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We Call on the MIA to Respect Freedom of Assembly, Manifestation and Expression as It Is Enshrined in the Constitution of Georgia and in the International Law

Union of Human Rights Defenders – Human Rights Center calls on the Ministry of Internal Affairs to ensure that the freedom of assembly-manifestation and expression is respected as it is enshrined in the Constitution of Georgia and the international law. In 2024, monitoring of assemblies by the Union revealed the tendencies, which showed that in some instances the government agencies not only fail to ensure the protection of the right to freedom of assembly, but directly and blatantly interfere in the fields protected under this right.

Union of HRDs – Human Rights Center actively monitors assemblies and manifestations and provides society with the information about the developments during the protest demonstrations and evaluates how the actions of the state institutions are coherent with the international human rights standards.

Although the Law on Assemblies and Manifestations does not directly clarify the notion of the right to spontaneous gathering, based on the judgment of the Constitutional Court of Georgia and the international law, the right of citizens to express their views and opinions without preliminary warning is guaranteed. It is also noteworthy that often promptness has decisive importance that ensures effectiveness of the protest; while the delay may make the reaction ineffective as it was discussed by the Constitutional Court of Georgia in its July 4, 2019 judgment on the case *Besik Katamadze, Davit Mzhavanadze and Iliia Malazonia v. the Parliament of Georgia*. The spontaneous gathering is a prompt response to the incident, is not preliminarily planned and often, may not have a distinguished organizer.

The Union has been actively monitoring the protest demonstrations of the citizens, both preliminarily organized and spontaneous ones against the violations observed during the 2024 Parliamentary Elections like oppression on voters, bribery, violation of principle of voter's privacy and other significant violations. As a result of the assembly monitoring, the monitors identified some violations, like disrespect to the safety of protesters, mobilization of unidentifiable law enforcement officers, unlawful arrests of protesters and negligence of procedural rights of people, while they are arrested based on the administrative law. It must be mentioned that in all cases the demonstrations were peaceful and actions of the protesters meet the standards of the right to assembly-manifestation and expression.



The Union positively evaluates the standards how the State implemented its negative obligation in response to the blocking of the traffic movement along the Chavchavadze avenue in Tbilisi and calls on the law enforcement bodies to ensure protection of the right of citizens to peacefully protest because in accordance with the 2010 guiding principles of the OSCE/ODIHR, setting up tents and other temporary constructions is protected under the right to freedom of peaceful assembly.

In the light of abovementioned, the Union of HRDs – Human Rights Center calls on:

The Ministry of Internal Affairs:

- To respect the right to freedom of assembly and protest of citizens without preliminary warning.
- To continue fulfillment of the negative obligation of the State and not to hinder the protesters to enjoy their right to freedom of expression in peaceful form.
- To ensure that uniformed and identifiable police officers participate in the facilitation of the assemblies and manifestations.
- To provide training and raise qualification of the law enforcement officers who are engaged in the management/facilitation of the protest demonstration.
- To clarify their rights to the administrative detainees and ensure that their procedural rights are respected.

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