

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Summary Evaluation of the Non-Governmental Organizations on the Anti-Discrimination Law

The law of Georgia on the “Elimination of All Forms of Discrimination” was enacted on May 8. The goal of this law is to “eliminate all forms of discrimination and ensure equal enjoyment of the rights, prescribed under the legislation of Georgia, by each natural and legal person, regardless of their race, color, language, gender, age, citizenship, origin, birth place, residence, property or status, religion or beliefs, national, ethnic or social affiliation, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political or other views

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or any other characteristics.” We welcome, that despite the pressure, the Parliament and Government of Georgia have demonstrated firm will and similarly to other domestic legislative norms, have included a “sexual orientation” and “gender identity” in the list of the characteristics, not to be discriminated against. To ensure the constitutional principle of equality before the law, it is important to exclude any exceptions, to ensure the right to equality for everyone and not only one particular social group.

Enactment of the law on the “Elimination of All Forms of Discrimination”, despite being a weak mechanism for combating the discrimination, is a step forward for the country. As a result of enactment of the law, the scope of the Ombudsman’s authority, aimed at responding to the cases of discrimination, is relatively broadened. An Ombudsman will be able to address the recommendations to not only the state institutions, but also to the discriminating private persons. In addition, in case of non-compliance with his/her recommendations, the Ombudsman will have an opportunity to address the court against the administrative body. According to the law on the “Elimination of All Forms of Discrimination”, in case of a discriminative activity, the citizens will be able to request material and non-pecuniary damage restitution from the discriminating person, to address the court with the request to stop discriminative actions and/or to eliminate its results. We hope, that the courts will play an important positive role in achieving the goals of the law and that the courts will properly interpret its provisions and will establish such a legal practice of combating the discrimination, which will be in compliance with the standards, established by the Constitutional Court of Georgia and human rights protection-related international supervising institutions.

It is unfortunate, that despite the principled request of up to 40 non-governmental and religious organizations, as well as the Ombudsman, neither the Parliament nor the Government have introduced the fining mechanisms into the law, which would have been a significant contribution to the effective elimination of all forms of discrimination. It is regrettable, that without informing the civil society, the Government of Georgia has changed and significantly weakened the progressive draft law, prepared by the Ministry of Justice through the broad-scale public involvement. It is also notable, that unforeseen amendments were made to the draft law by the Parliament, during its second hearing at the plenary session; under this amendment, the public order and morality were named to be legitimate goals in the definition of

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the discrimination.

Now that the law on the “Elimination of All Forms of Discrimination” is approved and enacted, we call upon the Government of Georgia to apply all means to establish the law in real life and to properly implement its provisions in practice. In this regard, it is important to raise public awareness, re-train the public servants, responsible for elimination of discrimination, to strengthen the institutional capacity of the Ombudsman’s office, etc. In addition, we call upon the Government of Georgia to continue working towards creation of the effective mechanisms for implementation of this law.

Georgian Young Lawyers Association (GYLA)
Women’s Initiatives Supporting Group
Human Rights Education and Monitoring Center (EMC)
Article 42 of the Constitution
Media Development Foundation (MDF)
Identoba
Partnership for the Human Rights (PHR)
StudioMobile - Accent on Action
Taso Foundation
Women’s Fund in Georgia
Georgian Democracy Initiative (GDI)
Union Saphari