



STATE OF HUMAN RIGHTS IN GEORGIA, 2021



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ABOUT THE REPORT

This Report reviews the state of human rights in Georgia in 2021. Traditionally, it covers all significant legal and political developments, which influenced the state of human rights in the country. The report relies on the data collected and evaluations made by Human Rights Center, other Georgian civil society organizations, the Public Defender of Georgia and international organizations.

The goal of the report is to assess the activities of various state bodies in terms of human rights protection, also the level of response of different state organs towards human rights violations, the efficiency of the judiciary and the legal and systemic changes which should aim to implement international human rights standards on the national level.

The political developments in Georgia throughout the year significantly influenced the content of the report. On its own, like in 2020, the COVID-19 related pandemic had an impact on the state of human rights in 2021 too. Therefore, majority of the events and human rights issues presented in the Report is reviewed in the context of the political developments, the pandemic and its grave consequences throughout 2021.

The report evaluates the state of human rights in the main areas, such as: equality before the law, freedom of expression and freedom of speech, the judiciary system, the state of human rights in the penitentiary system, occupation and its impact on human rights, the labor rights, cases which caused high public interest, issues related with media freedom, the state of people with disabilities, rights of LGBTQ+ individuals, violence against women, including the facts of domestic violence, election system, rights of ethnic and religious minorities, hate-motivated crimes and more.

INTRODUCTION

Like in 2020, in 2021 too, the biggest challenge in Georgia, like in the entire world, was the novel coronavirus pandemic, which disclosed legal, political and socio-economic problems in the country that harm the human rights standards. The crisis caused by the pandemic revealed the miscarriages in the Georgian healthcare system, the scopes of social vulnerability and economic hardship of the population, the weakness of the state to distribute the wellness of the country among the population and to create social guarantees for them, also non-inclusiveness of the equality before the law and the government's policy, systemic negligence of the rights of minorities, miscarriages

in the judiciary system, and more.

The process, which followed the Parliamentary Elections of October 31, 2020 in the state of pandemic, continued in 2021 too. The political crisis created after the October 2, 2021 Municipal Elections significantly worsened the situation. The miscarriages in the Georgian election system, polarized political environment and media, poor social and economic conditions significantly harmed the Georgian democracy and contributed to the creation of deep crisis in the political processes.

In 2021, recruiting new judges in the courts became even more problematic because of pandemic; the selection process of the judges lacked transparency as well as the trust of the Georgian society and international partners towards the process.

Above all that, according to the information spread on December 25, 2021, the Parliament of Georgia planned to review the draft-law on the abolition of the State Inspector's Service and to create two separate institutions – Special Investigation Service and Personal Data Protection Service instead. Nongovernmental organizations¹ and international partners² expressed deep concern over the plans of the Georgian Dream government to attack the independence of the State Inspector's Service.

In terms of the protection of freedom of assembly and expression, many systemic problems were revealed in 2021. Dispersal of the assemblies and demonstrations by police forces became the usual manner “to resolve the problem.” This year too, the Georgian Government is still criticized for political persecution and political imprisonment. The threats of information manipulation and radicalization in the polarized media environment increased. The use of hate speech, indecent language and ignoring journalistic ethics norms became part of daily work for the both pro-governmental and clearly opposition media sources. Implementation of the journalistic duties was placed under particular risk; journalists became targets of physical violence/assaults that was mostly encouraged by the high government officials, high hierarchy clergies and leaders of various ultra-conservative and far-right groups.

In parallel to the crisis caused by the pandemic and political developments, the influence of the Russian Federation and its occupation forces on Georgia is increasing likewise other countries of the region, which permanently weakens the feeling of

¹ See the statement of the NGOs about the planned abolition of the State Inspector's Service <http://www.hrc.ge/332/eng/>

² See the statement of the US Ambassador Kelly Degan: <https://ge.usembassy.gov/ambassador-degnans-remarks-to-media-following-her-meeting-with-the-state-inspector/>; also the international reactions on proposed disbanding of the State Inspector's Service <https://civil.ge/archives/464891>

stability considering the active and frozen conflicts in the region. The facts of systemic and blatant violation of human rights in the occupied regions of Georgia, continuing illegal borderization during the pandemic, arbitrary kidnapping of the citizens of Georgia from the Administrative Boundary Line of the occupied regions and other related problems are still very urgent.

The protection of the rights of various minority groups, introduction of the idea of equality and its implementation in real life is still a biggest challenge in the country. The LGBT+ individuals are still the most vulnerable group, whose rights were not improved in 2021 either. Regardless the positive legislative amendments of the past years and increased response to the committed crimes, the violence against women and domestic violence is still a huge challenge in the Georgian society. The state of human rights of the people with disabilities is still severe. The state of human rights of ethnic and religious minorities has not improved either, and they are still subjects of systemic discrimination and stigmatization. Considering the systemic problems and pandemic related crisis, when the government leaves the non-dominant and already marginalized groups beyond the attention, the negative outcomes of the crisis will probably have heavy and long-term influence on the enforcement of the equality policy in the country.

POSITIVE LEGISLATIVE AMENDMENTS

Creation of the fair election system is still problematic issue in Georgia. As a result, there are weak guarantees that the population of Georgia will express their will in the elections freely.

To overcome the political crisis created after the 2020 Parliamentary Elections, on April 19, 2021 the ruling and opposition political parties signed the political agreement proposed by the President of the Council of Europe Charles Michel – A Way Ahead for Georgia³. The five-paragraph document proposed the distribution of powers in the Parliament and solution of the issues related with the municipal elections. In order to implement the requirements of the document, on June 28, 2021, the election legislative framework was significantly changed.

In accordance with the legislative changes, the composition of the election commissions and the rule of appointment of commission members was changed;

³ A way ahead for Georgia'. Proposal by President of the European Council Charles Michel to the representatives of Georgian political parties: <https://bit.ly/3GWfr59>

higher proportional component was introduced for the municipal elections as well as obligatory random re-counting of the votes and the measures to combat intimidation of voters and misuse of administrative resources; the terms to consider the election complaints and appeals against the decisions were changed; the election campaigning materials shall be placed only 25 meters away from the polling station; the distance from the polling station where voters shall move without physical obstacles was increased from 25 meters up to 100 meters; according to the amendments, the gathering of the people, as well as making written records regarding the voters are prohibited within 100 meters distance, and more⁴.

Although the election reform of 2021 aimed to introduce amendments to the election system, it regulated the pre-election campaigning, improved institutional frame of the election administration, polling process, counting process and the process of submitting, the introduced amendments cannot be evaluated as adequate step taken towards the perfection of the election system⁵. The amendments partly fulfilled some recommendations of the OSCE/ODIHR and Venice Commission. However, other previously issued recommendations of the OSCE/ODIHR remained unfulfilled. Among them were the recommendations about the restricted right to vote, the ways to settle election disputes and additional measures to combat the misuse of administrative resources⁶. At the same time, in separate cases, the amendments adopted in the frame of the reform, cause additional criticism⁷. For example, on the Election Day, in the polling station, the commission members appointed by the political parties can no longer implement the functions of the voters' registrar. It places the commission members in unequal condition, and this restriction may further hinder proper execution of the election procedures.

PANDEMIC AND HUMAN RIGHTS

On December 31, 2020 the State of Georgia notified the Secretary General of the UN on expanding the term for the previously established restriction of human rights until

⁴ See: Report - Monitoring 2021 Municipal Elections in Georgia, Human Rights Center, p. 11-19, <http://hrc.ge/files/reports/184report-Municipal%20elections%202021-eng.pdf>

⁵ See: *ibid*, p. 6-7

⁶ See: Georgia – Joint Opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the Election Code of Georgia: <https://bit.ly/325OZaG>; also, Venice Commission, OSCE/ODIHR, Urgent Joint Opinion on Revised Draft Amendments to the Election Code [05/07/2021]: <https://bit.ly/3IVUetU>

⁷ See: Venice Commission, OSCE/ODIHR, Urgent Joint Opinion on Revised Draft Amendments to the Election Code, [05/07/2021], para. 15, 17.: <https://bit.ly/3IVUetU>

July 1, 2021⁸. The same notification was sent to the Secretary General of the Council of Europe on January 1, 2021⁹.

Like in 2020, the developments caused by the COVID-19 related pandemic created many challenges in the country. The country was still unprepared for the threats coming from the novel coronavirus. Not only the legislative data base related with the public health care turned out to be misbalanced, but also the mechanisms to announce and manage the state of emergency under the Constitution of Georgia. In 2021, the social-economic rights of the population further deteriorated and the most vulnerable, low-income groups were placed in the difficult situation.

As a result of ineffective measures taken against the COVID-19, there was high spike of Covid infection in the country that caused overcrowdings of the medical sector. Unfortunately, regardless the commenced vaccination process, the daily number of the deceased patients has not reduced and by December 28, 2021, Georgia ranked the 8th place worldwide with the daily number of deceased persons with Covid 19¹⁰.

In 2021, the Public Defender of Georgia many times criticized the Government of Georgia for their approach towards the management of the COVID-19 pandemic that created real threat to the **protection of human life and health**. Namely, the information campaign of the state about the vaccination process was ineffective¹¹. Besides, the decisions to introduce or cancel the regulations to fight against the coronavirus mostly were made through negligence of the scientific conclusions and best international standards¹².

The rate of the vaccination is very low in Georgia and by the end of the year only 37% of the adult population of Georgia was fully vaccinated; the number of the vaccinated over-60 people is also very low – only 37% of them was vaccinated¹³. In Georgia, the rate of lethality caused by the coronavirus is the highest among the non-vaccinated patients over 60.

Unfortunately, the state failed to offer easy process of vaccination to the elderly population of the country and for a long time people could register for the vaccination

⁸ See: GEORGIA: NOTIFICATION UNDER ARTICLE 4 (3) 1.: <https://bit.ly/3mfyGyU>

⁹ See: NOTIFICATION OF COMMUNICATION State: Georgia.: <https://bit.ly/324KVHJ>

¹⁰ See: the statistic data: <https://bit.ly/3EsOHY0>

¹¹ See: the statement of the Public Defender of Georgia [10/12/2021] <https://www.ombudsman.ge/eng/akhali-ambebi/adamianis-uflebata-datsvis-saertashoriso-dghe>

¹² Note: *the best example is introduction of permanent green passport, to abolish the obligation to wear facemask for one period, etc.*

¹³ See: the statistic data of the National Center for the Decease Control and Public Health: <https://vaccines.ncdc.ge/statistics/>

only via online webpage that is mostly inaccessible resource for the elder population.

The Covid-19 related regulations of various character¹⁴ and intensity¹⁵ significantly restricted the economic activities that left thousands people without salaries and in many cases without jobs. Although Georgia with the increased state debt paid anti-crisis allowances and compensations to the people who lost jobs because of pandemic, the taken measures failed to respond to the acute social and economic crisis in the country¹⁶. The social protection of the informally employed people was still a challenge for the state, as well as prompt and adequate response to the large-scaled strikes and various protests that was responded by negligence or/and repression from the state; the latter restricted the constitutional right to protest as well as freedom of movement in the sites of public protest¹⁷.

Restrictions on transport movement had negative impact on the residents of villages, who could not reach shops and other necessary places, which are mostly located several kilometers away from the villages. It created particular problems for the old people.

With the regulations established for the fight against the crisis, for the purpose of healthcare, the rights of prisoners were also significantly restricted (conjugal meetings were prohibited). The measures taken to prevent the spread of the coronavirus particularly affected the right of the prisoners to communicate with the outside world. At the same time, it should be noted that in 2020 there were bare measures taken to compensate the consequences of the restrictions¹⁸.

PROBLEMS OF HOMELESS PEOPLE

The problems related with the right to adequate housing continued to persist in Georgia in 2021. This issue has been a systemic problem for years. There is no government strategy and action plan for the protection of the homeless people in the country. On the legislative level, we still do not have a comprehensive definition of a

¹⁴ See: the statement of the NGOs about the curfew [04/02/2021] <http://www.hrc.ge/104/eng/>

¹⁵ See: the chronology of the spread of the COVID_19 and preventive measures in Georgia [01/12/2021] <https://bit.ly/3yFfG1L>

¹⁶ SEE: THE APPEAL OF THE HRC TO THE GOVERNMENT OF GEORGIA REGARDING THE COMPENSATIONS OF THE CITIZENS AFFECTED UNDER THE CONDITIONS OF THE CORONAVIRUS PANDEMIC [HTTP://WWW.HRC.GE/98/ENG/](http://WWW.HRC.GE/98/ENG/); ALSO SEE - INFORMALITY BEFORE AND AFTER THE PANDEMIC, BY THE SOCIAL JUSTICE CENTER, DECEMBER 2021, <HTTPS://SOCIALJUSTICE.ORG.GE/EN/PRODUCTS/ARAFORMALOBA-PANDEMIAMDE-DA-PANDEMIIS-SHEMDEG>

¹⁷ See: the legal analysis – Monitoring of the Protest Demonstrations Held Against the Construction of the Namakhvani HPP Cascade, Human Rights Center, 2021 <http://www.hrc.ge/270/eng/>

¹⁸ See: the reports of the monitoring of the part of Ksani Penitentiary Establishment N8 and Prison # 10, Public Defender of Georgia, National Preventive Mechanism [03/11/2021] <https://bit.ly/3Ff1bUD>

homeless person and the framework legislation necessary for the realization of the right to housing, further, there is no unified database on homelessness¹⁹. Consequently, the homeless people remain one of the most vulnerable and socially indigent groups in the society.

It is noteworthy that some local self-governments do not have the databases of homeless people at all, while in municipalities, where the rule of registration of the homeless has been adopted, due to the ambiguity of the legal definition of a homeless person, there are different criteria for assessing a person as homeless, which leads to inconsistent approaches and exclusion of homeless people from the definition of different groups²⁰.

In 2021, the Public Defender appealed the Constitutional Court of Georgia to declare the rule of granting the status of homeless person to an individual as unconstitutional. The Public Defender believes that the concept of homelessness determined by the disputed legislation is vague and does not reflect all forms of homelessness, while the rule of registration of homeless persons adopted by local municipalities leaves large part of homeless persons without access to adequate housing²¹.

Clear illustration of the problems of homeless people was the repressive measures taken against the homeless and internally displaced families in the territory of the so-called Golden District in Chugureti municipality, Tbilisi and launch of criminal proceedings against them. In May 2021, the prosecutor's office accused 7 individuals of the violation of the Article 160 of the Criminal Code of Georgia (violation of inviolability of domicile or of any other property)²². The State, after the privatization of the territory, not only did not offer compensation/adequate housing to the local enterprises, but even threatened them with eviction and when the inhabitants refused to go into the street, the State started criminal prosecution against them²³.

JUDICIARY AUTHORITY

The issues related with the independence of the judiciary system in Georgia is still a significant challenge for the country. Despite four waves of reform, public trust

¹⁹ See: the Report on the State of Human Rights and Basic Freedoms in Georgia, Public Defender of Georgia, 2020, p. 305 <https://bit.ly/3eibsDE>

²⁰ See: the statement of the Public Defender of Georgia <https://bit.ly/3JBXCux>

²¹ See: Public Defender Applies to Constitutional Court to Declare Rule of Granting Status to Homeless Persons Unconstitutional; [08/17/2021] <https://bit.ly/3sSQgUR>

²² See the Article 160 of the Criminal Code of Georgia <https://bit.ly/3Hy2bE1>

²³ See the statement of the Social Justice Center [07/09/2021] <https://bit.ly/3J5ZThh>

towards the judiciary is still critically low; the High Council of Justice also fails to ensure the system's independence and efficiency. The lack of trust in the judiciary and the signs of selective and politicized justice also contributes to the aggravation of the political crisis and the escalation of the situation²⁴. For years, flawed rule to select and appoint judges finally wasted the trust towards the judicial authority. At the same time, the recommendations of the Venice Commission are not fulfilled yet²⁵.

The Agreement of April 19, 2021 confirmed the existence of acute problems in the justice system, which underlined the need to carry out systemic reforms; it also mentioned the need of substantive reform of the HCoJ to increase transparency, integrity and accountability²⁶. In accordance with the document, the parliament shall adopt ambitious judicial reform in this Parliamentary term, as the first step on the road of a broad, inclusive and cross-party reform process²⁷. In the contrary to the agreement, the ruling party – Georgian Dream declared the amendments adopted before signing the document as fulfillment of the recommendations²⁸, thus rejecting the international obligations.

The work of the High Council of Justice is also problematic. The HCoJ continues to make decisions with regard to the management of the justice system or selection of judges based on the narrow – clan interests and the trust of various professional groups or the civil society is still very low towards this institution²⁹. With it, the Conference of Judges elected 4 new judges on May 26, 2021³⁰ and 2 new judges on October 31, 2021³¹ in the High Council of Justice. In parallel to that, the HCoJ failed to appoint 5 non-judicial members by the end of the year that significantly reduces the possibilities to carry out external control of its activities and transparency.

International partners criticized the election of the justice members of the High Council of Justice. They asked the Council to halt the election process and reminded the Chairperson of the Parliament of the obligations taken under the April 19

²⁴ See: the Coalition Calls on the Parliament to Start Working on Justice Reform [18/05/2021]

http://coalition.ge/index.php?article_id=253&clang=1

²⁵ VENICE COMMISSION- URGENT OPINION ON THE AMENDMENTS TO THE ORGANIC LAW ON COMMON COURTS; Issued pursuant to Article 14a of the Venice Commission's Rules of Procedure on 28 April 2021 [02/08.2021].:

<https://bit.ly/3GY4LmM>

²⁶ President of the European Council Charles Michel publishes new proposal made today to Georgian political parties [18/04/2021].: <https://bit.ly/3yKEAgu>

²⁷ Ibid

²⁸ See the joint statement of Irakli Kobakhidze, Archil Talakvadze and Shalva Papuashvili [16/07/2021]

<https://bit.ly/3GWD8Kz>

²⁹ See: the HCoJ Continues Taking Damaging Steps for the Judiciary [17/06/2021] <https://bit.ly/3pTvtTi>

³⁰ See HCoJ have 4 new judge members – who are they? [06/26/2021] <https://bit.ly/33yw0FS>

³¹ See the statement of the HCoJ – XXX Conference of Judges [10/31/2021]: <https://bit.ly/3sjQ0GB>

agreement³². Nevertheless, on July 12, 2021, the Parliament of Georgia appointed 6 judges in the Supreme Court of Georgia for life term³³. The European Union³⁴ and the US Embassy³⁵ criticized the appointments of the judges as a contrary move to the April 19 Agreement. According to the OSCE/ODIHR report, the candidates were nominated with the lack of public credibility³⁶.

In November 2021, the Parliament resumed the procedures of appointment of the Supreme Court judges and after the committee hearings, based on the recommendation of the law committee, 4 more judges were appointed for life-term³⁷. The resumed appointments was criticized by the international partners. The EU disseminated the statement that the EU aid to Georgia largely depended on the progress of the reforms in the country. The EU once again called the Government of Georgia to promote stronger independence, accountability and quality of the justice system, including the High Council of Justice through the inclusive and agreed reforms³⁸. US Ambassador Kelly Degnan stated that continued appointment process of the judges is frustrating and 4 more judges were appointed through non-transparent process for life term³⁹.

SIGNS OF POLITICAL PERSECUTION

In 2021, the criminal prosecution started or continued against high ranking officials of the previous government as well as the people arrested during the protest rallies against the government. International and local observation organizations demonstrated strong interest towards those cases due to alleged political motives in them.

Human Rights Center monitored court hearings of 42 criminal and administrative cases with alleged political motives⁴⁰; among them, the HRC published 1 interim⁴¹ and 1

³² See: Diplomats Remand the Georgian Dream of Their Responsibilities and Call on the Government to Halt the Appointment of Judges” [22/05.2021]: <https://bit.ly/3Fe6dAX>

³³ See: the Parliament of Georgia Appointed 6 Judges in the Supreme Court for Life-term” [12/07/2021]: <https://bit.ly/3paYcHT>

³⁴ See: Appointment of the Judges and Statement of the European Commission [14/07/2021]: <https://bit.ly/3q7X9Hr>

³⁵ Ibid

³⁶ OSCE – Fourth Report on the Nomination and Appointment of Supreme Court Judges in Georgia, 2021 <https://www.osce.org/files/f/documents/4/b/496261.pdf> also: Update on the State of Human Rights in Georgia: FIDH and HRC <http://hrc.ge/files/172update%20on%20HR%20situation.pdf>

³⁷ See: The Parliament Elected Four Supreme Court Judges; [01/12/2021].: <https://bit.ly/3p74lUW>

³⁸ See EU about judges: Georgia’s EU aid depends on the progress in the reforms; [02/12/2021]: <https://bit.ly/32iwzTy>

³⁹ See: the statement of Ms. Degnan [02/12/2021]: <https://bit.ly/3p9hMn7>

⁴⁰ See: 42 Cases with Alleged Political Motives Monitored by HRC <http://www.hrc.ge/333/eng/>

summary reports; also several analytic documents⁴².

The monitoring and analysis of the cases revealed a number of shortcomings in various areas, such as: the right to a trial by an independent court established by law, public confidence in the criminal justice system, the right to a public hearing, the presumption of innocence, the right to dignity and honor, the right of the convicted/accused to health protection, the right to liberty, equality of arms, the right to be tried within a reasonable time, the rights to a reasoned court judgment, the right of a defendant to attend the court hearing, selective justice and political motives. Also, the actions of the state, first of all blatant violation of the rights of the hunger-striker prisoner and patient (*Mikheil Saakashvili's case*) that may be evaluated as inhuman and degrading treatment.

After the detention of Mikheil Saakashvili on October 1, 2021, the decisions of the Government of Georgia was problematic as they restricted the right of Mikheil Saakashvili to fair trial and refused the hunger-striker prisoner to get adequate medical service. There were doubts that the Georgian justice system could not be independent and impartial towards Mikheil Saakashvili that violated not only the rights of an individual but also jeopardized the public agreement that was another cause of the political polarization and internal conflicts.

Initially, Mikheil Saakashvili was not allowed to attend the court hearings of his cases in the Tbilisi City Court. The Special Penitentiary Service did not ensure his transportation to the courtroom because of alleged security risks and ongoing investigation by the State Security Service⁴³.

The Special Security Service disseminated four video-footages of Mikheil Saakashvili. The State Inspector's Service examined the lawfulness of obtaining and disclosing personal data of the third president of Georgia, Mikheil Saakashvili and concluded violation of the norms determined by the Law of Georgia on Personal Data Protection in several episodes and found that the administrative institutions violated the law⁴⁴. Also, the State Inspector found the disclosure of the fact of the forced placement of

⁴¹ See: Monitoring the Court Proceedings of the Cases with Alleged Political Motives – Interim Report, Human Rights Center, 2021 <http://www.hrc.ge/290/eng/>

⁴² Cases Connected with the Events of June 20-21, 2019: A Political Justice and Disputed Amnesty, Legal Analysis, Human Rights Center, 2021 <http://www.hrc.ge/files/1032021%20ivnisis%20movlenebi-en.pdf>; Assessment of the Right to Be Tried Within the Reasonable Time in the Cases Ongoing Against Mikheil Saakashvili, Human Rights Center 2021 <http://www.hrc.ge/180/eng/>; Right to a Fair Trial in Cases of Administrative Offences, Human Rights Center, 2021 <http://www.hrc.ge/319/eng/>

⁴³ See the November 10, 2021 statement of the Special Penitentiary Service: <https://bit.ly/3e9OJJT>

⁴⁴ See: The State Inspector's Decision on The Lawfulness of Obtaining and Disclosing Personal Data of The Third President of Georgia Mikheil Saakashvili; [07/12/2021] <https://personaldata.ge/en/press/post/7757>

the data subject in the Penitentiary Establishment as processing data in a manner debasing the dignity of the data subject⁴⁵.

At the same time, in the criminal proceedings ongoing for almost 7 years against former President, Mikheil Saakashvili, the procrastination of the court hearings remains a problem affecting the reputation of the court system, the efficiency of the justice, and the trust of the public in the judiciary in general. The right to a hearing within a reasonable time releases the persons awaiting trial from prolonged uncertainty. Moreover, the right helps to minimize the measures restraining the freedom of the accused used for the purposes of court hearings⁴⁶.

There were some criminal cases against former senior officials, opposition political parties, representatives of critical media (Nika Gvaramia, TV Pirveli, and more) and civil activists, where the government officials mentioned the culpability of the accused persons before the court rendered the judgment, thus violating the presumption of innocence and contributing to the displaying of the accused as offenders in the public eye. Moreover, such statements have a negative impact on shaping public opinion on the impartiality and political neutrality of the prosecutor's office.

In the cases of administrative offenses and administrative arrests of the civil activists/protesters/members of the opposition political parties, the claims of the authorities to hold the person as an offender were oftentimes unsubstantiated and drawn up in a 'one size fits all' manner; Almost 100% of the evidence presented by them was the testimony of witness police officers that was considered to be a sufficient evidence for the court to impose sanction on the defendant.

MUNICIPAL ELECTIONS 2021

- **Pre-Election Environment**

This pre-election period of October 2, 2021 Municipal Elections was particularly characterized by alleged pressure on opposition candidates throughout the country. According to the information available to the Public Defender of Georgia, in the pre-election period, 59 opposition candidates were allegedly pressured and intimidated to make them withdraw their candidacies, including through threats of physical violence,

⁴⁵ Ibid

⁴⁶ See: the HRC statement about the imprisonment of Mikheil Saakashvili and ongoing criminal proceedings against him; <http://www.hrc.ge/292/eng/>

threatening the security of their family members and relatives, and firing from jobs. The candidates avoid talking about these facts in public, which allegedly indicates the real danger of execution of the threats against them⁴⁷.

There have also been widespread allegations of dismissal and harassment on alleged political grounds for affiliation with the opposition political party founded by the former Prime Minister Giorgi Gakharia⁴⁸. Job pressures were mainly directed against those employed in the public agencies, which, like the trends in previous years, still represents the problem of erasing the line between the state and the ruling party and equating the state institutions with the ruling party.

During the pre-election period, there were several cases when the incumbent mayors simultaneously were the mayoral candidates⁴⁹. Although it is not prohibited under the law, it was problematic in terms of the unlawful use of the administrative resources that blurred the line between state government and the political party. OSCE 1990 Copenhagen Document, which is obligatory for Georgia too, requires “a clear separation between the State and political parties.”⁵⁰

With the elections approaching, violent incidents also increased. On September 20, a supporter of the United National Movement was attacked in Rustavi⁵¹. On September 21, two supporters of the political party United National Movement were wounded in Kvemo Kartli, Dmanisi Municipality⁵². On September 25, strangers opened fire against the car of the mayoral candidate of the political party Gakharia for Georgia in Tsageri municipality⁵³. The engagement of public servants and employees of the public schools in the pre-election campaigning and electioneering was particularly grave problem in the pre-election period. The real challenges and needs of the regions and towns were fully ignored in the pre-election period.

⁴⁷ See: the statement of the Public Defender: <https://bit.ly/3FQDp1A>

⁴⁸ See: the Monitoring of Municipal Elections 2021, Human Rights Center, 2021; <http://hrc.ge/files/reports/184report-Municipal%20elections%202021-eng.pdf>

⁴⁹ See: the Monitoring of Pre-Election Period – Key Findings of HRC, 2021
<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁵⁰ See: Organization for Security and Co-operation in Europe, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen: Organization for Security and Co-operation in Europe, 1990), para 5.4.: <https://bit.ly/3JfOfk3>

⁵¹ See: the Article of the Radio Liberty/Free Europe [21/09/2021].: <https://bit.ly/3253ijl>

⁵² “Two people were wounded with a cold weapon during the confrontation in Dmanisi:”
<https://1tv.ge/news/dmanisshi-dapirispirebisas-ori-piri-civi-iaraghit-dachres/>

⁵³ See more information <https://netgazeti.ge/news/565055/>

- **The Elections during Pandemic**

The pandemic caused by the spread of the novel coronavirus – COVID 19 had significant impact on every field of the public life, including such an important instrument for functioning of the democratic society like elections.

On October 2, 2021, the second elections were held in Georgia in the environment of coronavirus pandemic. Regardless the vaccination process in the country, this year, like in many countries across the world, holding elections was a huge challenge to maintain balance between the protection of public health and respect of the right of citizens to vote.

On October 1, 2021, 1751 new cases of COVID-19 were reported in Georgia; 30 persons died. A week before the elections, there were 19.057 active cases in the country and 4.169 patients were treated in hospitals⁵⁴.

The experience from 2020 Parliamentary Elections, greatly helped the CEC to conduct the municipal elections in safe environment during the pandemic that was positively evaluated by local⁵⁵ and international organizations⁵⁶. At the same time, it is noteworthy that regardless the existing regulations, the necessary sanitary hygienic norms for the prevention of the spread of the pandemic were not adequately followed in many polling stations⁵⁷.

- **Violations on the Election Day**

On the Election Day of the 2021 Municipal Elections in Georgia, in the vicinities of many polling stations the facts of verbal and physical controversies were observed that even hindered the polling process in some precincts; the representatives of the civil society organizations became targets of physical and verbal insulting and of intimidation; in concrete instances they were not allowed to perform photo-video recording of the violations, also they were not allowed to lodge complaints; the observers and journalists were hindered to perform their professional duties in multiple cases.

The monitoring revealed several facts, when coordinators and campaigners of the

⁵⁴ See detailed information about the COVID-infected patients: <https://stopcov.ge/>

⁵⁵ See the Monitoring the Parliamentary Elections of October 31, 2021, HRC, 2020 p. 24-28 <https://bit.ly/3zpB8YM>

⁵⁶ See the Interim Report of the OSCE/ODIHR Limited Election Observation Mission Georgia Parliamentary Elections, 31 October 2020 https://www.osce.org/files/f/documents/7/9/467364_0.pdf

⁵⁷ See the Monitoring of Municipal Elections 2021, Human Rights Center, 2021; p.45 <http://hrc.ge/files/reports/184report-Municipal%20elections%202021-eng.pdf>

ruling party were mobilized in the vicinities of the polling stations to make written records regarding the voters. The unlawful activities of the coordinators and representatives of the ruling party were not adequately monitored, controlled and reacted from the side of the state institutions. The police is responsible to eradicate similar illegal facts but the PEC chairpersons are authorized to inform the police about these violations that negatively affect the healthy election environment in the polling stations they supervise. However, frequently, the PEC chairpersons refrained from reporting about the incidents to the police and claim that it is not within their competence. Similar facts were observed within the 100-meter distance from the polling station that was violation of law. However, the law enforcement officers, who were called to respond to similar incidents, often inadequately or did not react at all⁵⁸. Also, HRC observed the facts of the violation of privacy of voting as well as suspicious observation organizations in the polling stations, whose representatives tried to influence the will of the voters⁵⁹.

- **Assessments of the International Observation Organizations**

In accordance with the initial assessment of the OSCE/ODIHR, the elections were technically well-administered, but that the environment was marred by widespread and consistent allegations of intimidation, vote-buying, pressure against candidates and voters, pervasive misuse of citizen observers as party representatives, and an uneven playing field, including in the pre-election period⁶⁰.

The US Embassy was deeply concerned about the issues like: the polarized media landscape, the significant imbalance of resources and insufficient oversight of campaign finances, the under-representation of women in the campaign, reports of misuse of administrative resources, and pressure against journalists. The US Embassy also highlighted that the continued blurring of the line between state and party resources is deeply disturbing; significant reports about the misuse of administrative resources during the campaign raised doubts about the overall fairness of the elections; in many towns and villages, pressure against teachers, law enforcement officers, and other public sector workers reportedly interfered with their ability to

⁵⁸ See: 1) Monitoring of Municipal Elections 2021, Human Rights Center, 2021; p.53-56 <http://hrc.ge/files/reports/184report-Municipal%20elections%202021-eng.pdf>; 2. I Interim Report of the Long-Term Monitoring Mission of the 2021 Municipal Elections, GYLA; p. 11-12 <https://bit.ly/3mEXWPI>; 3) II Interim Report of the Long-Term Monitoring Mission of the 2021 Municipal Elections, GYLA; p. 33-37 <https://bit.ly/3eaciXc>; 4) III Interim Report of the Long-Term Monitoring Mission of the 2021 Municipal Elections, GYLA; p.13 <https://bit.ly/3FdFt3s>

⁵⁹ Monitoring of Municipal Elections 2021, Human Rights Center, 2021; p.57b <http://hrc.ge/files/reports/184report-Municipal%20elections%202021-eng.pdf>;

⁶⁰ See full information: <https://civil.ge/archives/445832>

exercise their free choice on Election Day. This type of abuse has occurred too often in Georgian elections and is wholly incompatible with Georgia's democratic and Euro-Atlantic ideals⁶¹.

In accordance with the statement of the EU, the elections were generally well administered but characterized with deep polarization. Election subjects had possibility to conduct election campaign in free and competitive environment and the Election Day was well managed and transparent. The EU underlined significant miscarriages particularly widely spread and consistent statements about the facts of intimidation, alleged bribery of voters and oppression on the candidates and voters as well as unequal competitive conditions. Besides that, the EU stressed out significant misbalance between the resources, insufficient monitoring of the campaigns funding and privileges of the ruling party in the election campaign. Under-representation of the women in the election campaign proved that it is necessary to take more responsibilities to ensure adequate representations in the politics⁶².

FREEDOM OF ASSEMBLY AND MANIFESTATION

Throughout the year, large number of cases when the citizens were hindered to enjoy their right to assembly by restricting their movement were identified; also, law enforcement officers prevented the protest participants to erect tents. The faulty practice of arresting the demonstrators for pity hooliganism and disobedience to the lawful request of the law enforcement officer was still observed. This practice mostly contradicts the necessity to interfere in the freedom of assembly without substantiation. In parallel to that, the government was more tolerant towards the protest demonstrations organized by the violent groups. On July 5-6, 2021, during the counter-demonstration held by the violent groups in Tbilisi, the State failed to implement its positive obligation that ended up with grave results, including the various grave injuries of health of 54 journalists⁶³.

The monitoring of the realization of freedom of assembly/manifestation revealed the following issues as problematic: restriction on placing non-permanent constructions and ineffective management of the assembly by law enforcement bodies; also

⁶¹ See the statement of the US Embassy on 2021 Municipal Elections [04/10/2021] <https://bit.ly/3zmTJ7W>

⁶² See the statement of the EU delegation to Georgia on October 2 municipal elections [04/10/2021]: <https://bit.ly/3Fcqmah>

⁶³ See: Report on the Monitoring of the Protest Rallies of July 5-6, 2021 – primary legal assessment, Human Rights Center, 2021 <http://www.hrc.ge/files/reports/167aqcieb-eng.pdf>

legislative miscarriage in relation with the deprived possibility to block the traffic way⁶⁴ - law enforcement officers did not allow the protesters to erect non-permanent constructions like: tents, folding beds or banners and by exceeding the power, they arrested the individuals who tried to arrange the abovementioned constructions.

The law enforcement agencies are continuing to actively use the mechanisms provided by the Code of Administrative Offenses against protesters prejudicing the right to assembly and demonstration. As the monitoring revealed, the detention of the participants of the peaceful assembly was mainly conducted under Article 166 (*Petty hooliganism*) of the Code of Administrative Offenses and Article 173 (*Disobedience to a lawful request of the enforcement officer*), and also under Article 150 (*Defacement of the image of the self-governing unit*). During the years, the cases of restricted right to assembly and manifestation under these articles are documented by monitoring organizations, among them by Human Rights Center⁶⁵.

The abovementioned problem is further aggravated by the fact that at the time being Georgia applies the Code of Administrative Offenses inherited from the Soviet period. The law was adopted in 198. It fails to meet the requirements of fair trial standards, and is being used to unlawfully restrict the right to peaceful assembly and freedom of expression. The Administrative Code provides for much fewer procedural safeguards than a person would have when she/he is accused of committing a criminal offense. The Administrative Code does not provide for the standard of proof 'beyond a reasonable doubt', neither for the presumption of innocence, and other many procedural rights, etc. Moreover, the Administrative Code envisages some severe penalties such as administrative detention for certain administrative offenses⁶⁶.

It is worth to mention that similar facts have regular character though the right to place non-permanent constructions at assemblies and manifestations is protected by the case law of the European Court of Human Rights⁶⁷, judgments of the common

⁶⁴ See PROHIBITED RIGHTS - LEGISLATIVE STANDARDS FOR THE USE OF NON-PERMANENT STRUCTURES AND TECHNICAL MEANS AND PROBLEMS OF EXERCISING IN PRACTICE, Human Rights Center, 2021:

<http://www.hrc.ge/157/eng/>

See: ADMINISTRATIVE ERROR UNDER THE SHADOW OF GEORGIAN LAWMAKING; Human Rights Center, 2021:

<http://www.hrc.ge/files/122administraciuli-eng.pdf> ; See: FINDINGS IN THE MONITORING OF PROTEST DEMONSTRATIONS, Human Rights Center, 2020, <http://hrc.ge/files/reports/37awciebis%20monitoringi-eng.pdf>

⁶⁵ See: ADMINISTRATIVE ERROR UNDER THE SHADOW OF GEORGIAN LAWMAKING; Human Rights Center, 2021:

<http://www.hrc.ge/files/122administraciuli-eng.pdf> ; See: FINDINGS IN THE MONITORING OF PROTEST DEMONSTRATIONS, Human Rights Center, 2020, <http://hrc.ge/files/reports/37awciebis%20monitoringi-eng.pdf>

⁶⁶ See: RIGHT TO A FAIR TRIAL IN CASES OF ADMINISTRATIVE OFFENSES, Human Rights Center, 2021:

<http://hrc.ge/files/180adm-cases-eng-2021.pdf>

⁶⁷ See: ECtHR decision: ECHR, *Tabernacle v Secretary of State for Defence*, 5 February 2009: <https://bit.ly/3p7V0fA>

courts of Georgia⁶⁸ and the guideline principles of the OSCE/ODIHR⁶⁹. Also, disproportionate restrictions on the freedom of movement were observed; large number of cases of arresting and fining the organizers and participants of the protest demonstrations by exceeding of power were observed.

RIGHT TO EQUALITY

In 2021, the problem of the protection of the equality rights was still one of the key challenges in the country. Unfortunately, the rights of women, people with disabilities, and members of the LGBTQ+ community or non-dominant religious and ethnic groups did not improve in 2021 either. Insufficient execution of the positive obligations by the state reinforces the stigmas and discrimination originated from wrong stereotypes in the society.

2021 was particularly difficult for the various vulnerable groups and minorities. Nevertheless, the needs of these groups and their protection were not mentioned in the election programs and campaigning agenda of the political parties either.

- **Violence against Women and Domestic Violence**

Violence against the women and domestic violence is still a huge challenge in the world. The increase of the domestic violence cases at 1/3 during the COVID-19 pandemic across the world proves the same.

In Georgia, the COVID-19 related pandemic had disproportionate impact on the women and girls; the women's access to healthcare services, including the sexual and reproductive healthcare services, was reduced. Implementation of preventive measures, as well as effective management of concrete cases of early marriages is still a problem. Effective preventive measures against domestic violence and violence against women still lacking, as well as creation of possibilities to improve the victims' protection and support systems and to promote economic independence of the women. The tragedy of Kobuleti municipality was vivid example of this problem. In June and in December, 2020 a 13-years-old girl was raped by about 10-years older man. In December, 2020, the investigation started but the perpetrator was not held responsible. On February 9, 2021, the 14-years-old girl was found hung-up⁷⁰. The law

⁶⁸ See the judgment of the Administrative Cases Panel of the Tbilisi City Court on the Case: №3/6463-16; August 31, 2016

⁶⁹ See the OSCE/ODIHR Guideline Principles on Peaceful Assembly, §18, 2010.: <https://bit.ly/3jVlptp>

⁷⁰ See the statement of the NGOs about the tragedy in Kobuleti: <https://bit.ly/3e6VM6c>

enforcement agencies arrested the man only after this fact. The flawed practice of the investigative agencies continues, when the latter requests high and discriminative standard of verification that in fact excludes the possibility to punish the perpetrators in similar offences.

The victims of the violence still have limited access to state services. The victims of domestic violence, particularly in the regions, permanently complain about the lack of psychological service⁷¹. The victims left without adequate services have to return back to the harassers or spend some time in shelters after what, because of economic problems, may have to live in the street.

The femicide statistics is still alarming – throughout 9 months in 2021 (January-September), 13 women were murdered; 5 facts were connected with the domestic violence problem and 8 other cases had different motives. In 2021, 20 attempted facts of femicide were observed and 11 of them happened because of family dispute⁷².

The fight against the domestic violence and violence against women is still one of the priorities of the Government of Georgia⁷³ and the Prosecutor's Office of Georgia⁷⁴. However, regardless the measures taken for the prevention of this crime in the recent years, effective and comprehensive criminal prosecution and investigation of these crimes is still a challenge for the prosecutor's office. It is still difficult for the prosecutors to identify the gender-based discrimination in the crimes committed against women and domestic violence cases. The reason, often is the lack of qualification of the prosecutors. In this regard, the insufficient number of the prosecutors specialized on the violence against women and domestic violence cases is still a problem for the system.

On November 11, 2021, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) issued its views on the case of Khanum Jeiranova. As a result of assessing the case, the Committee found that Georgia had failed to investigate and prosecute the gender and honor-based violence against the woman who was severely beaten by family members in front of her young children, contributing to her death. The Georgian authorities have failed to arrest and prosecute those responsible for the violence against Khanum Jeiranova. According to CEDAW

⁷¹ See the report of the member organizations of the Coalition for Equality to the CEDAW, to be presented at the 81st session in 2021, 2021 <https://bit.ly/3psrQa5>.

⁷² See full information <https://bit.ly/3sli6kH>

⁷³ See the official website of the MIA: <https://bit.ly/3EkzAA3>

⁷⁴ See the official website of the Prosecutor's Office of Georgia <https://bit.ly/3ssl0UY> ; also the fight against the hate motivated and domestic violence crimes are declared to be one of the priorities of 2017-2021 Strategy of the Prosecutor's Office of Georgia <https://bit.ly/3H3B2bW>

member Genoveva Tisheva: "*Jeiranova was a victim of intersecting discrimination related to ethnicity and stereotypical attitudes of the police and the judicial authorities.*" According to Tisheva, had the Georgian authorities properly protected Jeiranova from gender-based violence, she would be alive today. As a result of the deliberations, the Committee concluded that Georgia had breached its obligation to investigate and prosecute those responsible for the assault and death of the victim⁷⁵.

- **Rights of the Child**

In Georgia, system problems were always on the place in terms of the protection of the rights of the child. The steps taken by the state to eradicate the problem and to create effective system for the protection of the rights of the child are inconsistent and insufficient. In this regard, the country faced particular challenges during the Covid-19 pandemic. The pandemic lustrated systemic problems. The risks of violence against children, including negligence against them and child poverty, were particularly increased. The latent manner of the domestic violence and crimes committed against children is the serious challenge; considering various factors, large part of similar crimes are hidden and are left without the adequate response of respective bodies.

In the country, psychic health of adolescents is under permanent risk, particularly considering the fact that for years the problems of domestic violence, systemic inaction against the problem, lack of qualification and limited access to the adequate rehabilitation services for the children, who are victims of violence, remain unresponded. Nevertheless, the state is obliged to protect the child from the violence, insult and negligence of his/her parents and other care-takers. These problems are not resolved and in every individual case, they have more chilling effect in terms of the protection of the rights of the child.

At the same time, the national legislation, which regulates the activities of the Parliament of Georgia, Government and local self-government bodies, particularly their decision-making process, still fails to create respective guarantees to timely and effectively solve the issues related with the rights of the child. These problems directly affect the protection of the best interests of the child and the measures to be taken in this direction.

Although the protection of the rights of the child should be one of the priorities of the

⁷⁵ See the joint statement of HRC and Safari: [15/11/2021] <http://www.hrc.ge/315/eng/>

State, the number of those professionals, who are responsible to respond to the facts of the violation of the children's rights is very low. Besides that, the number of social workers is also very small. Besides the abovementioned, the prevention of the children's suicide is still a challenge; and many systemic problems contributing to the suicide risk-factors are still unresolved.

The Public Defender's Office, for years, has been reporting that there is no methodological document for assessing and detecting suicidal behavior in children in the country as well as a specific tool that would allow social workers, law enforcement officers and school representatives to assess the risks of suicide in children based on specific indicators, take a multidisciplinary approach to solve their problems⁷⁶. One of the tragic examples of this problem was the suicide of 14-years-old girl in Kobuleti that disclosed all systemic problems in the country.

In 2021, particular attention was paid to the facts of multiple violation of the rights of the juvenile beneficiaries of the Ninotsminda St. Nino Orphanage in Javakheti region as well as alleged facts of violence against them, which once again demonstrated the grave situation in the field of the state care of the children⁷⁷.

- **National Minorities**

The state of human rights of the national minority groups has not improved in Georgia in 2021 either. Unfortunately, the participation of the national minorities in the decision-making process is still low. The work of consultation mechanisms under auspices of the legislative and executive branches of the Government of Georgia is not institutionalized. The measures to be taken for the intensification of the consultation mechanisms are still challenging.

In 2021, the Covid-19 pandemic disclosed grave social-economic conditions of the minority groups, their limited access to information, language barriers, limited access to quality education, etc.

On March 15, 2021, media reported⁷⁸ that the Parliament of Georgia established the scientific-consultation council of the national minorities under auspices of the Parliamentary Committee on Diaspora and Caucasian Issues. It caused criticism of the civil society. The activists from various ethnic minority groups started campaign under

⁷⁶ See the statement of the Public Defender: <https://bit.ly/3zwS4ge>; See also: the Report of the Public Defender of Georgia on the State of Human Rights and Basic Freedoms, 2020: <https://ombudsman.ge/res/docs/2021070814020446986.pdf>

⁷⁷ See the special report of the Public Defender of Georgia, 2021: <https://bit.ly/3ssylHq>

⁷⁸ See more information: [15/03/2021]: <https://bit.ly/3qe49Cr>

the slogan: “I am not Diaspora.” They reminded the State of the importance to view them as the citizens of Georgia. The fact that this council was created without any consultations with the minority groups shall be evaluated negatively too⁷⁹.

In March 2021, young representatives of the Azerbaijani community of Georgia appealed⁸⁰ the Government of Georgia to suspend so-called curfew for one day, on March 21 to allow the Azerbaijani population to celebrate their traditional holiday Novruz. The GoG refused to satisfy their appeal⁸¹. Based on the decision of the GoG, they established exceptions only with regard the Orthodox holidays. The arguments of the government representatives were alarming, who claimed that privileges were granted to the Orthodox Christians because they make majority of the Georgian population.

In 2021, the platform Salam elaborated the draft-law, which aimed to remove non-authentic endings from the surnames of the citizens of Georgia (ov, ev, and more) and to grant the right to them to restore their authentic surnames⁸². HRC supported the initiative and participated in the process of the elaboration of the draft law together with other NGOs. Unfortunately, the Parliament of Georgia rejected the initiative without any substantiation. The decision was appealed in the court⁸³.

On May 16-17, 2021, there was controversy in Dmanisi municipality, which started on casual grounds but then turned into the conflict between ethnic groups⁸⁴. Besides police response, the state did not take any respective steps to prevent the conflict and to restore trust between the communities and intensify their cooperation that disclosed the lack of civic equality and integration process in the country.

- **Freedom of Religion**

In 2021, pandemic and municipal elections disclosed the discriminatory approach of the Government of Georgia towards various religious organizations and particular loyalty towards the Georgian Orthodox Church.

The statements of the high hierarchy clergymen of the Orthodox Church and their

⁷⁹ See: CSOs condemn the decision of the Parliament to view the ethnic minorities as diaspora [17/03/2021]: <https://bit.ly/3paYUUO>

⁸⁰ See: Appeal of the Azerbaijani Community to the Government of Georgia; [11/03/2021]: <https://bit.ly/3GXnmH>

⁸¹ See: “Discriminative curfew: When Christmas and Football are exception but Novruz Bairam – no” [19/03/2021]: <https://bit.ly/3sqp1tf>

⁸² See: Platform Salam to Present Legislative Initiative to the Parliament on the Restitution of their Surnames,” [26/09/2021]: <https://bit.ly/3yLRZF4>

⁸³ See: organizers of the campaign #Gvaridamibrune started court dispute, [07/12/2021]: <https://bit.ly/3e9GDkE>

⁸⁴ See: “physical controversy continues in Dmanisi” [17/05/2021]: <https://bit.ly/3Fe7wzM>

particular activities in the regions in favor of the ruling political power in the pre-election period directly indicated at the active involvement of the Patriarchate in the Georgian political life in exchange of what every government pays so-called political tributes to them. The privileges granted to the Georgian Orthodox Church by the Government of Georgia at different times violated the principle of equality and secularism guaranteed under the Constitution of Georgia. The state violates the rights of non-dominant religious groups and demonstrates unequal approach to the people with different religion. In this regard, religious intolerance towards the Muslim citizens living in Buknari village, Chokhatauri municipality and violation of the equality of rights was particularly alarming example. Christian population of the village protested that the Muslim neighbors were praying in the house, which they had purchased with their own resources. The Christian locals used slogans “It is Christian Land,” and “There is no place of mosque here.”⁸⁵ The state did not take timely and effective measures to avoid the controversy⁸⁶.

Similar statements of the Government of Georgia prove that it openly and deliberately restricts the freedom of religion, disrespects the rule of law, equality of citizens’ rights and constitutional principles of distinguishing the state and religious institutions from each other.

- **Rights of the People with Disabilities**

The state of the rights of people with disabilities is still grave in the country that was further aggravated by the pandemic related problems. In 2021, a number of systemic problems were identified in terms of health care, including access to medical facilities and services, as well as difficulties in communicating with medical personnel. The socio-economic situation of these people and employment prospects have deteriorated⁸⁷. Unfortunately, some of them still remained behind the anti-crisis economic plan developed by the State in response to the pandemic. The Anti-crisis plan did not properly address the needs of persons with disabilities⁸⁸.

Almost nothing has changed in the field of services provided by the State program on social rehabilitation and child’s care since last year. The problem is in geographic coverage of these services; namely, the special programs still have not covered all

⁸⁵ See: full information: <https://bit.ly/3qdSXGc> [13/01/2021]. See: the statement of NGOs: <http://www.humanrights.ge/index.php?a=main&pid=20309&lang=eng>

⁸⁶ See: the statement of NGOs: <http://www.humanrights.ge/index.php?a=main&pid=20309&lang=eng>

⁸⁷ See: the statement of the Public Defender [10/12/2021]: <https://bit.ly/339PP64>

⁸⁸ See: the statement of the Public Defender [05/05/2021]: <https://bit.ly/3F00rSk>

disabled children throughout the country. These services have long queues of beneficiaries. Besides that, like in the past years, the patients become victims of violence in the psychiatric institutions; the legal defense guarantees of the patients are neglected. Similar institutions fail to meet minimal psycho-social rehabilitation standards either; their infrastructure do not correspond the international and national standards⁸⁹.

It is positive that in 2021, the Parliament of Georgia ratified the optional protocol to the UN Convention on the Rights of Persons with Disabilities that was important to ensure the defense of the rights of disabled persons under the international mechanisms. It is also positive that the Government of Georgia created inter-agency coordination committee on the implementation of the Convention on the Rights of the People with Disabilities⁹⁰.

- **The rights of the LGBT+ community members**

LGBT+ people, like previous years, constantly become the victims of violence in different aspects of public life in Georgia. Negative feelings about the community members is more or less widely spread approach in some parts of the Georgian society. Yet limited mechanisms for the protection and assistance of the victims of violence do not envisage the specific challenges of the LGBT+ community. With the restrictions established for the prevention of the spread of pandemic, the problems and needs of the LGBT+ community became more vivid. Crisis-driven unemployment (while the community members hardly manage to get employed even without crisis), homelessness, increased risks of violence and other social-economic needs were not reflected in the anti-crisis plan of the Government in 2021 either.

The crisis particularly affected the transgender women. The negative feelings and stigmas in the society leave them without jobs, isolated, without different services, make them victims of violence and marginalized on daily basis. The state policy, among them the anti-crisis plan, did not envisage any assistance for the transgender people during the isolation.

It is alarming that the life and health of LGBTQ+ people is still under threat as they again became targets of assaults in 2021 too. Almost every day, people working on the rights of the LGBTQ+ individuals are intimidated almost every day; their offices are

⁸⁹ See: full information: [10/12/2021]: <https://bit.ly/33A5xaW>

⁹⁰ See: Parliament of Georgia ratified the optional protocol to the UN Convention on the Rights of Persons with Disabilities [05/03/2021]: <https://bit.ly/3qWsa1i>

raided and various offences are committed against them.

It is getting more and more difficult to realize the freedom of assembly and expression of the community members. On July 5-6, 2021, homophobic groups organized counter-demonstration and violently attacked the LGBTQ+ community members, journalists and the defenders of the community rights that compelled the organizers to cancel the March for Dignity because of safety reasons. The police officers failed to properly protect the safety of the LGBTQ+ people, journalists and protest demonstrators. The police could not fully protect the participants of the second day spontaneous “silent demonstration,” who condemned the violence of July 5⁹¹.

Unfortunately, there are no homogenous preventive and legal approaches in Georgia; it is also problematic that government representatives do not make public statements to demonstrate respect to equality and human rights. The March for Dignity, which was planned in the frame of July 1-5, 2021 Tbilisi Pride Week, was hindered by the public statements of the Government officials and the representatives of the Georgian Orthodox Church Patriarchate⁹².

On December 16, 2021, European Court of Human Rights published its ruling on May 17, 2013 case. On May 17, activists planned to organize anti-homophobic demonstration on Rustaveli Avenue but the participants of the counter-demonstration led by the clergies violently dispersed it. They broke the police cordon and physically harassed the LGBT community members. The police took the participants of the anti-homophobic demonstration away from the aggressive crowd.

In accordance with the ECtHR ruling, the LGBTQ activists and community members became subjects of the inhuman treatment (Article 3) in connection with discrimination (Article 14); the rights of the LGBTQ people and organizations to peaceful assembly was breached (Article 11) discriminatively (Article 14). Also, according to the ECtHR ruling, Georgia was ordered to pay 193 500 EURO to the victims⁹³.

⁹¹ See: REPORT ON THE MONITORING OF THE PROTEST RALLIES OF JULY 5-6, 2021 – Primary legal assessment; Human Rights Center, 2021: <http://www.hrc.ge/files/reports/167aqcieb-eng.pdf>

⁹² See: “Church condemns Tbilisi Pride” [03/072021]: <https://bit.ly/3GYMTrF> ; See also, PM Irakli Garibashvili blamed the participants of the March for Dignity in arranging the disorder. See: PM considers the March as unreasonable decision and states it was organized by the radical opposition: [05/07/2021]: <https://bit.ly/3FfsCOe>

⁹³ CASE OF WOMEN’S INITIATIVES SUPPORTING GROUP AND OTHERS v. GEORGIA (Applications nos. 73204/13 and 74959/13), STRASBOURG, 16 December 2021: <https://bit.ly/3H5iz56>

- **Rights of Internally Displaced People**

The particular problem of the internally displaced people (IDPs) is poverty and lack of normal living conditions in 2021. During the pandemic, the number of unemployment has increased that additionally worsened the unemployment and social isolation of this community. Like previous years, the state still does not have consistent policy to move the IDPs out from the so-called demolished buildings. The long-term accommodation issue of the IDPs is still dragged out in Tbilisi too. Consequently, the conditions of the internally displaced families living in insecure buildings, where their life and health is under risk, is still a challenge. Statistic data of these buildings are not accurate that could assist the state to realize the problem better.

In 2021, during the pandemic, the representatives of the de-facto regime of the occupied South Ossetia and Russian occupation forces continued arbitrary kidnapping of the Georgian citizens from adjacent area of the Administrative Boundary Line⁹⁴. Mostly the kidnapped people were administratively detained and then released after having paid the fine.

In 2021, the Grand Chamber of the European Court of Human Rights delivered judgment on the inter-state case Georgia vs. Russia (II)⁹⁵ (no. 38263/08), which referred to the violations committed by the Russian Federation during the 2008 August War. The Court clarified that killings of civilians, torching and looting of house in Georgian villages was administrative practice that was repeatedly committed and tolerated by Russia. The ECtHR further clarified that the acts committed against the victims, given their seriousness, qualify as inhuman and degrading treatment and that the said persons were subjected to these acts because of their ethnicity. In view of the above, the court held that the violations of the right to life, the prohibition of torture, the protection of private and family life, and the right to property actually took place. As for the just satisfaction of the applicants, the Court clarified that the issue is not ready for decision. Consequently, it invited the parties – Georgia and Russia, to submit in writing, within twelve months from the date of notification of this judgment, their observations on the matter and, in particular, to notify the Court of any agreement that they may reach. If the parties fail to reach agreement within 12 months, based on their written opinions, the Court will consider the situation and make decision with

⁹⁴ See: Occupants kidnapped citizen of Georgia nearby Roki tunnel [02/08/2021]: <https://bit.ly/32hTezi>; See also: Churches, cemeteries and pastures eventually occupied by the occupation forces [26/06/2021]: <https://bit.ly/3mhC7Fi>

⁹⁵ See: CASE OF GEORGIA v. RUSSIA (II), GRAND CHAMBER, (Application no. 38263/08) JUDGMENT: <https://bit.ly/3EazaMF>

regard just satisfaction⁹⁶.

- **Socio-Economic and Legal Problems of the Elderly People**

The state of protection of rights of elderly people in Georgia is problematic, particularly in regards with the social rights. The main problems of elderly people are related to the health conditions. The state allowance (pension) and state-funded programs and targeted program funding of the health care do not satisfy the needs of the elderly people. The socio-economic conditions of the elderly people, particularly of those living alone in the village, especially worsened due to the Covid-19 pandemic. The situation was further aggravated by the restriction of public transportation. One of the main problems for the elderly people who live alone is a physical movement. In order to receive the social aid (social allowance) defined by the authorities, the elderly has to apply to the territorial body of the Social Service Agency.

Although the Ministry of Healthcare has elaborated the program of free medicines, due to various factors, the program is not effective and requires more social guarantees. This state funded healthcare package shall fully cover the access to the medical treatment including medicines and stationary services for the people over 85. People over 85 have grave health problems. Almost every citizen at that age complains of cardiovascular, joints, kidney and high blood pressure diseases, which are widely spread diseases and are main causes of mortality among population. According to the 2019 data of the GeoStat, the respiratory diseases are also particularly widespread in this segment of population.

Currently available state program for free medicines covers only chronic diseases and the elderly people still lack access to those medicines, which are very essential for their life and health. Big part of the elderly people noted that they cannot enjoy the state healthcare program of medicines because the medicines they need for their medical treatment are not on the list of the program and they have to purchase them with their pension that they cannot often afford.

Human Rights Center identified the problem of the vaccination among the elderly people. The elderly people who live alone in Shida Kartli region are left beyond attention as they are not informed about the risks of the COVID-19 pandemic and the vaccination process. The elderly people who live alone cannot get registered for vaccination because they do not have respective technical devices (computer, smart

⁹⁶ See: JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE CASE OF 2008 WAR GEORGIA V. RUSSIA, Human Rights Center, 2021: <http://www.hrc.ge/files/5EUcourt-eng.pdf>

phones, internet) and they do not have anybody around who can assist them in the process of registration.

The problem of violence against elderly people was identified in several regions. The victims of alleged violence do not apply to the law enforcement bodies for help because: 1. The elderly people hide the alleged crimes to protect their family members from the possible imprisonment; 2. The elderly people do not want to leave their houses and go to shelter as it is extremely difficult for them to adapt to the new environment that may cause grave psychological problems⁹⁷.

Besides abovementioned problems, the elderly people interviewed in the frame of the project implemented by the HRC named the land and property registration as one of the main issues⁹⁸.

PENITENTIARY FACILITIES

The state of the rights of the inmates of penitentiary facilities worsened by the crisis caused by the pandemic. With the new regulations established for the purpose of healthcare, the rights of prisoners to have communication with the external world was also significantly restricted: personal visits and conjugal meetings were prohibited. Similar restrictions are significant challenge in their rehabilitation and resocialization process.

Like in the last year, in 2021 too, the unlawful practice of criminal subculture⁹⁹ and informal governance is still problem in the penitentiary establishments that significantly increase the risks of the vulnerability of prisoners and violation of their rights, particularly during the pandemic when the public control over the penitentiary establishments are seriously limited because of objective factors. The facts of insulting the representatives of the Public Defender and attempted interference in their professional activities by the so-called privileged prisoners demonstrate the grave results of this flawed practice in the system¹⁰⁰.

Delayed and ineffective medical treatment, for years, have been one of the top issues

⁹⁷ See: SOCIO-ECONOMIC AND LEGAL PROBLEMS OF THE ELDERLY PEOPLE; Human Rights Center, 2021:

<http://www.hrc.ge/files/reports/156Elrly-eng.pdf>

⁹⁸ See: Appeal of Human Rights Center regarding Timely Registration of Plots of Land of Senior Citizens, [15.04.2021]

<http://www.hrc.ge/173/eng/>

⁹⁹ See: money collections, drugs, gambling – Saturday Formula obtained prison audio recordings [18/12/2021]:

<https://bit.ly/3yWrrki>

¹⁰⁰ See: Criminal sub-culture in prisoners hinder our work, administration supports them – the Ombudsperson, [01/20/2021]: <https://bit.ly/3sq469D>

raised by the prison inmates. Furthermore, the prisoners several times expressed their doubts that poor quality or/and delayed medical treatment became the reason of the death of the inmates but the state institutions have never responded to these facts adequately¹⁰¹. The allegation about inadequate medical treatment in penitentiary system is proved by the fact, when the Public Defender of Georgia twice – on October 24 and November 4, 2021 inspected the readiness of the jail hospital to receive convicted Mikheil Saakashvili and concluded that the current situation in the facility, in terms of medical care, unfortunately, still does not fully comply with the reports and recommendations made by the multifunctional group of doctors¹⁰². On November 9, the first deputy of the Minister of Healthcare of Georgia publicly confirmed the statement of the Public Defender and noted – *“of course, [jail hospital N18] is not equipped with high technology equipment and naturally they will need external support.”*

On November 11, 2021, the Special Penitentiary Service of the Ministry of Justice released the video-footage of Mikheil Saakashvili’s forcible delivery to the jail hospital and explained the dissemination of the video by high public interest¹⁰³. According to the assessment of the Public Defender of Georgia, the Ministry of Justice/Special Penitentiary Service violated the prisoner’s right to honor, dignity and privacy by releasing the footage showing the placement of Mikheil Saakashvili in Medical Establishment No. 18 against his will¹⁰⁴.

On December 17, 2021, 35-years-old prisoner, who had been on hunger-strike in Gldani prison for 40 days, passed away. Reportedly, the prisoner’s health conditions became critical so rapidly that the jail hospital N18 could not provide him with adequate medical treatment. Therefore, he was taken to Gudushauri Hospital on December 15; two days later he passed away.¹⁰⁵

On October 15, 2021 two prisoners died as a result of fire in the Rustavi prison N 17¹⁰⁶. The Public Defender’s Office reacted to the fact and stated that the information they obtained made it clear that there are likely no fire safety rules or clear instructions for

¹⁰¹ See: Another prisoner died in custody, [04/12/2021]: <https://bit.ly/3eiEWkV>

¹⁰² See: Public Defender of Georgia Once Again Checks Readiness of Medical Facility No. 18 for Reception of Mikheil Saakashvili [04/11/2021]: <https://bit.ly/3JSfakU>

¹⁰³ See: video-footage disseminated by the Special Penitentiary Service [11/11/2021]: <https://bit.ly/3sc2KyS>

¹⁰⁴ See: Public Defender Responds to Release of Footage Showing Mikheil Saakashvili’s Placement in Establishment No. 18 [11/11/2021]: <https://bit.ly/3f1AIP6>

¹⁰⁵ See: Saturday Formula : prisoner was on hunger-strike in Gldani prison for 40 days and he died [11/20/2021]: <https://bit.ly/3EnMeyc>

¹⁰⁶ See: Two prisoners died of fire in Rustavi prison N17 [15/10/2021]: <https://bit.ly/3yRrWfF>

responding to critical situation in the penitentiary facilities. In the event of fire outbreak, there is a high risk of the fire further spreading all around the penitentiary facilities and damaging the lives and health of prisoners. The facility does not carry out planned or unplanned monitoring of the quality of fire safety. No fire safety requirements are likely taken into account when selecting construction materials for prison buildings (e.g. kitchen, warehouses)¹⁰⁷.

Senior government officials continue discreditation of the activities of the Public Defender and try to hinder their work with discriminatory statements¹⁰⁸. The [threat-containing] statements about “possible responsibility” of the Public Defender and the council of doctors, which was created to monitor the health conditions of the ex-president Mikheil Saakashvili, were also made¹⁰⁹. The Public Defender said, this rhetoric goes beyond the legal framework, represents an attempt to attack and intimidate an independent constitutional body and its experts, and contradicts national and international human rights obligations¹¹⁰.

HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

In 2021, people living in the occupied territories faced more problems in terms of the right to movement because of Covid-19 pandemic. The obligatory 5-day quarantine established for the residents of the occupied Abkhazia created additional barriers for the citizens, who tried to travel to the Tbilisi controlled territory.

In 2020-2021, multiple tragic facts happened because of the established restrictions: the residents of Abkhazia, at risk of their own life, tried to pass to the Tbilisi controlled territory through dangerous ways. On April 7, 2021, media reported about the tragic fact that happened in Shamgona village, where several drowned persons were found in the Enguri River¹¹¹. Reportedly, residents of Gali district in the occupied Abkhazia tried to pass to the rest of Georgian territory via Enguri River¹¹². All persons trying to cross the river died.

The closure of the so-called administrative border on the Enguri River without any

¹⁰⁷ See: the Statement of the Public Defender: [15/10/2021] <https://bit.ly/3G8gl9a>

¹⁰⁸ See: Kobakhidze: Public Defender follows the agenda of the National Movement [09/11/2021]. <https://bit.ly/3qlU7Q0>; See: I enter the prison with full virus-protection equipment but they were shouting my name too – Lomjaria [10/11/2021]: <https://bit.ly/3qj5Pea>

¹⁰⁹ See: Irakli Kobakhidze said the conclusion of the doctors’ council is fake [11/18/2021]: <https://bit.ly/3ekMm76>

¹¹⁰ See: the statement of the Public Defender: [11/18/2021] <https://bit.ly/3HGT9Vs>

¹¹¹ See: more information: 2021: <https://bit.ly/3rXyp3p>

¹¹² See: the statement of the State Security Service, 2021: <https://bit.ly/338ahEz>

warning and for uncertain time resulted in complete isolation of the local population and a humanitarian crisis¹¹³.

The situation is complicated in the occupied Akhgori district too. The COVID-19 pandemic significantly worsened the social-economic conditions of the local population and limited their access to medical services. In this reality, the locals, among them the patients with chronic diseases cannot get timely and necessary medical aid.

The big part of the local population in the occupied territories are the elderly people and their only income is the pension they get from the Georgian state. After the crossing point was closed, their big part managed to get the pension only with several months delay – after the so-called border was opened for several days¹¹⁴.

MEDIA ENVIRONMENT

The media environment in Georgia was again pluralist but extremely polarized in 2021 before the municipal elections and afterwards too. The facts of violence against journalists, attempted interference in and oppression of the editorial policy of critical media organizations were observed as well as the flaws in terms of the access to media, spread of disinformation and violation of the ethical standards by media.

During the pandemic, role of critical media is crucial because it is very important to provide the society with the accurate, impartial, timely and balanced information about the spread of the virus and public healthcare. It is evident that rapid developments of facts complicated the work of journalists. Despite that, journalists at the risk of their health and life, 24 hours a day, worked and played huge role in the prevention of the spread of the virus particularly on the frontline of the pandemic. All leading media sources promoted professional and accurate coverage of the situation in relation with the spread of the virus.

Municipal Elections also significantly influenced the media environment in 2021. Traditionally, before the elections, the attempts to harass and intimidate journalists, interfere in the editorial policy of media and attempts of public figures to discredit the media organizations traditionally rise in Georgia. Unfortunately, many similar problems were observed in 2021 too. Also, among problematic issues was named the boycotting the journalists by the government officials and restricted access to the

¹¹³ See: the statement of the NGOs [08.04.2021] <https://bit.ly/3qV9m2C>

¹¹⁴ See: full information: <https://bit.ly/3efM0Ph>, <https://bit.ly/3svza7N>

information.

Unfortunately, respect of ethic media standards and manipulation with information is still a challenge in the Georgian media. Lack of self-regulation and respect of journalist ethics in media sources raises the risks of control of media activities and encourages the government to establish additional regulations for media.

- **The Work of the Communications Commission**

In 2021 too, the work of the Georgian National Communications Commission was criticized because the Commission several times tried to interfere in the freedom of media that was demonstrated in its decision to fine the broadcasters or find them law offenders. On November 25, 2021, the Commission fined the TV Company Main Channel with 1% of its annual income – 112 000 GEL for airing three “political advertisements.¹¹⁵” The decision of the National Communications Commission exceeded the mandate of the Commission, was based on the subjective interpretation of the legislation and is not reasonable interference in the freedom of media. The Coalition for Media Advocacy reacted to the decision of the Commission, which clarified that several facts when the Commission used high ceiling of sanctions against the Main Channel demonstrate the attempt of the Commission to punish the broadcaster with the financial sanctions and influence the editorial policy of the Main Channel. Also, the Coalition said the tendency of sanctioning the Main Channel contains the signs of censorship¹¹⁶.

Besides that, the problematic aspects of the decisions made by the National Communications Commission in regard with the protection of the children’s rights shall be noted. The Communications Commission avoids setting general standards and is mainly limited to specific solutions related to the age group incompatibility of a particular TV product. Such decisions do not set general guidelines for broadcasters, and they will continue to find it difficult to determine what type of television product may entail their legal liability¹¹⁷.

- **Disinformation and Fake News**

In the past years, besides Russian disinformation, in the Georgian media, particularly in

¹¹⁵ See: the Communications Commission fined the Main Channel with 112 000 GEL: <https://bit.ly/3EfN3t8>

¹¹⁶ See: the statement of the Media Coalition: <https://bit.ly/30KCW9>

¹¹⁷ See: Analysis of the decisions made by the National Communications Commission on the protection of children’s rights, GDI, 2021: <https://gdi.ge/ge/news/gadawyvetilebebis-analizi.page>

social networks, with the support of the so-called bots and trolls, the instances of forming public opinion, polarizing and discrediting opponents, have become more and more frequent.

Georgia is still vulnerable in relation with the hybrid threats coming from foreign countries. The efforts of Facebook to fight against the disinformation is appreciated. It is also important to intensify the cooperation with the international partners and increase the support from the international organizations and donors in this direction.

- **Hampering the Journalistic Activities, Physical/Verbal Attacks on Journalists**

Although the Georgian legislation on media fully meets the international standards, also the Article 154 of the Criminal Code of Georgia imposes criminal responsibility for the action which hampers a journalist to carry out his/her professional activities, for years the enforcement of the law in practice is still problematic. Law enforcement officers rarely use the mentioned article of the criminal law in practice. At the same time, often, this norm is misinterpreted. The investigation launched under the mentioned article is usually dragged out. All these creates the feeling of impunity and increases vulnerability of the media representatives that is proved by frequent assaults on journalists in the past years. There is also a doubt that with this tendency the investigative bodies may try to carry out the government's policy against the critical pro-oppositional TV channels and aim to diminish the public trust towards critical media sources and to discredit them.

The number of violent acts against journalists was alarming in 2021. Unprecedented scope of violence was observed against journalist during the counter-demonstrations against the March for Dignity to be held on July 5-6, 2021 in Tbilisi. Individuals gathered at the demonstration attacked representatives of the media sources and hampered the professional activities of the journalists. The participants of the counter-demonstration were cruel towards the media representatives. On July 5, unlike July 6 demonstration, police passively interfered in the violent incidents and did not arrest harassers. The journalists were completely unprotected by the state that was clearly discriminative approach. The violent actions had well-organized manner.

On July 5, 2021, a total of 53 journalists and cameramen from various media outlets working at the sites of the counter-demonstrations were attacked¹¹⁸. The attacks on

¹¹⁸ See: the list of journalists who became victims of attacks from the side of the violent groups: <https://bit.ly/3t6S7OG>

journalists were of varying intensity, with several media workers receiving severe physical injuries and mutilations¹¹⁹. Above that, Lekso Lashkarava, the cameraman of TV Pirveli, who became a victim of brutal violence while performing his professional duties on July 5, 2021, died at his home on the night of July 11¹²⁰. Despite the accelerated investigative actions and other versions disseminated by the authorities regarding the injuries inflicted on July 5 and the cause of the death of Lekso Lashkarava, the relevant authorities failed up to date to release convincing evidence, including the final results of the medical examination.

According to the official data, 45 journalists and cameramen were granted a victim status by the ongoing investigation into the events of July 5-6, 2021 taking place on Rustaveli Avenue in Tbilisi¹²¹.

The case of journalist Vakhtang Sanaia is also noteworthy. On February 25, 2021, the journalist was attacked by three drunk persons. The journalist was with his family members, including an infant child, and was trying to mount a rise in a road with his vehicle assisted by the representatives of the rescue guard in the efforts. The three detainees were charged under Article 156(2)(a), Article 151(1), and Article 126(1)(b)(c) of the Criminal Code of Georgia. The Tbilisi City Court found all three defendants guilty of the offense sentencing them to imprisonment of six months which is the minimum sentence for the sanction. All three attackers were remanded in custody for 6 months, so the sentence was deemed to be served and there were released from the prison the same day the judgment was announced. According to the Coalition for Media Advocacy, the judgment of the court failed to administer justice properly. The court judgment may encourage violence against the members of the critical media, which on the background of ineffective reactions by the authorities to such cases, further aggravates the media environment in the country¹²².

It is also alarming that during the pre-election period, it is already established practice that senior political officials demonstrate cynical/degrading attitude towards the journalists, particularly those representing the critical media and make statements to discredit them.

¹¹⁹ Ibid

¹²⁰ Full information <https://bit.ly/3xkURWY>

¹²¹ See: UNLAWFUL INTERFERENCE WITH PROFESSIONAL ACTIVITIES OF JOURNALISTS – Selective Justice, Human Rights Center, 2021: <http://www.hrc.ge/files/182Jurnalist-analitikal%20doc-eng.pdf>

¹²² See: the statement of the Coalition: <https://bit.ly/3HUAQwU>

ILLEGAL COVERT EAVESDROPPING AND SURVEILLANCE

On September 13, 2021, the secret files were leaked allegedly from the State Security Service. According to the files spread on the Internet, it turns out that media outlets, civil society organizations¹²³, representatives of opposition parties, members of the Synod of the Georgian Orthodox Church, the patriarchal locum tenen, priests, patriarch's assistants, bishops, nuns, monks and their associates, religious associations - both that of the patriarchate and non-dominant religious groups are being wiretapped and surveilled in the country. The authorities control movements, bank transfers, and the personal life of the above individuals.

In thousands of files we encounter, there is information about the persons through whom some clergymen were to be converted as an agent for the authorities. The documents also include information on priests who are addicted to drugs or associated with criminals¹²⁴. Further, within the thousands of files leaked from the State Security Service - there are many documents, reports relating to the staff of diplomatic missions accredited in Georgia¹²⁵.

Some other information about covert surveillance was later also spread on the Internet. The leaked documents, allegedly released by a former State Security officer specifically describe the private lives of particular individuals. Particular emphasis is placed on the sexual orientation of high-ranking clergymen and their past activities¹²⁶. All of these documents list high-ranking clergymen who have 'intimate relationships' with specific individuals. The name, surname, personal number of these citizens are indicated, as well as photos are attached to the file. It is in these materials that several clergymen accused of pedophilia are mentioned by names¹²⁷.

In addition to the above, some files are indicating the connections with Russia. There is a whole Word file with short information, as well as a folder named: "Russian Orientation", where background materials of 15 clergymen are included. However, such information is much scarcer than, for example, information about the sexual

¹²³ The representatives of the CSOs mentioned in the file (Giorgi Oniani, Guram Imnadze and Giorgi Mshvenieradze) confirmed the authenticity of one of the communications, which was held about summoning Tamta Mikeladze, one of the directors of the Social Justice Center, to the Security Service. Investigator journalist of the Radio Liberty/Free Europe Giorgi Mgeladze also confirmed the authenticity of the leaked files: <https://bit.ly/32ejBXh>

¹²⁴ See: full information: <https://bit.ly/32hh7Hs>

¹²⁵ See: full information: <https://bit.ly/3e7V4FN>

¹²⁶ See: full information: <https://bit.ly/3J3gMJj>

¹²⁷ See: full information: <https://bit.ly/3Bq7ROe>

relationships of specific individuals¹²⁸.

Initially, the leaders of the ruling Georgian Dream party described the leaked files as a war against the church and the State, blaming for this the opposition party National Movement. However, a few days later, another version appeared in the narratives by the ruling party namely that the team of the former Prime Minister Giorgi Gakharia released the information referred to by the authorities as "half true-half lie".

According to the official reports¹²⁹, on September 14, 2021, the Prosecutor's Office of Georgia launched an investigation concerning the released files. The legal proceedings are pending on the fact of violating the secrecy of private communication under the first Article 158(1)8 (2)9 of the Criminal Code of Georgia.

Unfortunately, the domestic legislation creates the basis for similar uncontrolled surveillance that enables the security agencies to directly connect to the servers of the mobile operators, with no oversight and it makes illegal eavesdropping possible and reduces the chances of its exposure. The Public Defender of Georgia appealed the legislation in the Constitutional Court of Georgia, which finished hearing of the appeal on the merits in 2018 but has not passed judgment yet¹³⁰.

HIGH PROFILE CASES

- **Case of Cartographers**

Iveri Melashvili, the former director of the Bordering Relations Service of the Department for Neighboring Countries within the Ministry of Foreign Affairs, and Natalia Ilychova, former chief inspector of the Land Border Defense Department of the Border Police under the Ministry of Interior, are charged under Article 308.1 of the Criminal Code – Violation of Territorial Integrity of Georgia, envisaging the action against Georgia aimed at transferring the entire territory or part of Georgia to a foreign country and/or separating part of the territory from the territory of Georgia. On January 28, 2021, following the petition by the prosecution, presiding Judge Lela Kalichenko changed the measure of restraint applied against the defendants, the pre-trial detention, to the remand on bail of GEL20 000 each. Further, the court granted the motion of the prosecution to dismiss Iveri Melashvili from his job. The case was

¹²⁸ See: full information: <https://bit.ly/3Bq7R0e>

¹²⁹ See: the statement of the State Security Service [14/09/2021]: <https://bit.ly/3J58v7A>

¹³⁰ See: SOME FACTS OF LARGE-SCALE ILLEGAL COVERT EAVESDROPPING AND SURVEILLANCE BY THE STATE SECURITY SERVICE: LEGAL ASSESSMENTS, Human Rights Center, 2021 <http://hrc.ge/files/177mosmenebi-eng.pdf>

assigned to judge Nino Natchkebia for hearing on the merits. At the current stage of the hearings, the evidence of the prosecution is being examined.

Factual circumstances of the case, the timing of the investigation, the pre-election context, the signs of a selective approach to the investigation, the populist statements made by the ruling party leaders, and the violation of the presumption of innocence, raised doubts that the investigation is politically motivated, and aimed to influence the 2020 parliamentary election results. In this criminal case, Human Rights Center, together with partner organizations, continues the defense of the legal interests of Natalia Ilychova.

- **The case of defendants arrested on the counter-demonstration on July 5, 2021**

According to the statement of the Ministry of Internal Affairs of Georgia, several participants of the homophobic counter-demonstration against the “March for Dignity” planned by several organizations on July 5-6, 2021 in Tbilisi were arrested under the charges of persecution of journalists and interfering with journalistic activities. HRC is monitoring the trial of the defendants: Mukhran Dadvani, IRakli Tsignadze, Nikoloz Guledani, Bakar Maisuradze, Tornike Gabliani, Vano Burduli and Davit Kochiashvili. The cases against all defendants are unified and they are examined at the Tbilisi City Court. The state prosecution accuses them of committing an illegal act under the Article 225 Part 2, Article 156 Part 2 – “a” and “b”, and Article 154 Part 2 of the Criminal Code of Georgia.

INTERNATIONAL ORGANIZATIONS ABOUT THE STATE OF HUMAN RIGHTS IN GEORGIA

The EU and Georgia held the 14th round of their annual Human Rights Dialogue by videoconference on 6 July¹³¹. This dialogue allowed again for an open, constructive exchange on the human rights situation in Georgia and on the latest developments with the EU's policy on the promotion and protection of democracy and human rights.

The joint press release¹³² disseminated after the meeting underlined the commitment to the universality and indivisibility of human rights for all, without distinction of any

¹³¹ EU/GEORGIA: JOINT PRESS RELEASE ON THE ANNUAL HUMAN RIGHTS DIALOGUE, BRUSSELS, 07/07/2021: [HTTPS://BIT.LY/3MKVWF1](https://bit.ly/3MKVWF1)

¹³² Ibid

kind, including on grounds of sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age, sexual orientation and gender identity. EU condemned violent attacks against civil activists, community members and journalists on July 5-6, 2021 in Tbilisi, which forced the cancellation of the LGBTIQ Pride March. The EU stated that these attacks are unacceptable and called on the State to effectively investigate those facts.

The parties of the Dialogue acknowledged that the Covid-19 pandemic and its socio-economic consequences have a growing negative impact on human rights, democracy and the rule of law, including on civic space. It further deepens pre-existing inequalities and increases pressure on persons in vulnerable situations.

The EU underlined the importance of the full and timely implementation of the Agreement signed on 19 April by the political parties in Georgia. The EU welcomed the elaboration of the State Strategy for Civic Equality and Integration for 2021-2030 and encouraged its effective implementation to further improve the participation of persons belonging to ethnic minorities in all areas of public life and access to services.

On July 5, 2021 international human rights organization Amnesty International reacted to the events of July 5 developed in Tbilisi. The Amnesty International stated that the authorities' failure to protect Tbilisi Pride once again encourages violence¹³³. Denis Krivosheev, Amnesty International's Deputy Director for Eastern Europe and Central Asia, said: *"Instead of planning for this turn of events and providing a robust response to violence, the government deployed inadequately small numbers of policemen who were only reacting to violent attacks, rather than providing an organized protection for LGBTI activists"*¹³⁴.

The Amnesty International also reacted to the agreement signed between the security services of Georgia and Belarus. In accordance with the statement, a new cooperation agreement between the security services of Georgia and Belarus should not be used to crackdown on freedom of expression and the right to privacy. The agreement on cooperation between the State Security Committee of Belarus and State Security Services of Georgia which came into force on 1 August provides for cooperation and exchange of information in areas of state security, terrorism, cyber terrorism, organized crime and illegal arms trafficking. The agreement allows parties to exchange personal information and data of any person deemed to pose a threat to state

¹³³ See: Georgia: The authorities' failure to protect Tbilisi Pride once again encourages violence, Amnesty International [05/07/2021]: <https://bit.ly/3Fh1pe6>

¹³⁴ Ibid

security. It also allows for the deployment of state security agents on each other's territory for indefinite periods of time¹³⁵.

In 2021, in the World Press Freedom Index of the organization Reporters without Borders, Georgia was ranked the 60th out of 180 countries, like in 2020. The RSF condemned the assault on media representatives on July 5 and stated that the brutal attacks against 53 journalists in Tbilisi represent a major setback for press freedom in Georgia; they also condemned the culpable passivity displayed by the authorities and called for all those responsible for these illegal acts to be punished¹³⁶.

Freedom House reported that elections, while competitive, were affected by voter intimidation, vote buying, the abuse of state resources, and incidents of violence; police used excessive force against protesters, detainees, and arrestees, and Georgia lacks an independent system to address claims of official mistreatment; women and LGBT+ people face societal discrimination and violence¹³⁷.

The US Embassy in Georgia published statement with regard to the problems in the justice system. The Embassy is disappointed that, once again, Parliament is moving forward with Supreme Court appointments before it has completed an independent assessment of the previous waves of judicial reform, as Parliament's leaders agreed to do. The Embassy was also concerned that judicial appointments are proceeding without the participation of non-judicial members of the High Council of Justice. Before any further Supreme Court judges are appointed, the Embassy "*strongly*" encouraged Parliament to prioritize the appointment of impartial, independent, non-judicial members to the High Council of Justice, and complete an independent assessment of the previous waves of reform by Spring 2022¹³⁸.

¹³⁵ See: Georgia: Cooperation agreement with Belarus security services must not trample on human rights [09/20/2021]: <https://bit.ly/3ml7lva>

¹³⁶ See: Attacks on 53 journalists is a major setback for press freedom in Georgia, RSF says [07/07/2021]: <https://bit.ly/32eibQP>

¹³⁷ See: Summit for Democracy 2021 – Georgia, Freedom House: <https://bit.ly/3J3SAXb>

¹³⁸ SEE: U.S. EMBASSY STATEMENT ON SUPREME COURT APPOINTMENTS [26/11/2021]: [HTTPS://BIT.LY/3ZCENRF](https://bit.ly/3ZCENRF)