thousands of Meskhetsians

³⁹ Sabanadze, N., 'States, Minorities and Regional Hegemons in the South Caucasus: Whose Responsibility to Protect', in Palermo, F. and Sabanadze N. (eds.), *National Minorities in Inter-State Relations*, OSCE HCNM, 2011, p. 171.

⁴⁰ Members of the Islamic clergy.

were deported to Central Asia, from where many fled to Caucasian and surrounding regions for refuge.

Repatriation of Meskhs started in the 19th century, achieving mild results. The possibility for repatriation again placed on the agenda in 2007, aided by the passing of a law which set out practical mechanisms.

The sudden surge in public outrage on the issue of issuing Russian passports to residents of the Samtskhe-Javakheti region in Georgia was quickly declared as provocative by high-ranking Georgian officials.

Samtskhe-Javakheti, but it was re-established a decade and a half later during the Russo-Turkish war, thereby reinstating Christian (Georgian) leadership in Samtskhe-Javakheti, but this time under Tsarist rule. In the mid-19th century, a region-wide immigration process was launched, which at the same time forcefully displaced Christian Georgians. Among the newly immigrated minorities were Armenians, Greeks, Russians, Kurds, Karapapaks⁴¹ and a small number of Germans.

After the fall of the Soviet Union, Samtskhe-Javakheti was reinstated as a province of Georgia. In 1944, Stalin's government deported around 100 000 Meskhs from Georgia who remained in exile in Central Asia until the 1980s, and who later fled to find refuge in Turkey, Azerbaijan, Russia and elsewhere. In 1999, the Georgian Government vowed to facilitate their return to Georgia, but only in 2007 was a law passed which set out practical mechanisms for the repatriation programme. The first attempt at repatriation came in the 19th century. At that time a significant number of displaced Georgians had managed to return to their roots, but many were refused the right to re-establish their livelihoods in Georgia. People arriving at the Georgian border from what is today Turkey were sent away by the hundreds, as had been instructed by the Russian Government at the time⁴².

Today, local officials in Samtskhe-Javakheti have sparked heated debates by demanding that the state should ratify an international treaty that protects minority rights. Officials intend to communicate the fact that granting official status to the Armenian language is planned, something which, according to many senior Georgian officials, could encourage separatism in the region⁴³. Adding to these sentiments, the Georgian media reported on 3 April 2014, that the Russian section of the Swiss Embassy in Tbilisi had begun issuing Russian passports for the Russian-speaking population in Georgia. According to unofficial sources, most applicants lived in Samtskhe-Javakheti. Nearly a week later, high-ranking Georgian officials identified these reports as provocative attempts to 'stir up waters'⁴⁴.

Kvemo-Kartli, a multi-ethnic region bordering Armenia and Azerbaijan, has a large number of Azeris and significant groups of Armenians, Greeks and Georgians. Azeris constitute over 45 % of the population of Kvemo-Kartli (about 280 000) and reside mostly in rural areas. As a result of a high unemployment rate and socio-economic difficulties in the region, many choose to emigrate to Azerbaijan, Turkey and Russia.

Unlike Armenians and Azeris, the majority of Assyrians and Ossetians have

⁴¹ A sub-ethnic group of Azeris who speak Turkish.

⁴² Lomsadze, S., 'Samtskhe-Javakheti', *Second edition*, University of Akhaltsikhe Publishing, Akhaltsike, 2011, pp 255-368.

⁴³ Institute for War and Peace Reporting, 2013, *Armenians Seek Language Rights in Georgia*. Retrieved 15 April 2014, from <http://goo.gl/yhDt6X>.

⁴⁴ Rimple, P. and Mielnikiewicz, J., 'Post-Crimea, Phantom of Armenian Separatism Haunts Georgia', *Eurasianet.org*, 9 April 2014.

a good command of the Georgian language and are well integrated. The Greek community in Georgia, traditionally settled along the Black Sea coast, has significantly diminished over the last few decades, with many young Greeks migrating to Greece, Russia and other countries. The small minority groups of Russians, Ukrainians, Kists and Yazidis do not form a majority in any of the regions and are dispersed throughout the country.

According to research by the European Centre for Minority Issues (ECMI)⁴⁵, the most marginalised and disadvantaged ethnic group in Georgia is the small Romani community, which is confronted with poverty, unemployment and a lack of access to education and health care.⁴⁶

4.2. Legal status of minorities

Georgia is a signatory to major international human rights treaties, and has passed the ENP anti-discrimination legislation. However, despite prior commitments it still has not ratified the European Charter for Regional and Minority Languages.

While the Georgian Orthodox Church is granted a number of state privileges, non-Orthodox communities are deprived of any legal protection as a result of the absence of legislation ensuring their rights.

The de facto constitutions of Abkhazia and South Ossetia guarantee universal human rights for the citizens of both

Georgia has ratified the major international human rights treaties, including the European Convention on Human Rights and the UN conventions⁴⁷. As a member of the Council of Europe, Georgia ratified the Framework Convention for the Protection of National Minorities in 2005. It has also committed to signing and ratifying the European Charter for Regional and Minority Languages, and adopting a law on minorities, but it has yet to do so⁴⁸. As a member of the Eastern Partnership and a party to the ENP Action Plan, the Georgian Government prepared the comprehensive ENP anti-discrimination legislation. The parliament adopted the law at third reading, with 104 votes in favour and 1 against, on 2 May 2014. Georgia is the first country in the South Caucasus to implement this legislation.

The Constitution of Georgia contains provisions on equality and non-discrimination as regards minority groups. The constitution also guarantees the rights to freedom of expression, thought, conscience, belief, and religion. As is the case in Armenia, the Georgian Orthodox Church is granted special legal status, enjoying a number of state privileges. Due to the absence of legislation to ensure the rights of religious communities other than Orthodox Christians (e.g. Muslims, Catholic Christians and Jews), such communities suffer from a lack of legal protection and are obliged to register as non-governmental organisations or non-profit law associations.

Article 38 of the constitution stipulates the rights for all citizens to develop freely their native culture and to use their mother tongue in private and in public. However, the provision also highlights the fact that the exercise of minority rights must not oppose the sovereignty, state structure, territorial

⁴⁵ [European Centre for Minority Issues](#) (Based in Flensburg, Germany).

⁴⁶ ECMI, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011.

⁴⁷ The International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

⁴⁸ Council of Europe. *European Charter for Regional or Minority Languages*. Retrieved 20 May 2014, from <http://goo.gl/qRLGBA>.

territories, but they lack legal provisions to fight discrimination on ethnic or religious grounds.

integrity or political independence of Georgia.

The normative acts of the two de facto republics of Abkhazia and South Ossetia are not recognised by the international community⁴⁹. Nevertheless, given the fact that they apply to the residents of the respective entities, it is worthwhile analysing them. The de facto constitutions of 1994 in Abkhazia and of 2001 in South Ossetia do not recognise the Georgian Constitution, legislation or legislative instruments. Both de-facto constitutions guarantee universally recognised human rights and freedoms but lack mechanisms or relevant provisions to counteract discrimination on ethnic or religious grounds.

4.3. State of play

4.3.1. Minority representation in decision-making

Minorities are largely absent from the decision-making process, especially at central level, for which one of the main reasons is their insufficient knowledge of Georgian.

Minorities are poorly represented in the political system and state structures. In the 150-member Georgian Parliament there are three Armenians and three Azeris. Very few officials in senior positions are of minority origin. This is particularly evident at central level. The two minority-dominated regions of Samtskhe-Javakheti and Kvemo-Kartli have never had an ethnic Armenian or an Azeri governor. Minorities tend to be better represented in town and village councils and municipalities. Insufficient knowledge of Georgian, the national working language, among minorities hampers more active participation by them in the decision-making process at central level.

The establishment of political parties on a regional and territorial basis is prohibited by law.

The Law on Political Unions of Citizens forbids the establishment of political parties on a regional or territorial basis to prevent secessionist movements in regions which are densely populated by minorities⁵⁰. Instead, minorities in Georgia have created their own civil society organisations to mobilise themselves on socio-economic and cultural issues. These organisations advocate for 'cultural autonomy' and increased self-governance but rarely resort to political rhetoric.

There are a number of state bodies responsible for coordinating minority issues and facilitating dialogue between the national minorities and the government, such as the Office of the State Minister for Reintegration Issues or the Council of National Minorities. The capacity of these bodies is constrained by limited staff numbers and financial resources.

⁴⁹ The two republics are recognised only by Russia, Nicaragua, Venezuela and Tuvalu.

⁵⁰ The more radical minority groups include 'Virk' and the 'United Javakh Democratic Alliance', which have, at various times, called for autonomy for Javakheti.

4.3.2. Language, media and education

Insufficient knowledge of Georgian prevents many ethnic Armenians and Azerbaijanis from entering the civil service.

By law, all public services in Georgia must be provided in Georgian. This discourages many representatives of national minorities, in particular Armenians and Azerbaijanis, from actively participating in political and social life, and from entering the civil service.

The Georgian Constitution stipulates that the state language of Georgia is Georgian, while in Abkhazia Abkhazian also holds this status⁵¹. Russian, the lingua franca of national minorities from the Soviet times, is no longer accepted for communication with the public administration. There are several governmental programmes aimed at promoting the Georgian language, for example the 'Georgian Language for Future Success' programme, which was launched in 2011.

The primary channel on Georgian state television airs a five-minute daily news programme in Armenian, Azeri, Abkhaz and Ossetian. There are also radio programmes with daily news blocks and longer weekly programmes in minority languages. The Ministry of Culture finances newspapers in Armenian, Azeri and Russian.

Owing to its Soviet legacy, Georgia has a well-established system of school education in minority languages. In accordance with the 2005 Law on General Education, Georgian is the language of instruction in all educational institutions⁵². At the same time the law stipulates that national minorities have the right to receive primary and secondary education in their native language⁵³. Schools which provide education in minority languages are also asked to teach the Georgian language.

The 2009 revision of university entry requirements is aimed at attracting more students from minority communities, who traditionally have chosen to study abroad.

However, the state lacks sufficient financial and human resources to properly teach Georgian to its minority citizens. As a result, students from the districts populated by Armenians and Azeris often graduate from school with a limited knowledge of Georgian.

Until 2009, the unified national examination (UNE), a compulsory procedure for entry to university education, was offered only in Georgian. Unable to pass the exam, many high-school students of minority origin chose to continue their education abroad, for example in their kinship states. Since 2009, the UNE has also been available in Armenian, Azeri, Ossetian and Abkhaz. Together with quotas introduced for students from minority communities, this measure aims at preventing further brain drain and marginalisation among minority groups in the country.

According to data from the European Centre for Minority Issues as regards the school situation in the seceding regions, there are 40 Russian-

⁵¹ Change brought about by the Constitutional Law of 2002.

⁵² See Article 4(1) of the Law of Georgia on General Education.

⁵³ See Articles 4(3), 7 and 9 of the Law of Georgia on General Education.

language schools, 34 Armenian-language and 19 Georgian-language schools in Abkhazia⁵⁴, with the Abkhaz language and history being taught in all of them irrespective of the primary language of instruction. In South Ossetia education at all levels takes place mainly in Russian, while Ossetian is sometimes used in primary schools.

4.4. Religion

The dominant religion in Georgia is Christianity and the leading denomination is the Georgian Orthodox Church (GOC).

The dominant religion in Georgia is Christianity and the leading denomination is the Georgian Orthodox Church (GOC). The Georgian population comprises 84 % Orthodox Christians, 10 % Muslims, 4 % Armenian-Gregorians, 1 % Catholics, 1 % those of other religious affiliation, and 1 % those with no pronounced religion. Despite a history of tolerance towards the above-mentioned religious minorities in the country, Georgian citizens remain uneasy about 'untraditional' religious groups, like protestants, and even more unaccommodating towards local sects. The latter are seen as a threat to the Georgian Orthodox Church and Georgian cultural values⁵⁵.

A small number of ethnic Russians are affiliated with several Orthodox groups like the Molokans, Staroveriy (Old Believers) and Dukhoboriy (Spirit Wrestlers). The south-eastern part of the Kvemo-Kartli region is inhabited mainly by Muslim Azeris, who constitute a majority. Georgian Muslims can mainly be found in the Adjara region, while another Muslim group, the Chechen Kists, occupy the north-east of the country. Ethnic Armenians, who are predominantly members of the Armenian Apostolic Church, constitute the majority in the south of the Samtskhe-Javakheti region. Roman Catholics, Kurdish Yazidis, Greek Orthodox followers and Jews constitute an even smaller grouping of religious minorities, together representing less than 5 % of the population. 'Non-traditional' religious groups like Jehovah's Witnesses, Baptists, Pentecostals and Hare Krishnas also make up around 1 % of the population when combined.

Although the Georgian Constitution stipulates that there must be a separation between church and state, the GOC holds a privileged position as part of the Georgian political system, receiving fiscal and other benefits.

The Georgian Constitution protects religious freedom and stipulates that there must be a separation between church and state. The law provides for the freedom to choose one's denomination and religious belief, and the right to choose or change religious affiliation. Nevertheless, the state recognises the historical and cultural importance of the GOC in retaining Georgian national identity, granting it unique status. The state has an agreement with the GOC which, among other benefits, provides the patriarch of the GOC with legal immunity, exempts the GOC clergy from military service, allows the GOC a consultative role in the government (mostly in the sphere of education), and affords it the right to staff the military chaplaincy. Furthermore, the GOC receives an annuity of GEL 22.8 million (USD 13.75 million) from the state budget, being the only religious

⁵⁴ European Centre for Minority Issues, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011.

⁵⁵ Swedish International Development Cooperation Agency, SIDA (2002). *The South Caucasus: A Regional Overview and Conflict Assessment*. Cornell Caspian Consulting,

group to receive such a benefit.

Furthermore, the Georgian tax code grants unequal partial tax exemptions to different religious groups. With the exception of the GOC, all religious groups pay additional taxes on profits from the sale of religious products, on importing religious products, and on construction and restoration-related activities.

It is prohibited under Georgian law for a person to be persecuted based on religious faith or belief. Interference with worship services or the establishment of religious organisations is also forbidden. Furthermore, the law stipulates that religious education can only take place after school hours.

By the end of 2012, there were 14 minority religious groups registered in Georgia, including three branches of the Catholic Church, two Muslim groups, two Jewish groups, Lutherans, Yazidis, the Armenian Apostolic Church and Evangelical Baptists. The groups that did not qualify for registration were Jehovah's Witnesses and Seventh-day Adventists.

By the end of 2012, most prisons in Georgia had GOC chapels but no other areas of worship. Several religious groups in prisons reported proselytism as an important problem with GOC priests. There have also been reports of proselytism and harassment from Jehovah's Witnesses, especially in public schools.

Jehovah's Witnesses are officially banned in Abkhazia and are not officially registered in South Ossetia.

The Georgian Muslim minority has also filed reports on discrimination from members of the GOC based on religious belief or affiliation. The latter issue was taken up by the Georgian Parliament, amending the criminal code and making religious motives an aggravating factor for all crimes⁵⁶.

Freedom of religion is strongly supported by the Georgian Constitution, and any related wrongdoing is punishable by law.

The registration of minority religious groups is mandatory in Georgia, with Jehovah's Witnesses and Seventh-day Adventists not being eligible, arguably owing to legal regulations.

Numerous reports have been filed by different religious minorities about verbal and physical harassment from members of the GOC and their efforts to proselytise.

5. The EU and minorities in the Eastern Partnership countries

Commitment to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human

The Joint Declaration of the participants at the launch of the Eastern Partnership Summit, held in Prague on 7 May 2009, stated that 'the Eastern Partnership will be based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to, market economy, sustainable development and good governance'⁵⁷. This statement reflects the engagement of both the EU and

⁵⁶ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report for 2012: Georgia*. Retrieved 23 April 2014, from <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208316#wrapper>

⁵⁷ Joint Declaration of the Prague Eastern Partnership Summit, Brussels, 7 May 2009. See http://europa.eu/rapid/press-release PRES-09-78_en.htm.

rights and fundamental freedoms has been one of the main departure points for Eastern Partnership Summits.

Current reforms under the European Neighbourhood and Partnership Instrument (ENPI) are aimed at implementing common values and principles towards ensuring the protection of the rights of minorities.

The EU's Comprehensive Institution Building (CIB) initiative plays an important role in implementing necessary reforms for the new association agreements.

the Eastern Partners and has been reiterated in the Joint Declarations of the Warsaw Summit of 30 September 2011 and the Vilnius Summit of 29 November 2013⁵⁸.

Respect for human rights and fundamental freedoms, together with good governance, implies that each state has the responsibility to respect the rights of their minority groups just as they respect the rights of the majority. Furthermore, as the EU and the Eastern Partners commit themselves to international law, there is wide coverage of minority rights in various international conventions, whether these be in reference to language, ethnicity or religious minorities, and (where appropriate) to indigenous peoples.

The countries of the South Caucasus are currently undergoing reforms envisaged under the European Neighbourhood Policy Action Plan. Under the European Neighbourhood Policy Instrument (ENPI), strengthening the rule of law, human rights and fundamental freedoms, and enhancing poverty reduction and social cohesion efforts are top priorities. Although having different time frames, ENP member countries are working towards a common goal to implement common values and principles towards ensuring the protection of the rights of minorities. One of the latest achievements under the ENP Action Plan, together with the Eastern Partnership (EaP) framework, was the implementation of the comprehensive ENP anti-discrimination legislation by Georgia, on 2 May 2014, ensuring the rights of people who belong to minorities. Both Armenia and Azerbaijan have been encouraged to sign this legislation.

As the European Parliament sees the South Caucasus as a strategically and economically important area, it encourages and supports necessary reforms towards deeper integration with the EU. Furthermore, with the attempt to achieve successful and long-lasting reforms, the Eastern Partnership introduced programmes for Comprehensive Institution Building (CIB). These initiatives support capacity-building in key public institutions involved in implementing necessary reforms, also related to human rights protection, for the new association agreements, and which aim to achieve the delivery of services that are in line with European standards and good practices.

Between 2011 and 2013, support from civil society was provided through EU thematic programmes such as the Non-State Actors and Local Authorities in Developments (NSA-LA) programme⁵⁹ and the European Instrument for Democracy and Human Rights (EIDHR), including additional funding via the Eastern Partnership Integration and Cooperation (EaPIC) programme⁶⁰.

⁵⁸ Eastern Partnership summits are held every two years.

⁵⁹ European Commission, Development and Cooperation - EUROPEAID, Retrieved 22 May 2014, from <http://goo.gl/tWSOUS>.

⁶⁰ European Commission, Development and Cooperation - EUROPEAID, Retrieved 21 May 2014, from <http://goo.gl/iLoL2T>.

The EaP multilateral envelope includes a platform on democracy, good governance and stability which could include ways to improve the situation of minorities.

The EU-funded Eastern Partnership Minorities Network (EaPMN) offers new training and networking opportunities for organisations that work on minority issues.

A three-year programme devised to build capacity in minority organisations in the region aims at further involving minorities in shaping reforms and influencing decision-making processes.

Regardless of steady developments, all three countries have a long way to go to achieve institutional sturdiness, efficiency and accountability, necessary for peace-building.

Further to the EU's bilateral programmes with the three countries of the South Caucasus, the Eastern Partnership's multilateral envelope includes a platform on democracy, good governance and stability. This platform has the potential to map out different possibilities for improving the political and economic situation of minorities in the EaP countries. This would provide further support to democratic processes, and the reinforcement of the rule of law and judiciary power, as well as to the wider administration in the member countries.

The EU-funded Eastern Partnership Minorities Network (EaPMN)⁶¹ is aimed at establishing regional networks and helping to build capacity in the organisations that work on minority issues in the EaP countries. Minority activists and civil society organisations from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine that represent ethnic, linguistic, national and religious minorities, as well as indigenous peoples and other visible minority communities, are invited to join the new network.

According to a press release from the Eastern Partnership Civil Society Forum, organisations that represent Abkhazian, Ajaris, Armenians, Azeris, Bulgarians, Gagauzians, Germans, Jews, Koreans, Kurds, Kyrgyzstanis, Lezgins, Ossetians, Pamiri Tajiks, Poles, Russians, Talyshis, Tatars, Turkmen, Ukrainians, Uzbeks and other minorities can join forces and participate in assisting EaP processes through the aforementioned network.

As a result of the three-year programme, minority communities in the region will be more involved in shaping reforms and influencing decision-making processes. A press release from the Eastern Partnership Civil Society Forum added that 'In the long run, the cooperation will result in minority-informed policy development and implementation in the EaP countries'^{62,†}

By now, all three countries have implemented point A.1 of the association agreement, indicating the 'Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law'⁶³. Although the above-mentioned programmes play an important role in supporting capacity-building in civil society, each country is taking action at a different pace, dependent on capacity, as regards implementing the reforms detailed in point A.1 of the association agreement. Up to now, Georgia has made the most progress, when compared with Armenia and Azerbaijan, in identifying and addressing human rights issues, and in developing minority protection mechanisms. However, regardless of steady

⁶¹ Minority Rights Group International, *The Eastern Partnership Minorities Network*, Retrieved 22 May 2014, from <http://goo.gl/tjPWid>.

⁶² EU Neighbourhood Info Centre, *New Eastern Partnership Minorities Network to help minority groups get heard*. Retrieved 30 April 2014, from <http://www.eap-csf.eu/en/news-events/news/eapmn/>.

⁶³ 50612SC0109; SWD/2012/0109 final, Joint Staff Working Document: Eastern Partnership Roadmap 2012-2013.

developments, all three countries have a long way to go to achieve institutional soundness, efficiency and accountability, all of which are necessary for peace-building.

For over three years, the European Parliament has been steadily monitoring democratisation processes in the South Caucasus. However, in order to effectively assess the key issues on the rights and situation of minorities, and to accordingly support the effective execution of necessary reforms, clear indicators and benchmarks are indispensable. With regard to EU's financial assistance, disaggregated data on minority-related issues are necessary to identify key reform sectors. There should be a clear distinction between the following indicators: anti-discrimination, identity preservation, and the right to participation. Clarity of the latter will help effectively monitor the measures carried out that specifically relate to minority issues. Minorities and indigenous groups should be fully included in the planning and implementation procedures that concern them. The EU National Indicative Programmes (NIPs) have so far not included specific objectives and/or indicators on the protection of the rights of minority groups in the South Caucasus, except for two rare cases in Georgia. Similarly the European Instrument for Democracy and Human rights (EIHDR) had no minority-specific projects approved in Armenia or Azerbaijan. The latter notwithstanding, each of these countries had one call in their Country Base Support Scheme (CBSS) including a minority-specific objective⁶⁴ Furthermore, some EU achievements should also be recognised, like the 2011 Practical Guide for the South Caucasus drafted by the European Centre for Minority Issues (ECMI)⁶⁵.

Currently, the Parliament's concern over the countries of the South Caucasus extends to the discrepancy between passing necessary legislation on the protection of the most basic rights of minorities, and its implementation. Therefore the EP should help further ensure effective installation of institutional mechanisms to channel the input of minority and indigenous groups to relevant governmental structures, and to ensure their participation in reform processes of relevant sectors⁶⁶.

The European Parliament may wish to consider contributing to the aforementioned reform processes in the following ways. In order to further protect the use of minority languages, the EP could support the ratification of the Council of Europe's European Charter for Regional or Minority Languages by Azerbaijan and Georgia⁶⁷. The Ratification of this

A clear assessment of the key issues on the rights and situation of minorities requires clear benchmarks and indicators.

Minorities and indigenous groups should be fully included in the planning and implementation procedures that concern them

Effective institutional mechanisms must be put in place to channel the input of minority and indigenous groups to relevant governmental structures, ensuring their participation in reform processes.

⁶⁴ This and other interesting data can be found in the recently released policy paper '[Partnership for all? Measuring the impact of Eastern partnership on minorities](#)' by Heidrun Ferrari, Minority Rights Group Europe, June 2014; published under the EC-funded project 'The Eastern Partnership Minorities Network'

⁶⁵ European Centre for Minority Issues, *Minority Issues Mainstreaming in the South Caucasus: A Practical Guide*, February 2011..

⁶⁶ Ferrari, H., *Partnership for all? Measuring the impact of Eastern Partnership on Minorities*, Minority Rights Group Europe, 2014, pp. 42-43.

⁶⁷ Except for the case of Armenia, as it has already signed and ratified the instrument.

The European Parliament can contribute to reform processes in several ways.

Closer bilateral ties with the EU are likely to make minority issues more prevalent.

instrument may also positively affect minorities' access to education and mass media, especially in Azerbaijan and Armenia. In Azerbaijan, restrictions apply to both cases, largely due to the provisions outlined in the law on state language, which is solely limited to Azerbaijani. Restrictions also apply in the case of Armenia. To enhance protection of national minorities, the EP could also encourage the implementation of the anti-discrimination legislation⁶⁸, outlined in the ENP Action Plan. Furthermore, in order to facilitate political participation among national minorities, the needs of civil society activists must be identified and analysed. To this end, the EP could further support the Commission's and the EEAS' capacity-building activities for civil society actors, so as to help enhance minority representation on a state level, and to strengthen the role of civil society actors in policy-making processes.

By developing closer bilateral ties between the EU and the countries of the South Caucasus, minority issues have a real potential to become more prevalent, especially when considering the implementation of new reforms in the near future.

⁶⁸ Except for the case of Georgia, as it has already implemented the legislation.

6. Annex I: Map

Figure 1: Ethnolinguistic Groups in the Caucasus Region



Source: University of Texas Libraries, 1995

<http://www.lib.utexas.edu/maps/commonwealth/ethnocaucasus.jpg>