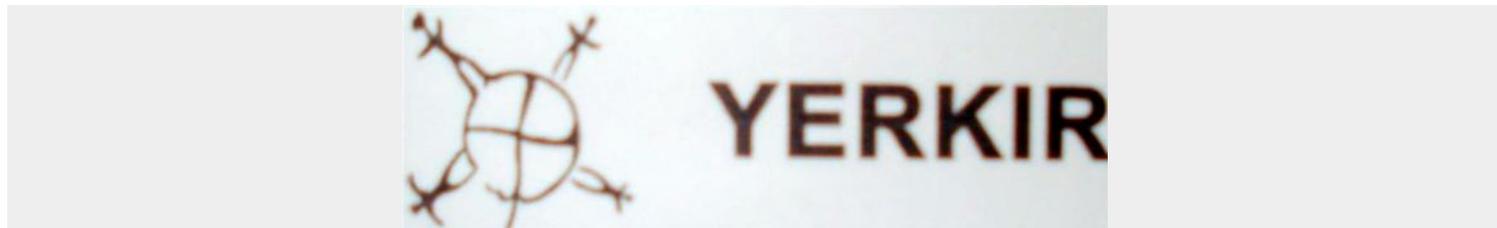


EU IGNORES GEORGIA'S DISCRIMINATION OF MINORITIES

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 **Press Release**, 30 November 2009

Open letter to Peter Semneby, EU Special Representative to the South Caucasus countries, from the "Yerkir" Union of NGOs for Repatriation and Settlement

Dear Mr. Semneby,

 In the interview published in the Russian daily newspaper "Vremya Novostey" on November 2, 2009 you, among other issues, touched upon the problems of ethnic minorities of Georgia and, in that context, the problems of the Javakheti Armenians, making the following observation: "The issues of national minorities in Georgia are important. We must pay more attention to them, than we - on our part, and the Georgian authorities - on theirs used to. This is a difficult issue. ... The problems there are largely social; those are problems of economic development."

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Dear Mr. Semneby,

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The very fact of your statement can be considered as positive, even if it is only viewed from the standpoint of public recognition of the existing problem by such a high-ranking official of the European Union. However, to what extent does it reflect the real situation, reducing the problems of Javakheti Armenians to only their socio-economic component?

Of course, the socio-economic component is present in the complex of the problems of the Javakheti Armenians, but it does not occupy the central and decisive position. The Armenian population of Georgia, and the part, compactly inhabiting the south-western regions of the country in particular, suffers from violation of their political, civil, cultural, educational and religious rights, the rights that are guaranteed by numerous international obligations undertaken by Georgia and aimed at protection of ethnic minorities.

The main problems facing the Georgian and the Javakheti Armenians can be summed up as follows:

- The Armenian population is disproportionately represented in the administrative and governing bodies of the regions of their compact residence;

- The Georgian authorities impose mandatory legislative and administrative measures to compel the minorities in the places of their compact residence to use exclusively the Georgian language in all spheres of public life, although the vast majority of the Javakheti Armenians by objective circumstances do not speak the language of the titular nation;
- The Armenian Apostolic Church in Georgia has no legal status, and the Georgian authorities refuse to return to it the Armenian temples, confiscated during the Soviet era.
- The very fact that you avoided mentioning in your interview the existence of these issues, which are far from being only socio-economic, becomes even more bizarre, considering the fact that numerous reputable international organizations have addressed the issue of discriminatory policy implemented by the Georgian authorities towards the ethnic minorities in Georgia.

Thus, for example, the UN Human Rights Committee in its recommendations adopted on October 16, 2007, proposes that the Georgian authorities take steps to ensure freedom and equality of religion. The Committee recommends that the Georgian authorities solve the problem of restitution of the property, confiscated during the Soviet era to the religious minorities. The Committee, expressing concern about the low level of political representation of minorities, suggests that the Georgian authorities implement measures to eliminate discrimination on the basis of language. To this end, the Committee proposes to consider the possibility of allowing minorities to use their own language at the level of local government and administration and to take all appropriate measures to ensure adequate political representation and political participation of ethnic minorities.

Serious shortcomings regarding the compliance of Georgia with the European Framework Convention for the Protection of National Minorities were reflected in the report submitted in spring 2009 by the Advisory Committee of the Council of Europe. The Advisory Committee recommends that the Georgian authorities make sure that the policy of promoting the Georgian language is not detrimental to the right of using the minority languages, mentioning that this requires more resolute measures reflected both in law and in practice. The experts of the Council of Europe, noting that national minorities are underrepresented in the country's political, cultural, social and economic life, recommend that the Georgian authorities take vigorous measures to remove legislative and practical obstacles the national minorities come across, so that they can participate in the elected bodies and in the executive, and work in the public service.

In addition to the above, authoritative international organizations in 2005-2009, the Public Defender of Georgia, a number of Western countries and international organizations in their respective reports and statements touched upon the various manifestations of the policy of violation of the rights of the Armenian minority of Georgia, expressing their concern about these facts. 

The President of Armenia Serzh Sargsyan in his speech on September 1, 2009 also addressed the issues of concern of the Georgian and Javakheti Armenians stating in particular that the logic of the policy towards Javakhk should rest on the premise of "integration without assimilation", and that the

recognition of the Armenian as a regional language, the registration of the Armenian Apostolic Church, the steps undertaken to protect the Armenian monuments in Georgia will only strengthen the Armenian-Georgian friendship and enhance the atmosphere of mutual trust and understanding.

However, the Georgian authorities ignore the recommendations of the international community and continue implementing a discriminatory policy towards the Javakheti Armenians. Moreover, in recent years this policy has achieved the level of repressions against the Javakheti political activists through law enforcement agencies and judicial authorities. During the period of 2007-2009 as a result of direct and indirect pressure from the power structures of Georgia dozens of political activists emigrated from Javakheti, many were tried for fabricated criminal charges, some of them "bought" their freedom at the cost of admission of guilt in their alleged "crimes", others were tried in absentia and sentenced to various prison terms.

On July 21, 2008 the Georgian Special Forces stormed the house and the office of the prominent Javakheti political activist Vahagn Chakhalyan, "found" weapons there and on this basis immediately arrested him as well as his father and his under-age brother. Later on Vahagn Chakhalyan was charged with "organizing and active participation in activities that disrupt public order" and "hooliganism" - charges solely based on his political activities in 2005-2006, when the Armenian population through demonstrations and protests put forth their legitimate claims to honor their linguistic and educational, socio-cultural and religious rights.

On April 7, 2009, as a result of proceedings accompanied by flagrant violations, the Javakheti political activist was sentenced to 10 years' imprisonment in the Court of First Instance. On October 30, 2009 the Court of Appeals upheld the verdict intact.

This retaliatory act by the Georgian authorities against Vahagn Chakhalyan has caused wide public resonance in Armenia and in the Diaspora. A number of Armenian non-governmental organizations, international human rights institutions, European parliamentarians have adopted statements and taken other steps aimed at protection of the rights of the Javakheti Armenian activist. On April 14, 2009 the Coordination Council of Armenian Organizations of France held a protest demonstration before the Georgian Embassy in Paris against this unjust sentence; two days after this action Vahagn Chakhalyan was severely beaten in prison.

Meanwhile, Georgia is a member of the "The European Neighborhood Policy" and "Eastern Partnership" EU programs and through them the country receives substantial financial assistance. At the same time Georgia openly violates the basic human rights and the rights of ethnic minorities. Under the circumstances, by ignoring the existing problems the EU actually authorizes the Georgian authorities to continue their discriminatory policy towards their ethnic minorities, authorizes new manifestations of police repressions in the Armenian-populated areas, and authorizes new irresponsible acts that deepen day by day the mood of fear, frustration and alienation in the Armenian-populated regions of Georgia. Thus, the European Union involuntarily assumes the role of

an accomplice of the Georgian authorities, sharing the responsibility for a possible aggravation of the situation.

Dear Mr. Semneby,

Based on abovementioned facts, we call upon You to take more decisive and effective stance in this issue in order to "explain" to the Georgian authorities that the communication with the Armenian citizens of their country from the position of rude force, police repression and deprivation of rights leads to a deadlock, and only through recognition, effective protection and enjoyment of fundamental rights and freedoms of individuals and minorities, as well as the actual planting of democratic procedures is it possible to create stable guarantees for the development of the country.

We firmly believe, that only by exercising principled position with respect to these issues is it possible to help the Georgian authorities in creating a functioning democratic system, which will be the real guarantee of stability for the country and the entire South Caucasus region as a whole.

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