

## THE SITUATION OF HUMAN RIGHTS OF PERSONS LIVING WITH ALBINISM

### Human Right Council Resolution A/HRC/RES/24/33

#### *Information for the UN High Commissioner for Human Rights*

Government of Georgia has drafted Law on Elimination of All Forms of Discrimination. During the process relevant international regulations, as well as legislation of foreign states, predominantly of EU Member States have been examined and analysed. Draft went through international expertise: recommendations from ODIHR, ECRI, OHCHR. At the same time, it was presented to the diplomatic corps and to the civil society sector for comments and recommendations. At present, Draft is being discussed in the Parliament of Georgia.

Purpose of the law shall be elimination of all forms of discrimination and ensure for every person equal enjoyment of rights prescribed by law irrespective of race, color, language, national, ethnic or social belonging, sex, sexual orientation or gender identity, marital status, health status, disability, age, origin, place of birth, place of residence, religion or belief, political opinion or *any other ground*. The list of grounds is not exhaustive. Notion “any other ground” shall include any distinctive features that may lead to discrimination.

According to draft any form of discrimination, being it direct or indirect, shall be prohibited in Georgia. Direct discrimination shall be considered such treatment of person or creation of conditions in the process of enjoyment of protected rights on the basis of any characteristics enumerated above, which would put this person in different - favorable or unfavorable situation in comparison to other persons in similar circumstances, or similar treatment of persons being in apparently unequal circumstances, except when such treatment serves legitimate purpose and the means used to achieve this purpose are necessary and proportionate. Indirect discrimination shall be considered such situation where a clearly neutral provision, criterion or practice does not prevent directly to equally enjoy the protected rights, but its implementation entails unfavorable situation for a person in comparison to persons in similar circumstances, except when such situation serves legitimate purpose and the means used to achieve this purpose are necessary and proportionate.

Discrimination shall be prohibited in all spheres, both public and private, including, but not limited to: labor relations; social security and health care; pre-school education, education, access to education and learning process; culture and creative art; science; elections; civil and political activities; justice; military, state services; use of goods and services; housing; entrepreneurship and banking; transport and infrastructure; usage of natural resources; sports etc.

Provisions of the law shall be extended on the activities of both – governmental and private legal or natural persons. Elimination of discrimination and ensuring of equality shall be monitored and controlled by Public Defender.

In 2012 Article 53 (*General Principles of Sentencing*) of Criminal Code of Georgia was amended. According to wording of a new paragraph of this article all crimes envisaged by the code committed on the ground of racial, religious, national, ethnical intolerance, sex, sexual orientation, gender identity, disability or on any discriminating ground shall be considered to be committed in aggravated circumstances. Code contains more than three hundred prohibited acts of different nature – crimes against life and health of human being, crimes against property, etc.