

A large circular graphic is centered on the page. It contains a photograph of a crowd of people, many of whom are holding European Union flags. The image is overlaid with a semi-transparent blue and red circular filter. The text "ANNUAL REPORT" is superimposed on this graphic in white and blue capital letters.

# ANNUAL REPORT

STATE OF HUMAN RIGHTS  
IN GEORGIA, 2022

# STATE OF HUMAN RIGHTS IN GEORGIA, 2022



HUMAN RIGHTS CENTER

**AUTHOR:** Salome Tsiklauri

**EDITED BY:** Aleko Tskitishvili, Nino Tlashadze

**TRANSLATED BY:** Nino Tlashadze

## THE REPORT WAS PREPARED BY HUMAN RIGHTS CENTER

Non-governmental organization the HUMAN RIGHTS CENTER, formerly the Human Rights Information and Documentation Center (HRC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRC aims to increase respect for human rights, fundamental freedoms and facilitate the peace-building process in Georgia.

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- Human Rights House Network; [www.humanrightshouse.org](http://www.humanrightshouse.org)
- Coalition for International Criminal Court; [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)

## ADDRESS:

Akaki Gakhokidze Str. 11a, 3rd Floor, 0160 Tbilisi

Tel: (+995 32) 237 69 50, (+995 32) 238 46 48

Fax: (+995 32) 238 46 48

Email: [hrc@hrc.ge](mailto:hrc@hrc.ge)

Website: <http://www.humanrights.ge>; <http://www.hrc.ge>



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## 1. ABOUT THE REPORT

This Report reviews the state of human rights in Georgia in 2022. 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 (HRC), other Georgian civil society organizations (CSOs), 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, both positive and negative obligations, 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. In 2022, the Russian invasion in Ukraine had a huge impact on the state of human rights in the entire region. The war changed the political agenda. Major developments in Georgia were also shaped by the ongoing process related with the EU membership candidacy status. 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, cases which caused high public interest, issues related with media freedom, the state of people with disabilities, rights of LGBTQI+ individuals, violence against women, including the facts of domestic violence, rights of ethnic and religious minorities, hate-motivated crimes and more.

## 2. INTRODUCTION

In 2022, the world another time witnessed the imperialist ambitions of the Russian Federation. Russia's invasion of Ukraine changed political and legal processes. International geo-political development significantly influenced the legal, political and socio-economic situation in Georgia.

The priorities set by the European Commission for Georgia to get the EU membership candidate status clearly demonstrated the challenges in the state of human rights in Georgia.

The standards for the protection of human rights of various minority groups are still very low. The LGBTQI+ people still remain as one of the most vulnerable groups and the state continues violation of its positive and negative obligations to properly

protect these groups. The religious and ethnic minorities also live in discriminatory environment.

The number of women, who became victims of domestic violence, is very high. Any positive steps taken by the state for the improvement of the situation and reduction of violence against women are appreciated. Regardless some positive legislative amendments, adequate response to the facts of violence from the side of law enforcement bodies and judiciary system is still important to enable the women to feel themselves protected in Georgia. Additionally, it is necessary that the society of Georgia did not perceive the domestic violence as personal issue and did not blame the victims for the incidents as it silence the women to speak up about the problem.

There are questions about the health state of the third president of Georgia, Mikheil Saakashvili as well as about the realization of his procedural and material rights as a prisoner. The right to fair trial is still problematic in other ongoing criminal proceedings with alleged political motives.

The state of human rights remains grave in the Russian occupied territories of Georgia and in the villages adjacent to the ABL. Alongside the security issues caused by the creeping occupation by the Russian Federation, the local population copes with hard socio-economic problems. Big part of them does not have access to their agricultural plots because of occupation.

The amendments made in the Criminal Procedure Code of Georgia with regard to covert investigative actions had negative impact on the human rights standards. In accordance with the amendments, the right to inviolability of personal life is significantly humiliated. Although covert investigative actions may have legitimate goals, it is necessary to have effective legal mechanisms in accordance with the international human rights standards to avoid unlawful interference in the personal life of an individual.

Active cooperation with partner countries and international stakeholders is of particular importance for the democratic development and promotion of European future of the country. Negative attitude of the government members and representatives of the ruling party towards the international partners undermines the European integration process of Georgia and harms its reputation.

### 3. WAR IN UKRAINE

On February 24, 2022 the Russian Federation invaded Ukraine. Like 2008 Russia-Georgian war, the military aggression of Russia against Ukraine, may be assessed as culmination of years-long tension that was accompanied with the violation of the territorial integrity of Ukraine by Russia and occupation of the territories, which were under jurisdiction of Ukraine and later on – their annexation.

On February 25, 2022, Prime Minister of Georgia Irakli Garibashvili stated that Georgia is not going to join the financial and economic sanctions imposed on Russia<sup>1</sup>. His statement was differently interpreted. The CSOs condemned the statement of the Georgian PM<sup>2</sup>. The statements of the ruling party had negative impact on the relations between Georgia and Ukraine. On the 6<sup>th</sup> day of the war, the President of Ukraine Volodymyr Zelenskyy initially recalled the Ambassador of Ukraine in Georgia first for consultations and then, on March 31, officially called him back to Kyiv<sup>3</sup>. Despite the position of the government, the solidarity of the Georgian people towards Ukraine was unprecedented – protest demonstrations were organized, Georgian soldiers went to fight on behalf of Ukraine as volunteers. About 2500 Georgian soldiers are fighting in Ukraine. By December 12, 2022, 34 Georgian fighters fall on the battle during their fight for the freedom of Ukraine<sup>4</sup>.

In the end of the year, when 5 Georgian warriors were killed in the war in Ukraine, the Government of Georgia did not declare any condolence to their families. In response to the harsh criticism of the society, the members of the ruling party stated that the Georgian fighters in Ukraine may lose their Georgian citizenship because in accordance with the Georgian legislation military service in another country results into losing the citizenship of your own country. This position was particularly astonishing for the civil society. The Georgian warriors fighting in Ukraine perceived the statements of the government and parliamentary majority members as threats<sup>5</sup>.

Unprecedented violation of the international law by the Russian Federation in Ukraine is beyond all boundaries. Targeted assaults on civilians are particularly alarming. Millions of people fled from Ukraine after the launch of the war. Part of refugees arrived in Georgia. Protecting asylum seekers is an important part of human

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<sup>1</sup> See [publication](#) of Interpressnews (25.02.2022)

<sup>2</sup> See the [statement](#) of CSOs (26.02.2022)

<sup>3</sup> See [article](#) of the Radio Liberty (31.03.2022)

<sup>4</sup> See the [article](#) of the Radio Liberty (01.11.2022)

<sup>5</sup> See the [article](#) of the Radio Liberty (08.12.2022)

rights law and is regulated both by international standards and by national law. According to Article 21 of the Refugee Convention, the states shall accord to refugees lawfully staying in their territory treatment as favourable as possible. The socio-economic guarantees for refugees are enshrined by Article 60(1) of the Law of Georgia on International Protection.

Therefore, initially, the Georgian authorities were providing housing for the Ukrainian refugees escaping the war, however, the program ended on July 31, 2022. According to information provided by Tbilisi City Hall, Ukrainian nationals arriving to Georgia will receive remittances from July 15, 2022<sup>6</sup>. The allocated funds (300 GEL per family and additional 45 GEL per family member) are not enough for living in Georgia, especially for those who are unable to work for health, family issues or other reasons. Further, it is also noteworthy that the increase in housing prices is related to the increased number of Russian citizens arriving in Georgia.

Human Rights Center provides the Ukrainian refugees with free legal aid with regard to getting refugee status or/and residence permits in Georgia. According to the HRC lawyers, the refugees from Ukraine also complained about the problems they encountered at the border when leaving Georgia, as they were asked for some irrelevant documents too. It is noteworthy that through communicating with Ukrainian refugees, certain gaps are evident such as uncoordinated work between the state agencies, as well as problems of lack and poor availability of information<sup>7</sup>.

#### - **Migration of the Russian citizens in Georgia**

During the war in Ukraine, throughout 2022, not only the war-affected citizens of Ukraine but ten thousands of the Russian citizens also arrived in Georgia. The Ministry of Internal Affairs of Georgia publishes monthly statistics about the entries of foreign citizens in the country. According to the MIA, in May-October 2022, the Russian Federation ranked the first place among the foreign visitors arriving in Georgia<sup>8</sup>. Citizens of Russia, who fled hard economic situation caused by the international financial sanctions against Russia, also arrived in Georgia. The military mobilization announced in Russia also resulted in the increased number of visitors on the Georgian border from Russia<sup>9</sup>.

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<sup>6</sup> See the [statement](#) of the Tbilisi City Hall (17.07.2022)

<sup>7</sup> See the [statement](#) of Human Rights Center (10.08.2022)

<sup>8</sup> See: Ministry of Internal Affairs, [public information](#), Statistical data of persons and transport crossing the state border of Georgia

<sup>9</sup> See the [statement](#) of the MIA (27.09.2022)



Pursuant to the Ordinance # 255 of the Government of Georgia of June 5, 2015, citizens of the Russian Federation may enter Georgia without visa and stay in the country for one full year. A petition was initiated in Georgia, whose under-signatories request to establish visa regime for the citizens of Russia and Belarus<sup>10</sup>. In August 2022, the CSOs also disseminated a joint statement with the request to establish visa regime for the citizens of Russia. According to the statement, control of the Russian citizens and their business activities in Georgia is the issue of the national security. According to the assessment of the CSOs, continuous occupation of Georgia, ethnic cleansing of Georgians and crimes against humanity committed by the Russian Federation in Georgia, ongoing war in Ukraine and frequently applied policy of the Russian Federation – intervention into the territories of foreign countries for the sake of so-called defense of its citizens – create enough grounds to establish visa regime for the citizens of Russia in Georgia<sup>11</sup>. The President of Georgia Salome Zurbashvili also spoke about the visa regime, evaluated the acting visa-free regime as liberal and did not exclude possibility of reconsidering it. However, at this stage, the President of Georgia does not think the entry of the Russian citizens in Georgia undermines the safety of the country<sup>12</sup>.

Alleged facts of discrimination against the North Caucasus people when crossing the Georgian border are also worth to mention. In their September 28, 2022 statement the CSOs stated that people living in the North Caucasus (or those who resemble them physically based on various physical, religious and cultural attributes) go through a difficult and lengthy process of checks for hours on end in specially designated for them room, and, at times, they are even subjected to protracted, several-day inquiries. The CSOs called on the State to eliminate the segregated and allegedly discriminatory practice of checking North Caucasians at border crossings and base this process on the principles of equality and respect for dignity. Considering the high scale of migration of Russian citizens, the civil society also called on the Government of Georgia to create working and political formats, which will be a space for discussions with public groups and political opposition regarding the measurement of risks; political, security, social and economic effects related to this process and the adoption of relevant deterrent and compensatory measures<sup>13</sup>.

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<sup>10</sup> See the [petition](#)

<sup>11</sup> See the joint [statement](#) of the CSOs (17.08.2022)

<sup>12</sup> See the [article](#) of the civil.ge (17.10.2022)

<sup>13</sup> See the joint [statement](#) of CSOs (28.09.2022)

#### 4. EU MEMBERSHIP CANDIDATE STATUS

The war in Ukraine changed the political agenda of the entire world. Four days after the Russia attacked Ukraine, the President of Ukraine, Volodymyr Zelenskyy handed official application for EU membership over to the EU representatives<sup>14</sup>. The Russian-Ukrainian war has driven the process of EU enlargement eastward and created a window of opportunity not only for Ukraine but also for the other two members of the “Associated Trio”<sup>15</sup>. On March 3, Moldova and Georgia submitted official applications to join the bloc. Next day, the Georgian civil society organizations published joint statement with regard to the EU membership perspective of Georgia<sup>16</sup>. **Government’s decision – to official apply for the EU membership is a logical continuation of the country’s European way and proves the legitimate aspirations to become a full member of the European family.**

On June 17, 2022 the European Commission published the opinion on the applications of Georgia, Moldova, and Ukraine for the EU membership<sup>17</sup>. The Commission recommended to grant Ukraine and Moldova the status of candidate country. As for Georgia, the European Commission found that at this stage Georgia should be granted only a European perspective and advised the European Council to get back the issue of granting the candidate status to Georgia after the country meets particular conditions. The European Commission set 12 priorities for Georgia, after fulfillment of which, Georgia will acquire the status of the EU membership candidate. The set priorities refer to reducing political polarization, judicial reform, proactive consideration of the decisions of the European Court of Human Rights in Strasbourg by the Georgian courts, de-oligarchization, more effective fight against violence targeting women, the involvement of civil society in the decision-making process.

**The priorities set by the EU for Georgia echo all those urgent issues, which are related with the protection of human rights in Georgia. The document is oriented to promote democracy, human rights and rule of law in the country. Consequently, fulfillment of the set priorities not only ensure Georgia’s timely acquisition of the**

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<sup>14</sup> See the [publication](#) of Interpressnews (28.02.2022)

<sup>15</sup> For the detailed information see the [analytic document](#) of Human Rights Center – Nato Rubanovi, EU Membership Perspective and 12 Conditions for Georgia to Receive Candidate Status: What Will Be Next? (2022)

<sup>16</sup> See [appeal](#) of CSOs for immediate launch of Georgia’s rapid EU accession procedure (04.03.2022)

<sup>17</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission, [The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status](#) (17 June 2022)

**status of the candidate but will also significantly improve the human rights standards in the country.**

On June 27, 2022 the CSOs and on July 1, 2022, the Government of Georgia published the action plans with regard to the fulfillment of the priorities set by the European Commission<sup>18</sup>. Working groups were created in the Parliament of Georgia. Among them, the working group regarding the issues of proactive consideration of the ECtHR judgments in the Georgian courts has been created led by the Committee on Human Rights and Civil Integration, whose work can be evaluated positively.

The process of fulfillment the EU recommendations is accompanied with political tension. The parliamentary majority and minority do not cooperate with each other. The conflict with the CSOs is also notable. The government chose not to invite one of the most influential civil society organizations working on elections - International Society for Fair Elections and Democracy (ISFED) to the working group regarding the election issues<sup>19</sup>. Other CSOs also protested this decision as similar approach contradicts the process of de-polarization<sup>20</sup>.

Strong and independent institute of the Public Defender is essential for the protection of human rights in the country. The Georgian Public Defender is a constitutional institute, which supervises defense of human rights and basic rights. The European Commission also underlined the preference of strengthening the institute of the public defender and called on Georgia to ensure that the process of nominating a new public defender will be transparent and ensure the Office's effective institutional independence<sup>21</sup>.

On December 22, 2022 the Parliament of Georgia voted for the candidates of the Public Defender but none of the nominated candidates received enough votes. Before voting, the candidates were interviewed. The candidates nominated by the wider group of CSOs could not obtain necessary amount of votes (90)<sup>22</sup>. Soon, the CSOs disseminated joint statement and expressed their concern for the failure of the public

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<sup>18</sup> For the detailed information see the [analytic document](#) of Human Rights Center – Nato Rubanovi, EU Membership Perspective and 12 Conditions for Georgia to Receive Candidate Status: What Will Be Next? (2022)

<sup>19</sup> See the [article](#) of the Civil Georgia (18.08.2022)

<sup>20</sup> See the [article](#) of the Civil Georgia (22.08.2022)

<sup>21</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission, [The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status](#) (17 June 2022)

<sup>22</sup> See the joint [statement](#) of CSOs: NGOs selected the candidates for the public defender's position (27.09.2022)

defender's election process that harms the country's European Integration process. The organizations called on the ruling party to cooperate with the opposition and civil society to ensure the timely fulfilment of all twelve conditions for EU membership candidate status. The candidates nominated by the civil society received the highest evaluation from the Parliamentary Chairman's special commission. Thus, the criticism of the ruling power towards these persons is only political and expresses the lack of party loyalty to the government<sup>23</sup>.

The recommended de-oligarchization process is also accompanied with mutual accusations. Interpretation and adoption of the Ukrainian model of the legislative base on de-oligarchization in Georgia is unacceptable for the opposition<sup>24</sup>. In the end, the Parliament of Georgia sent the bill to the Venice Commission for the evaluation that was positively evaluated by the EU Delegation<sup>25</sup>.

**Human Rights Center positively evaluates engagement of the international partners in such an important process but it is very important that the views and recommendations of the authoritative institutions and organizations were completely fulfilled. EU membership candidate status will be a step forward for Georgia. Furthermore, to obtain the status of EU candidate country it is necessary for Georgia to take care of the improvement of relations with European institutions and fulfill the conditions defined by the European Commission in the framework of constructive cooperation<sup>26</sup>.**

## 5. THIRD PRESIDENT OF GEORGIA AND HIS HEALTH CONDITIONS

On October 1, 2021 the third president of Georgia Mikheil Saakashvili was arrested<sup>27</sup>. Since being brought to penitentiary facility N12, defendant/convicted Mikheil Saakashvili announced the hunger strike (not to receive food) - the form of

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<sup>23</sup> See the joint [statement](#) of the CSOs: Failure to Elect a Public Defender Harms the Country's European Integration Process (26.12.2022)

<sup>24</sup> See [article](#) of the Radio Liberty (03.10.2022)

<sup>25</sup> EU Delegation to Georgia [on Twitter](#) (28.02.2022)

<sup>26</sup> For the detailed information see the [analytic document](#) of Human Rights Center – Nato Rubanovi, EU Membership Perspective and 12 Conditions for Georgia to Receive Candidate Status: What Will Be Next? (2022) p.

<sup>27</sup> For the detailed information see the HRC's [annual report](#) - State of Human Rights in Georgia, 2021 (2022) p. 13

protest envisaged by the law - demanding a fair and speedy trial<sup>28</sup>. On April 20, 2022, during the court hearing in Tbilisi City Court of the case of illegal border crossing by Mikheil Saakashvili, Saakashvili requested to be removed from the courtroom and asked for medical help. Saakashvili mentioned that his alleged treatment was not effective at the Gori Military Hospital. Judge Nino Chakhnashvili of Tbilisi City Court partially granted the motion of the defense counsel of Mikheil Saakashvili and instructed the director of the Special Penitentiary Service to “provide proper and medical care” to the detained Saakashvili<sup>29</sup>.

On May 10, 2022, the Ministry of Justice of Georgia offered Mikheil Saakashvili to be transferred to the Vivamedi Clinic<sup>30</sup>. Since May 12, 2022, Mikheil Saakashvili is undergoing medical treatment in the Clinic Vivamedi.

Human Rights Center carries out trial monitoring of allegedly politically motivated cases and among others, actively monitors the court hearings of Mikheil Saakashvili’s cases as well as his health conditions.

On October 3, 2022, forensic expert James Kobe arrived in Georgia to study Mikheil Saakashvili's health condition. The expert said that Saakashvili needs a high-level medical service and there is no reason for which he should feel as bad as it is now<sup>31</sup>.

On November 19, 2022, it was reported that mercury was discovered in the hair of Mikheil Saakashvili<sup>32</sup>. According to Saakashvili’s defence lawyer, another toxic substance – bismuth was also discovered<sup>33</sup>.

On December 1, 2022, the defense lawyers of imprisoned former President, Mikheil Saakashvili, petitioned the Tbilisi City Court to either release Saakashvili or to postpone his sentence in accordance with the provisions of the law, for health reasons. The petition relies on the evaluations of the Georgian and foreign experts, evidence and medical expertise conclusions obtained by the defence side.

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<sup>28</sup> For the detailed information see the [analytic document](#) of Human Rights Center - “PRISONER'S RIGHT TO HEALTHCARE: Analysis of the Trial against Mikheil Saakashvili and Accompanying Events,” Giorgi Tkebuchava (2022)

<sup>29</sup> Ibid, p. 5

<sup>30</sup> See the [publication](#) of Interpressnews.ge, (10.05.2022)

<sup>31</sup> For the detailed information see the [analytic document](#) of Human Rights Center - “PRISONER'S RIGHT TO HEALTHCARE: Analysis of the Trial against Mikheil Saakashvili and Accompanying Events,” Giorgi Tkebuchava (2022), p. 7

<sup>32</sup> See the [article](#) of the Radio Liberty (19.11.2022)

<sup>33</sup> See the [article](#) of the News Agency of Georgia (28.11.2022)

On December 14, 2022 Mikheil Saakashvili was barred from participating in the court hearing of his case from the Vivamedi Clinic. The Special Penitentiary Service claimed that due to technical reasons they were unable to connect Saakashvili to the court session. Besides that, referring to the argument of not having studied the case files, the representative of the Penitentiary Service requested to adjourn the hearing for a month.<sup>34</sup> On the same day, the Special Penitentiary Service released the footage of Mikheil Saakashvili recorded by the camera of the Vivamedi Clinic, citing that it was done because of “high public interest.”<sup>35</sup> Mikheil Saakashvili’s defense lawyer Shalva Khachapuridze stated that the footage was released without the consent of the ex-president<sup>36</sup>. The Personal Data Protection Service started to look into the release of video recordings of imprisoned ex-President Mikheil Saakashvili at Vivamedi Clinic by the Special Penitentiary Service<sup>37</sup>. Additionally, Saakashvili’s lawyer petitioned the Special Investigative Service to start investigation into the release of footage made in the Vivamedi Clinic. The lawyer also requested suspension of the authorities of the Minister of Justice, the head of the Penitentiary Service and Chairperson of the Medical Department until the investigation is completed<sup>38</sup>.

Despite the conclusion of the medical examination, the conclusion of the Public Defender’s Special Medical Council, and the call from the European parliamentarians, the authorities do not recognize the need to take immediate steps to protect the prisoner’s life and health, as the health condition of the third president of Georgia, Mikheil Saakashvili, has extremely worsened. The CSOs called on the government to fully understand the state’s obligations in the field of basic human rights, to stop being indifferent to Mikheil Saakashvili’s serious health condition, and to take responsibility for saving his life and health<sup>39</sup>.

Different groups of CSOs petitioned the President of Georgia Salome Zurbashvili several times to pardon Mikheil Saakashvili within her power. In her interview with BBC, President Salome Zurbashvili clarified that in accordance with the law she does

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<sup>34</sup> See the HRC [statement](#) regarding the Deterioration of Health Condition of Mikheil Saakashvili and Ill-Treatment practiced against him. (15.12.2022)

<sup>35</sup> See the [article](#) of Publika (14.12.2022)

<sup>36</sup> See the [article](#) of the Radio Liberty (14.12.2022)

<sup>37</sup> See the [statement](#) of the Personal Data Protection Service (15.12.2022)

<sup>38</sup> See [article](#) of Euronews Georgia (16.12.2022)

<sup>39</sup> See the [statement](#) of CSOs - The government should bear responsibility for Mikheil Saakashvili’s health condition. (14.12.2022)

not have right to pardon Mikheil Saakashvili, but she closely monitors the developments about the ex-president<sup>40</sup>.

**Human Rights Center calls on the respective state institutions to ensure protection of procedural and material rights of Mikheil Saakashvili as well as of all defendants/convicts and take all necessary measures to avoid lethal outcomes.**

## 6. JUDICIAL AUTHORITY

The challenges in the judicial authority remained in 2022 too. One of the 12 Recommendations of the European Commission is to adopt and implement a transparent and effective judicial reform strategy and action plan and ensure a judiciary that is fully and truly independent, accountable and impartial<sup>41</sup>. Hence, on such an important stage for the country, it is highly important to take all necessary measures to promote European integration and democracy in Georgia. Nevertheless, there were gaps identified in selecting the members of judicial authority and about politicization of some cases processed in the courts.

On June 27, 2022, the High Council of Justice unanimously supported the appointment of Chinchaladze as the chairman of the Tbilisi Appellate Court for a second term. According to the Coalition for Independent and Transparent Judiciary, Mikheil Chinchaladze is one of the key figures of the main challenge in the judiciary - the existence of an influential group of judges<sup>42</sup>. For years, CSOs were talking about the influences of concrete judges, with which the current and previous governments controlled the judicial system<sup>43</sup>.

On August 6, 2022 Studio "Monitor" published journalistic investigation, which reported about the alleged undisclosed assets and income of influential judges occupying high administrative positions in the judicial system<sup>44</sup>. On September 23,

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<sup>40</sup> See the [article](#) of the Radio Liberty (21.11.2022)

<sup>41</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission, [The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status](#) (17 June 2022)

<sup>42</sup> See the [statement](#) of the Coalition for Independent and Transparent Judiciary, The Appointment of Mikheil Chinchaladze for the Second Term Damages the Process of European Integration, (30.06.2022)

<sup>43</sup> See the [statement](#) of the CSOs, The civil sector demands the creation of an investigative commission to study the current situation in the judicial system (23.09.2022)

<sup>44</sup> See the [statement](#) of the CSOs, State Authorities Should Immediately Respond to Signs of Systemic Corruption in the Judiciary (10.08.2022)

2022 CSOs released a statement and demanded the creation of an investigative commission to determine the truth on the questions raised by the public<sup>45</sup>.

On October 24, 2022, the Coalition for Independent and Transparent Judiciary<sup>46</sup> reacted to the election of Levan Murusidze and Dimitri Gvritishvili as judge members of the High Council of Justice (HCoJ) during the 31st Conference of Judges and emphasized that it “strengthens the clan rule in the Court and hinders the fundamental reform of the justice system.<sup>47</sup>” On their turn, Levan Murusidze and Dimitry Gvritishvili also made comments. The latter labeled the CSOs “a group of absolutely politicized subjects”<sup>48</sup>.

The statement of the elected member of the High Council of Justice and judge at the Tbilisi Appellate Court Levan Murusidze caused different reactions, who slammed the exchange program of the US Embassy designated for the Georgian judges. In the frame of the program, Georgian judges have opportunities to get acquainted with the experience of their US colleagues<sup>49</sup>. US Ambassador in Georgia Kelly Degnan said that Georgian judges are very pleased with the participation in the exchange program. She added that exchange programs and training greatly contribute to the effort to modernize Georgia’s judicial system. The US Ambassador underlined that the USA will continue its support of Georgia’s judges in their efforts to administer the law based on the evidence<sup>50</sup>.

## 7. FREEDOM OF ASSEMBLY AND MANIFESTATION

Next day of the Russian invasion in Ukraine, large-scaled demonstration was organized to support Ukraine in front of the Parliament building in Tbilisi. The participants were protesting the statements of the PM Irakli Garibashvili. Namely, on February 25, 2022 the PM stated that Georgia was not going to join the financial and economic sanctions against Russia<sup>51</sup>. The demonstrators declared that the Prime Minister did not express the position of the majority of the Georgian population<sup>52</sup>. The President of Ukraine Volodymir Zelenskyy thanked to the participants of the Tbilisi

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<sup>45</sup> See the [statement](#) of the CSOs, The civil sector demands the creation of an investigative commission to study the current situation in the judicial system (23.09.2022)

<sup>46</sup> HRC is the member of the Coalition and Deputy Chair of the Steering Committee

<sup>47</sup> See the [article](#) of civil.ge (25.10.2022)

<sup>48</sup> See the [article](#) of civil.ge (26.10.2022)

<sup>49</sup> See the [article](#) of the Radio Liberty (27.10.2022)

<sup>50</sup> See the [article](#) of the Radio Liberty (01.11.2022)

<sup>51</sup> See the [publication](#) of Interpressnews (25.02.2022)

<sup>52</sup> See the [article](#) of Netgazeti (26.02.2022)



demonstration from his Twitter account and noted: “There are times when citizens are not the Government, but better than Government.”<sup>53</sup>

On June 20, 2022, demonstration “Home to Europe” was organized in Tbilisi and in the regions after the European Commission published its opinions about the EU membership candidate status<sup>54</sup>. The participants of multi-thousand demonstration demonstrated their European choice<sup>55</sup>. On June 23, 2022, based on the conclusion of the Council of Europe, unlike Ukraine and Moldova, Georgia could not receive the candidate status<sup>56</sup>. The rally demonstrating the European choice of the Georgian people was covered by international media<sup>57</sup>.

Later, the movement Home to Europe disseminated a statement notifying that their meetings with the population were failed and their speakers were assaulted. According to the public movement, before the demonstration, which was announced for July 3, their members were organizing awareness raising meetings with the local population in the regions; their members were hindered to hand out booklets and aggressive supporters of the ruling party and public servants tried to fail their meetings<sup>58</sup>. The Public Defender of Georgia responded to the disseminated information and emphasized that the organization of a pre-announced peaceful rally and distribution of information cards for this purpose are fully protected by the freedom of assembly and expression, and it is the responsibility of the Government to ensure the realization of the above<sup>59</sup>.

## 8. RIGHT TO EQUALITY

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 LGBTQI+ community or non-dominant religious and ethnic groups remained problematic like in the past years.

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<sup>53</sup> See Volodymyr Zelenskyy on [Twitter](#) (26.02.2022)

<sup>54</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission, [The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status](#) (17 June 2022)

<sup>55</sup> See [information](#) of Formula (20.06.2022)

<sup>56</sup> European Council, [conclusions](#) on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations (23.06.2022)

<sup>57</sup> See the [Article](#) of Aljazeera (20.06.2022); See the [Article](#) of RFE/RL (20.06.2022)

<sup>58</sup> See the [statement](#) of the public movement Home to Europe with regard to the assault on its members, Open Society Foundation (30.06.2022)

<sup>59</sup> See the [statement](#) of the Public Defender of Georgia (30.06.2022)

The UN Committee on the Elimination of Racial Discrimination welcomed the legislative, institutional and policy measures taken by Georgia, among them allowing covert investigative activities for the investigation of racial discrimination cases<sup>60</sup>. Additionally, the Committee called on the State of Georgia to ensure effective implementation of its anti-discrimination legislation in practice<sup>61</sup>.

- **Violence against Women and Domestic Violence**

According to the statistics available for the period of January-October, 2022, former husbands or/and partners killed 16 women in Georgia<sup>62</sup>. Unfortunately, often, the victims are blamed in similar tragedies that further aggravates the state of the women in Georgia.

Ineffective investigation of the violence cases is still a systemic problem. European Court of Human Rights determined the violation by the state in two cases related with the violence against women in Georgia<sup>63</sup>. Among them, in its February 10, 2022 judgment on the case *A and B vs. Georgia*, the ECtHR observed that whilst the domestic legislative framework provided for various temporary restrictive measures in respect of alleged abusers, the relevant domestic authorities did not resort to them at all. It does not appear from the various reports and records drawn up by the police officers that the victim was ever advised by the police of her procedural rights and of the various legislative and administrative measures of protection available to her<sup>64</sup>.

Shortcomings were identified in judicial proceedings on the cases of domestic violence too. Namely, from the cases under HRC consideration the trend is evident that the instances of remand on bail have recently increased against those accused in domestic violence. Such a lenient approach on the part of the courts is a dangerous trend increasing the real risk of further serious consequences. Further, this increases the feeling of insecurity for the victim when the person caught for violence is on freedom<sup>65</sup>. After this statement of HRC, a month later, the man released from pre-trial imprisonment under the bail, killed a young woman in Telavi. According to the family,

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<sup>60</sup> United Nations, Committee on the Elimination of Racial Discrimination, CERD/C/GEO/CO/9-10 (02.12.2022), para. 4

<sup>61</sup> UN Committee on the Elimination of Racial Discrimination publishes findings on Bahrain, Botswana, Brazil, France, Georgia and Jamaica, [Press Release](#) (02.12.2022)

<sup>62</sup> See [information](#) by Main Channel (26.11.2022)

<sup>63</sup> *Tkheldidze v. Georgia*, no. [33056/17](#) (ECtHR, 8 July 2021); *A and B v. Georgia*, no. [73975/16](#) (ECtHR, 10 February 2022)

<sup>64</sup> *Ibid*, para.48

<sup>65</sup> See the HRC [statement](#) about the shortcomings in judicial proceedings on the cases of domestic violence (13.09.2022)

the woman was victim of domestic violence and the judge was informed about it but despite that he allowed the defendant to be free from liability that ended with the tragedy<sup>66</sup>.

Permanent feeling of threat and unsafety increases re-victimization of the women. There was an instance, when the court remanded on bail for the second time, when a measure of restraint was requested against the man, who was blamed in the violence against wife, underage child and mother-in-law<sup>67</sup>. HRC lawyers observe that the state of the victim women are further aggravated by the delayed reaction of law enforcement officers as well as dragged out proceedings.

The definition of rape in the Criminal Code of Georgia still does not meet the requirements of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). In accordance with the Georgian Criminal Code, rape, that is any form of penetration of a sexual nature of the body of a person with any bodily part or object, committed with violence, under the threat of violence or by abusing a helpless condition of a person affected<sup>68</sup>. In the international criminal law, it has recently been recognized that force is not an element of rape and any sexual penetration without the victim's consent constitutes rape and that consent must be given voluntarily, as a result of the person's free will<sup>69</sup>. Consequently, it is necessary to make the Georgian legislation coherent with the international standards and the rape shall not be connected with the coercion.

It is important to mention those positive legislative amendments, which aim to protect the women's rights. The Public Defender also underlined the progress in developing state policy and in responding to the cases of domestic violence by law enforcement officers. Nevertheless, in accordance with the 2021 Report of the Public Defender of Georgia, it is still problematic for law enforcement agencies to identify and systematize cases of violence against women and domestic violence as a single crime<sup>70</sup>.

Amendments were made in the national legislation. Namely, the Ordinance of the Government of Georgia on the Compensation for the Victims of Violence against Women and/or Domestic Violence went in force from December 1, 2022. Based on the Ordinance, the adult and minor victims of violence against women and/or domestic

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<sup>66</sup> See the [article](#) of Ambebi.ge (10.10.2022)

<sup>67</sup> See the [article](#) of the Radio Liberty (07.12.2022)

<sup>68</sup> See the Article 137 (1) of the Criminal Code of Georgia

<sup>69</sup> *M.C. v. Bulgaria*, no. [39272/98](#) (ECtHR, 4 December 2003), para. 163

<sup>70</sup> See the [Parliamentary Report](#) of the Public Defender – on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021 (p. 119)

violence, as well as the minor child(ren) of the victim killed as a result of above violence will be able to claim compensation from the state if the person, who committed the above violence, is not able to pay the compensation to the victim in accordance with the Civil Procedure Code of Georgia<sup>71</sup>. The victims could claim the compensation for the harm via court in the past too, but now they can claim the compensation with the support of the Agency for State Care. The key and important news is that if the harasser is not capable to pay the compensation to the victim, the State takes the responsibility to compensate the victim and it must be evaluated as a positive change<sup>72</sup>.

Another positive change is related with offering free legal aid to the victims of domestic violence in civil, administrative and criminal proceedings. Namely, in accordance with the current addition of the Law of Georgia on Legal Aid, the victim of domestic violence has right to get free legal aid if she/he has financial problems or/and his/her income during 12 months does not exceed 6 000 GEL<sup>73</sup>.

- **Rights of the Child**

Safe environment must be ensured and guaranteed for the children. On October 13, 2022, the tragedy in Vake Park, Tbilisi raised alarm in the country. Marita Meparishvili, 13, was killed in the newly rehabilitated fountain and two more children were injured. Investigation is still ongoing. Ghassan Khalil, UNICEF Representative in Georgia, made statement with regard to the tragedy and called on the national and local authorities, within their accountabilities, in coordination with specialists, civil society and private sector, to do everything possible to ensure the safety of children in public spaces and to support children in realizing their rights to survival, play, leisure, and development<sup>74</sup>.

Public Defender of Georgia stated, that one of the main challenges for the country remains the growing rate of child poverty. In particular, compared to the previous year, the number of families with children in the unified database on socially vulnerable families increased by 28% and the number of minors involved in the programme reached 235,252. However, the existing programmes still fail to provide long-term support to the families living in poverty and to enhance their social function. And the State still has no effective strategy or mechanism for reducing child poverty and child

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<sup>71</sup> See the Ordinance N 523 of the Government of Georgia on the Compensation for the Victims of Violence against Women and/or Domestic Violence, Article 4 (1)(2)

<sup>72</sup> See the [article](#) of the Radio Liberty (13.12.2022)

<sup>73</sup> See the Law of Georgia on Legal Aid, Article 5(2<sup>6</sup>)

<sup>74</sup> See the [statement](#) of UNICEF (31.10.2022)

labour<sup>75</sup>. The Parliamentary Report of the Public Defender of Georgia states that it also became more difficult to assess the condition of children, to timely identify neglect, labour exploitation, physical, psychological and other forms of violence. The lack of coordinated action between agencies, which also indicates the ineffectiveness of the child protection policies of the State, was another problem<sup>76</sup>.

With the ongoing war in Ukraine, it is essential to provide Ukrainian children residing in Georgia with adequate physical and psychic healthcare and living conditions. In similar situation, termination of the program providing Ukrainian refugees with shelter, places the children in difficult situation<sup>77</sup>.

- **National Minorities**

The state of human rights of national minority groups is associated with many problems in Georgia. UN Committee on the Elimination of Racial Discrimination expressed its concern with the permanent discriminative approach towards ethnic minorities in Georgia<sup>78</sup>. The UN Committee underlined several problems, among them were: The low representation of minorities in political and decision-making bodies and public administration<sup>79</sup>; problem of integration because of language barrier; the insufficient resourcing of schools in areas densely populated by ethnic minorities<sup>80</sup>.

On March 28, 2022, two hashtags were disseminated in social networks - *#ქართული2250ლარად#Georgianlanguagefor2250GEL*; *#მასწავლებელქართულიუფასოდ* *#teachmeGeorgianforfree*. The citizens protested the fact that they have to pay 2250 GEL for one-year State language course in the frame of the 1+4 Program. The founder of the platform Salam Kamran Mamadli said it is not adequate state policy when its citizens have to pay money to learn the state language<sup>81</sup>.

In accordance with the overview of the education sector by the Institute for Development of Freedom of Information (IDFI), in Georgia, when identifying the

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<sup>75</sup> See the [statement](#) of the Public Defender of Georgia (01.06.2022)

<sup>76</sup> See the [Parliamentary Report](#) of the Public Defender – on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021 (p. 210)

<sup>77</sup> See the [statement](#) of HRC, Human Rights Center reacts to the completion of the Housing Program for Ukrainian Refugees

<sup>78</sup> United Nations, Committee on the Elimination of Racial Discrimination, CERD/C/GEO/CO/9-10 (02.12.2022), para. 7

<sup>79</sup> For example: see the [information](#) disseminated by the platform Salam “City Hall does not accept applications written in mother-tongue and demand applications written in Georgian language; however, we were not taught Georgian language,” Rashid Iagubov (82 years old)

<sup>80</sup> United Nations, Committee on the Elimination of Racial Discrimination, CERD/C/GEO/CO/9-10 (02.12.2022), para. 7

<sup>81</sup> See the [article](#) of batumelebi.netgazeti.ge (28.03.2022)

challenges of ethnic minorities and socially vulnerable groups, 309 vacancies for teachers in 2018-2022 remained unfilled. On the other hand, it is noteworthy that access to vocational education for ethnic minorities increased after they were given the opportunity to take vocational tests in Armenian, Russian, or Azerbaijani languages<sup>82</sup>.

On October 25, 2022 seven nongovernmental organizations<sup>83</sup> working in Marneuli municipality jointly registered an initiative in the Marneuli municipality city hall and requested the increase of the involvement of representatives of ethnic minorities in the decision-making process in Marneuli Municipality and will support the process of integration of ethnic minorities. The initiative also included creation of translation resources in the minority language in the Marneuli Municipality City Hall and City Council<sup>84</sup>.

- **Freedom of Religion**

The rights of non-dominant religious groups are still violated in Georgia on the legislative level as well as by the local and central governments.

On July 1, 2022, the Bolnisi City Court fully satisfied the appeal of the Social Justice Center, in the frame of which the funding of the local eparchy from the municipal budget was appealed. The court annulled the disputed norm and determined religious based discrimination by the Marneuli municipality. The court clarified that *“with the allocation of 400 000 GEL to the Marneuli and Hujabi Diocese, [the Marneuli municipal authority] demonstrated discriminatory approach towards Supreme Spiritual Department of All Muslims of Georgia as they treated two identical subjects differently and it was based on religious grounds. As the disputed fact demonstrated discriminatory approach to concrete religious organization, the case was evaluated as discrimination with religious signs.”* The decision of the Bolnisi City Court was precedential and important as the court fully shared the position of the applicant and concluded that *“any act by the State shall be based on the principle of secular governance, it shall not support any concrete religion and shall not create perception of particular affiliation with any of the religious groups.”*

Regardless the court judgment, as the Social Justice Center reported, the 2023 budget of Marneuli municipality still includes the discriminatory provision<sup>85</sup>. Later, on December 8, 2022 the Tbilisi Appellate Court made decision with regard to the same

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<sup>82</sup> See the [Overview](#) of the Education Sector by IDFI (10.10.2022)

<sup>83</sup> Social Justice Center", "Salam Platform", "Civic Engagement and Activism Center", "Union of Azerbaijani Youth of Georgia", "Algeti Youth Center", "Green Thinking" and "Steps to the Future"

<sup>84</sup> See the joint budget [initiative](#) of 7 NGOs working in Marneuli municipality (28.11.2022)

<sup>85</sup> See the [statement](#) of the Social Justice Center, (02.12.2022)

case and overturned the decision of the Bolnisi City Court. The Appellate Court not only reviewed the important dispute but the speaker judge demonstrated negative attitude towards the applicants. According to the SJC, *“the judge several times asked the ethnic Azerbaijani citizen of Georgia, applicant Samira Bairamova, whether she had information how religious organizations are funded in Azerbaijan and whether Christians receive any financial support from the state.”*<sup>86</sup>

Despite the abovementioned problems, in accordance with the survey of the Council of Europe, the attitude of the people towards diversity has become much more positive. As for the religious groups specifically, in accordance with the CoE survey, the positive attitude was 46% in 2018 and in 2021 it was increased up to 60%<sup>87</sup>.

- **Rights of the People with Disabilities**

In 2022, the problems related with the involvement of the people with disabilities in the decision-making process became particularly evident. On December 3, 2022, on the International Day of People with Disabilities, the Public Defender disseminated a statement and reviewed all those problems, which are the part of daily lives of the people with disabilities. Among them, the Public Defender underlined that the state does not adequately envisage the individual needs of the people with disabilities; the accessibility of physical environment, access to information, means of communication and various services remain serious challenges<sup>88</sup>.

The State is responsible to ensure involvement of the people with disabilities in the decision making process<sup>89</sup>. According to the statement of the network of people with disabilities of Georgia, although in 2021 Georgia took significant step and adopted the resolution – to create task-force coordination committee on the implementation of the Convention on the Rights of People with Disabilities, when elaborating the committee structure and the mechanism on involving the people with disabilities in the committee structure, the views and recommendations of the disabled persons were neglected; neither the recommendations of the Committee of the Disabled People were fulfilled<sup>90</sup>.

The Public Defender of Georgia also underlined the challenges with regard to the involvement of the disabled people in the decision making process and called on the

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<sup>86</sup> See the [statement](#) of the Social Justice Center (12.12.2022)

<sup>87</sup> CoE [Hate Crime, Hate Speech and Discrimination in Georgia: Knowledge and Attitudes](#), (2022) p. 20

<sup>88</sup> See the [statement](#) of the Public Defender of Georgia, (03.12.2022)

<sup>89</sup> See the Convention on the Rights of the Persons with Disabilities (2006) Article 4 (3)

<sup>90</sup> See the [statement](#) of the Network of the People with Disabilities of Georgia to the Government and Request of Meeting with the PM (03.12.2022)

state to take effective measures to ensure the proper protection of the rights of persons with disabilities and their involvement in the decision-making process, as well as to raise awareness of the population<sup>91</sup>.

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

The state of rights of LGBTQI+ community members has not improved in Georgia. The members of the community still become victims of the discrimination from the society. The stigma negatively affects their daily life that is demonstrated in various aspects, among them in relation with their employment.

A comparison of the study results conducted in 2016 and 2021 shows that the homo/bi/transphobia index shows a tendency to decrease. The share of respondents who hate LGBTQI+ people, perceive relationships as depraved, or morally judge those people has significantly reduced<sup>92</sup>.

On May 17, 2022 the diplomatic corps in Georgia urged the Georgian state, political, civic and religious leaders to spare no effort to fight discrimination, stigma and violence within their respective areas of responsibility, including by embracing respectful and compassionate public discourse and engaging in constructive dialogue with LGBTQI+ communities in seeking solutions to the most pressing challenges<sup>93</sup>.

On December 1, 2022, the European Court of Human Rights published significant judgment to obtain legal recognition<sup>94</sup>. Three transgender men appealed the Strasbourg Court, as they could not obtain their legal recognition in Georgia and change their gender identity in the Identification Card<sup>95</sup>. As a result, the applicants were placed in awkward situation many times, for example, in the presence of many people, when they had to claim their identity in front of the custom officers<sup>96</sup>.

The Strasbourg Court held violation of the Article 8 of the European Convention on Human Rights - right to respect for your private and family life<sup>97</sup>. The Court underlined that what member States are expected to do under Article 8 of the Convention is to

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<sup>91</sup> See the [statement](#) of the Public Defender of Georgia, (03.12.2022)

<sup>92</sup> See: From Prejudice to Equality. Vol. 2 Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality, [Vol.2](#) Ekaterine Aghdgomelashvili Natalia Mchedlishvili Tamar Laperadze (2022) p.133

<sup>93</sup> See the joint [statement](#) of the diplomatic corps in Georgia, 17.05.2022

<sup>94</sup> See *A.D. and Others v. Georgia*, nos. [57864/17](#), [79087/17](#) and [55353/19](#), (ECtHR, 1 December 2022)

<sup>95</sup> See the [statement](#) of the GYLA, (01.12.2022)

<sup>96</sup> See the [article](#) of the Radio Liberty, (03.12.2022)

<sup>97</sup> See *A.D. and Others v. Georgia*, nos. [57864/17](#), [79087/17](#) and [55353/19](#), (ECtHR, 1 December 2022)



provide quick, transparent and accessible procedures for changing the registered sex marker of transgender people<sup>98</sup>.

- **Rights of the Internally Displaced People (IDPs)**

Internally displaced people from Abkhazia and Tskhinvali region are still deprived of the possibility to return to their homes. The special report of the Georgian Coalition for the International Criminal Court, which was published in 2019 – “Ten Years after the August War: Victims of the Situation in Georgia” describes the socio-economic problems of IDPs, which are urgent in 2022 too. Namely, majority of IDPs still lives in the cottages built by the state or/and international organizations, where they face the problems like: dampness, cracks, roofing, overheating and cold. The IDPs have problems in the access to healthcare as there are lack of medical units and/or pharmacies in the IDP settlements.

In January 2022, an IDP from Abkhazia, 52-years-old man, jumped to his death, in protest of the dragged-out relocation from the run-down building of the former sanatorium “Kartli” in Tbilisi<sup>99</sup>. He protested the dragged-out relocation of over 120 families from the former building of the sanatorium. The Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs made a statement with regard to the tragic facts and noted that the IDPs residing in the building of Sanatorium Kartli will receive new accommodations in 2022 unconditionally<sup>100</sup>. The Public Defender of Georgia also visited the site of the tragedy and expressed readiness to be a mediator between the IDPs and the Ministry<sup>101</sup>.

## 9. PENITENTIARY FACILITIES

Like in the past years, the unlawful practice of criminal subculture and informal governance is still problem in the penitentiary establishments<sup>102</sup>. Human Rights Center also has information about the problem of informal governance in prisons. HRC lawyers actively defend the rights of the prisoners and provide them with free legal aid. In their communication with the HRC lawyers, prisoners often complained about the so-called informal governance<sup>103</sup>. According to the observation of the HRC lawyers,

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<sup>98</sup> See the [statement](#) of the GYLA, (01.12.2022)

<sup>99</sup> See the [article](#) of the civil.ge (17.01.2022)

<sup>100</sup> See the [statement](#) of the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs

<sup>101</sup> See: Public Defender [met](#) the IDPs living in the sanatorium Kartli (18.01.2022)

<sup>102</sup> See: the HRC [Report](#) on the State of Human Rights in Georgia in 2020, (2021), p. 41

<sup>103</sup> Ibid

because of the informal governance in the facilities, the prisoners refrain from communicating the lawyers.

The fear of the prison inmates was noticed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) too, and in its report on the ad-hoc visit in Georgia published on June 16, 2022, the CPT stated that many prisoners were afraid to speak with the delegation<sup>104</sup>. The delegation was also concerned to observe obvious signs of the presence of informal prisoner hierarchy, such as typical symbols (for example, eight-pointed stars) and some prisoners enjoyed relatively comfortable conditions<sup>105</sup>. The CPT concluded that presumably those were the prisoners occupying higher ranks in prisoner hierarchy<sup>106</sup>.

It is a progress that the CPT's delegation heard no allegations of ill-treatment of prisoners by staff at any of the three "zonas" visited. On the contrary, the delegation observed that relations between staff and prisoners were generally positive, even relaxed<sup>107</sup>. In accordance with the Special Penitentiary Service, to promote the rehabilitation/re-socialization of the prisoners and to prevent the repeated crimes, various educational programs are permanently implemented in the penitentiary facilities. Namely, in the penitentiary establishment N15, the training course on "Changing the Violent Attitudes and Behavior" was conducted<sup>108</sup>. The program Digital University was launched in the penitentiary establishments, where various high educational institutions are involved with relevant programs<sup>109</sup>. The CPT also underlined the importance of the rehabilitation and re-socialization of the prisoners<sup>110</sup>.

When reviewing the report of the European Committee (CPT), the deputy Minister of Justice Tornike Tcheishvili noted that some of recommendations of the Committee have already been considered and reflected in the 10-year strategy of the Ministry of Justice<sup>111</sup>.

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<sup>104</sup> The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report](#) to the Georgian Government on the ad hoc visit to Georgia (2022) 11, para. 13.

<sup>105</sup> Ibid, para. 12

<sup>106</sup> Ibid

<sup>107</sup> Ibid, para. 9

<sup>108</sup> See the [news](#) of the Special Penitentiary Service (10.12.2022)

<sup>109</sup> See the [news](#) of the Special Penitentiary Service (01.11.2022)

<sup>110</sup> The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report](#) to the Georgian Government on the ad hoc visit to Georgia (2022) 11, para. 10.

<sup>111</sup> See the [information](#) of the Ministry of Justice (11.07.2022)

## 10. HUMAN RIGHTS IN THE OCCUPIED TERRITORIES AND IN THE CONFLICT AFFECTED REGIONS

The state of human rights is still grave in the Georgian territories occupied by Russia. The situation is further aggravated by the fact that it is impossible to obtain verified information about those violations as the Kremlin strictly controls the territories of Georgia, which are under effective control of Russia now. On July 11, 2022, the reports about transferring the state resort complex in the Abkhazian town of Bichvinta-Miuseri to Russia caused dispute in the occupied Abkhazia<sup>112</sup>. OSCE also reacted to the fact and condemned the Russia's seizure of 180 hectares of land in the Gagra district of Abkhazia, Georgia<sup>113</sup>.

It is important that students living in the occupied territories of Georgia are still accepted without national exams in universities of Georgia and the state continues funding of their educational fees with maximum grant<sup>114</sup>. It promotes realization of the right to education of the youth living in the occupied territories.

In 2022, Human Rights Center published the report about the state of human rights in the villages adjacent the occupation line of Tskhinvali region. The report is based on the results of monitoring visits performed by HRC in the villages in 2021 and 2022. According to the report, in the villages adjacent to the occupation line, along with security problems associated with the occupation, residents face severe socio-economic hardships. The main source of income for the population in these villages is agriculture and livestock farming. The population faces significant problems in both directions. The creeping occupation carried out by the Russian Federation has restricted the local people's access to surrounding natural resources, agricultural lands, forests, and pastures. Even a small portion of the agricultural land available to them could not be used due to the broken irrigation system. In most of the villages surveyed in the report, the irrigation system is not fully functioning. Some of the villages do not have drinking water at all.

Another severe problem in the villages adjacent to the occupation line is the lack of access to adequate health care. The outpatient facilities located in a small number of the villages lack the attention by the local and central authorities. In the majority of the villages there is no pharmacy. Public transport system is poor. In some of the villages,

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<sup>112</sup> See the [Article](#) of the Radio Liberty (22.07.2022)

<sup>113</sup> OSCE Group of Friends of Georgia: [joint statement](#) to the OSCE Ministerial Council 2022 (02.12.2022)

<sup>114</sup> See [information](#) of the Ministry of Education and Science of Georgia (30.08.2022)

the public transport is not functioning at all. Village roads and local roads connecting the villages are in bad condition. The problems are particularly acute for elderly who have problems with movement and often require medical care. It is noteworthy that most of the inhabitants of the villages are elderly. Due to the lack of livelihood and development opportunities, the youth are leaving the villages.

Human Rights Center believes, that in order to improve the deplorable socio-economic situation in the villages adjacent to the occupation line, it is necessary that local self-government and central authorities work proactively in coordination and have close ties with the local population and establish direct communication with them. Taking into consideration the threats from the creeping occupation, the situation of the population living in these villages should be a particular priority. However, as reality shows, the residents living in these villages are forgotten the most and the least attention is paid to their problems<sup>115</sup>.

## 11. MEDIA ENVIRONMENT – FREEDOM OF EXPRESSION

In 2022, media was pluralist enough but extremely polarized. The state still tries to control media and on the other hand, media organizations do not always respect the journalistic ethic standards.

In September of 2022, the amendments were initiated for the Law of Georgia on Broadcasting. The authors of the bill believed that amendments were necessary to harmonize the legislation with the EU laws. On the other hand, media was concerned that it could become a tool of censorship.

As a results of amendments, a new and vague provisions will appear in the law, like “preventing the influence on consciousness”. Additionally, the law will include the notion “due accuracy,” namely “the broadcasters are obliged to take all measures to ensure due accuracy of the facts reported in the TV programs and to timely correct the mistakes<sup>116</sup>.” CSOs believe the interference in the editorial content of media by the commission creates risks of restricting freedom of expression. Therefore, the Parliament of Georgia shall pass the bill without the provision focused on regulating the content. A

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<sup>115</sup> See the HRC [report](#), Nino Tsagareishvili, Aleks Mereshashvili – “State of Human Rights in the Villages Adjacent to the Occupied Line of Tskhinvali Region,” (2022)

<sup>116</sup> See the [article](#) of the Radio Liberty (14.09.2022)

working group shall be created, which will discuss such effective mechanisms, which will not harm the freedom of expression<sup>117</sup>.

On August 23, 2022, the Georgian National Communications Commission satisfied the complaint filed by the ruling Georgian Dream party against three opposition TV stations – Mtavari Arkhi TV, Formula, and TV Pirveli – for airing a clip of “Going Home to Europe” by fining Mtavari Arkhi TV with GEL 118,688.67 (USD 42,319.85) and issuing a written warning to the latter two<sup>118</sup>.

On June 5, 2022 journalist Maia Mamulashvili of TV Pirveli stated that Tbilisi City Mayor Kakha Kaladze gained 60 million GEL only from one tender. A few days later, the Mayor appealed the Tbilisi City Court. The court satisfied the claim of the applicant and on November 30, 2022 ordered the journalist of TV Pirveli to pay 15 000 GEL to Kakha Kaladze and apology to him<sup>119</sup>. Head of the news room of TV Pirveli Nodar Meladze said *as Kakhi Kaladze did not like the question asked by journalist Maia Mamulashvili, the court ordered the TV Pirveli and Maia Mamulashvili to pay 15 000 GEL. TV Pirveli cannot pay this fine as our accounts are sequestered*<sup>120</sup>.

## 12. ILLEGAL COVERT EAVESDROPPING AND SURVEILLANCE

Illegal covert surveillance is still a huge challenge in the country. The problems are related with the covert surveillance itself as well as with the investigation of these facts. HRC provides legal advocacy of the cases of journalists Ana Cheishvili and Khvicha Vashakmadze and of the lawyers – Giorgi Pantsulaia, Mia Zoidze and Mikheil Ramishvili, who were mentioned in the secret files allegedly disseminated by the State Security Service on September 13, 2021. The lawyers Giorgi Pantsulaia, Mia Zoidze and Mikheil Ramishvili worked on such resonant cases like so-called Cyanide Case, Tamar Bachaliashvili’s case, etc. Lawyers of HRC made great efforts to obtain the status of victims in this case. On the other hand, they can read the case files only on the place that contradicts the judgment of the Constitutional Court of Georgia<sup>121</sup>.

The human rights protection standards worsened in the frame of the covert investigative actions. Namely, the scope of covert investigative action was widened in the Criminal Procedure Code of Georgia as well as the timeframes for notifying the

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<sup>117</sup> See the [article](#) of Netgazeti (16.09.2022)

<sup>118</sup> See the [article](#) of Civil.ge (23.08.2022)

<sup>119</sup> See the [article](#) of Civil.ge (30.11.2022)

<sup>120</sup> See the [article](#) of Dailyinfo.ge (30.11.2022)

<sup>121</sup> See the analytic document of HRC: Salome Tsiklauri, Legislative Amendments with regard Covert Investigative Actions: Legal Analysis of the Legislation and [Practice](#), 2022

subject about covert investigative actions. For example, the secret investigative actions may launch with regard to the Article 226 of the Criminal Code of Georgia too. It is noteworthy that there remain challenges in Georgia in terms of the freedom of assemblies and demonstrations. Among them is a flawed practice of arresting protesters on the grounds of disobeying the lawful order of law enforcement officers that is often unlawful<sup>122</sup>. Whereas the offense under Article 226 of the Criminal Code is expressed in evident disobedience to the lawful order of a representative of authorities (police officer, prosecution officer etc.)<sup>123</sup>. The explicit disobedience may also be expressed in the call by the organizers of the protest not to follow particular orders of the authorities and/or not leave particular location<sup>124</sup>.

The President of Georgia, Salome Zurbashvili, vetoed the bill and presented her Substantiated Comments to the Parliament<sup>125</sup>. The Venice Commission also shared the position of the President of Georgia, who negatively evaluated the process how the draft law was adopted as well as its content<sup>126</sup>. The UN Human Rights Committee also reacted to the draft law, which stated in its conclusion that the Committee is concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities and access to personal data<sup>127</sup>. Regardless the criticism of the national<sup>128</sup> and international actors, on September 6, the Parliament of Georgia overruled the President's veto<sup>129</sup>.

On the background of significant facts of violation of the right to privacy occurring in Georgia, covert investigative actions envisaged by the CPC further expand the scope for such wrongful acts minimizing the possibility of verifying the legality of the covert investigative actions. Consequently, since even under the operation of the CPC version 2014 the facts of infringement of privacy occurred, whereas the amendments from 2022 already authorize investigative authorities to unlawfully restrict the right to privacy leaving little chances for making the perpetrators liable.

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<sup>122</sup> See the HRC [Report](#) on the State of Human Rights in Georgia in 2021, (2022), p.18

<sup>123</sup> Mzia Lekveishvili, Nona Todua, Gocha Mamulashvili, Private Part of Criminal Law (Book I), fourth edition, Meridiani (2011), p. 545.

<sup>124</sup> Ibid, p. 546.

<sup>125</sup> The [Substantiated Comments](#) of the President of Georgia to the Parliament (23.06.2022)

<sup>126</sup> European Commission for Democracy Through Law (Venice Commission) – Urgent Opinion on the Draft Law on the Amendments to the Criminal Procedure Code Adopted by the Parliament of Georgia on June 7 2022, [CDL-PI\(2022\)028](#), Opinion no. 1092/2022 (2022)

<sup>127</sup> United Nations, Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, [CCPR/C/GEO/CO/5](#) (13 September 2022) para. 39.

<sup>128</sup> See the joint [statement](#) of CSOs (09.06.2022)

<sup>129</sup> See the draft amendments to the Criminal Procedure Code of Georgia [N1722-IX06-X03](#) (06.09.2022)

### 13. HIGH PROFILE CASES

- **Nika Gvaramia's Case**

On May 16, 2022, the Tbilisi City Court rendered a judgment of conviction against the Director General of the TV Company Main Channel Nika Gvaramia for causing considerable damage to the TV Company Rustavi 2, while he was director of the company. Judge Lasha Chkhikvadze found Nika Gvaramia guilty of the offense under Article 220 of the Criminal Code of Georgia - an abuse of power and sentenced Gvaramia to 3 years and 6 months of imprisonment<sup>130</sup>. On November 2, 2022, the Tbilisi Appellate Court aggravated the sanctions imposed on Nika Gvaramia, in relation to the so-called commercial air-time sale episode<sup>131</sup>.

The HRC monitoring of the case revealed several legal problems. For example, the case files do not show whether the prosecution has considered the use of alternative legal means of prosecution; Further, the prosecution did not pay attention to the fact that the decisions of the director were agreed upon and approved by the partners, and shareholders, and the director reasonably believed that following the analysis of short or long-term risks, the decisions served the best interests of the corporation as agreed with partners and shareholders. According to the assessments by HRC, the initiation of the criminal prosecution and the judgment of conviction by Tbilisi City Court against Nika Gvaramia, the Director-General of the critical media outlet, is politically motivated and serves as a means of retaliation<sup>132</sup>.

The US Embassy in Tbilisi also reacted to the ongoing trials against Nika Gvaramia and stated that, the disturbing pattern of selective investigations and prosecutions targeting those in opposition to the current government undermines the public's confidence in the police, prosecution, the courts, and the government itself<sup>133</sup>.

Public Defender of Georgia also studied the case of Nika Gvaramia and concluded that Article 18 of the European Convention on Human Rights (restrictions on the rights for political or other purposes not permitted under the Convention) was violated in Nika Gvaramia's criminal case. According to the Public Defender's assessment, the judgement of the Court of Appeal against Nika Gvaramia is not substantiated,

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<sup>130</sup> See the HRC [report](#), MONITORING THE COURT PROCEEDINGS OF THE CASES WITH ALLEGED POLITICAL MOTIVES - Summary Report (April-June), 2022

<sup>131</sup> See the [statement](#) of CSOs (02.11.2022)

<sup>132</sup> See the HRC [report](#), MONITORING THE COURT PROCEEDINGS OF THE CASES WITH ALLEGED POLITICAL MOTIVES - Summary Report (April-June), 2022, p. 23

<sup>133</sup> See the [statement](#) of the US Embassy, (16.05.2022)

represents a case of imposing criminal liability for corporate actions, and the political motive in the case outweighs the interest of justice<sup>134</sup>.

- **Case of Cartographers**

HRC monitors are observing the criminal cases ongoing against Iveri Melashvili, the former director of the Service of Border Relations of Department of Neighboring Countries of 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. They are charged under Article 308(1) of the Criminal Code 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<sup>135</sup>. On January 28, 2021, following the petition by the prosecution, presiding Judge Lela Kalichenko changed the measure of restraint applied against the defendants with remand on bail of GEL 20,000 each. The court hearings of the case continued in 2022 too; the witnesses were interrogated.

- **Case of Gogashvili**

On July 16, 2022, the officers of the State Security Service arrested the former deputy head of the State Security Service Ioseb Gogashvili in his house<sup>136</sup>. He was accused for exceeding his official authority, illegal obtaining, storing, distributing personal data using his official position and unlawful purchasing and storing firearms<sup>137</sup>. Later, additional charges were brought against the former deputy head of the State Security Service and he was charged for intentional disclosure of state secrets and violation of privacy<sup>138</sup>.

In the frame of the impartial and independent judiciary, it is important to hold every individual responsible for the crimes he/she committed. However, on the other hand, the question is whether Ioseb Gogashvili was acting alone, or how he managed to collect the materials without the system he was part of. HRC believes that the trials against Ioseb Gogashvili shall be conducted without any political bias in due respect to his right to fair trial. The fact that the former deputy head of the State Security Service is

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<sup>134</sup> See the [Assessment](#) of the Public Defender of Georgia (07.12.2022)

<sup>135</sup> See the HRC [report](#), MONITORING THE COURT PROCEEDINGS OF THE CASES WITH ALLEGED POLITICAL MOTIVES - Summary Report (April-June), 2022, p. 7

<sup>136</sup> See the [article](#) of the Radio Liberty (19.07.2022)

<sup>137</sup> See the [statement](#) of the Prosecutor's Office of Georgia (17.07.2022)

<sup>138</sup> See the [news](#) of the civil.ge (11.10.2022)



accused of illegal obtaining, storing and distributing the personal data as well as of violation of privacy, encourages the general feeling of insecurity in the society.

- **Mamaladze vs. Georgia**

On November 3, 2022 the European Court of Human Rights published the judgment on the case of Deacon Giorgi Mamaladze. On February 10, 2017 Deacon Giorgi Mamaladze was arrested in the Tbilisi International Airport. He was sentenced to 9-years in prison for the attempted murder and unlawful purchasing and storing firearms in the so-called Cyanide Case. The Strasbourg Court ruled violation of Giorgi Mamaladze's right to fair trial.

Human Rights Center was defending the legal interests of Deacon Giorgi Mamaladze on the national level and was actively monitoring the trials into his case. The European Court of Human Rights held those violations, about which HRC had disseminated statements. Namely, the HRC believed that closing the trials into Giorgi Mamaladze's case did not serve the legitimate purpose of the criminal procedure code and urged the prosecutor's office to open the trials or when it is needed to partly close the hearings when considering concrete evidence<sup>139</sup>. Another issue was related with the fact that prosecutor's office requested Giorgi Mamaladze and his lawyers to sign the non-disclosure agreement while controversial versions of the indictment of the prosecutor's office were disseminated by media sources<sup>140</sup>. The ECtHR held the full closure of the criminal proceedings unjustified<sup>141</sup>. Additionally, the Strasbourg Court shared the position of the applicant, who claimed disclosure of the information by the prosecutor's office exceeded the legitimate interests and encouraged the public to believe that the applicant was guilty<sup>142</sup>.

- **Investigation of the International Criminal Court**

On March 2, 2022, Prosecutor of the International Criminal Court (ICC) stated that his Office has received referrals of the Situation in Ukraine from 39 ICC States Parties. According to the Prosecutor, the investigation into the Situation in Ukraine covered the period from 21 November 2013 onwards, thereby encompassing within its scope any past and present allegations of war crimes, crimes against humanity or genocide

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<sup>139</sup> See the [statement](#) of HRC (11.07.2022)

<sup>140</sup> See the [statement](#) of HRC (16.02.2022)

<sup>141</sup> Case of Mamaladze v. Georgia, The European Court of Human Rights, no. [9487/19](#) (03.11.2022), para. 99

<sup>142</sup> *ibid*, paras. 110-115

committed on any part of the territory of Ukraine by any person<sup>143</sup>. **Georgia is one among those 39 states, which granted referrals to the ICC Prosecutor’s Office. Human Rights Center welcomes any step taken by Georgia, which aims to support and respect the international law.**

The referral to The Hague Court is an important step as it investigates the case of 2008 August War. Based on the March 10, 2022 appeal of the ICC Prosecutor, the Pre-Trial Chamber issued the public redacted versions of arrest warrants for three individuals in the context of the situation in Georgia: Mr Mikhail Mayramovich Mindzaev, Mr Gamlet Guchmazov and Mr David Georgiyevich Sanakoev<sup>144</sup>. HRC is the member of the Georgian Coalition for the ICC and the International Coalition for ICC and is actively involved in the process. The GCICC cooperates with The Hague Court with regard to the investigation in Georgian situation concerning the 2008 August War.

On December 16, 2022, Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces conclusion of the investigation phase in the Situation in Georgia. The Court will continue investigation only to obtain the evidence, that are necessary against suspects Mikhail Mindzaev, Hamlet Guchmazov and David Sanakoev. According to the ICC Prosecutor, The investigation also uncovered the alleged role of Mr Vyacheslav Borisov, Major General in the Armed Forces of the Russian Federation and Deputy Commander of the Airborne Forces at the time of events, who is believed to have intentionally contributed to the execution of some of these crimes<sup>145</sup>.

All abovementioned proves that the ICC will not continue investigation of alleged international crimes committed during the August War and no new arrest warrants will be issued against new suspects.

## **14. INTERNATIONAL ORGANIZATIONS ABOUT THE STATE OF HUMAN RIGHTS IN GEORGIA**

On June 9, 2022, the European Parliament released the document “Human rights breaches in China, Nicaragua and Georgia.” The European Parliament expressed

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<sup>143</sup> International Criminal Court, [Statement](#) of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation (02.03.2022)

<sup>144</sup> International Criminal Court, [Situation in Georgia: ICC Pre-Trial Chamber delivers three arrest warrants](#) (30.06.2022)

<sup>145</sup> The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, [announces](#) conclusion of the investigation phase in the Situation in Georgia (16.12.2022)

concern with regard to the worsened media environment in Georgia and requested to review the prison sentence of Nika Gvaramia<sup>146</sup>.

On September 6, 2022 the European Union and Georgia held the 7th meeting of the EU-Georgia Association Council in Brussels. The press-release<sup>147</sup> disseminated after the Meeting reads that the Association Council highlighted the readiness of the European Council to grant candidate status to Georgia once the priorities specified in the Commission's opinion have been addressed. In this context, the EU welcomed that the work had started in the Georgian Parliament and encouraged the ruling party to engage in an inclusive process with participation of representatives from the civil society and parliamentary opposition groups. The EU urged Georgia to effectively ensure the independence, integrity and accountability of judicial and prosecutorial bodies, and adopt and implement an ambitious judicial reform strategy post-2021 based on a broad, inclusive and cross-party process, in line with European standards and the recommendations of the Venice Commission<sup>148</sup>.

On December 14, 2022, the European Parliament adopted another resolution on the implementation of the EU Association Agreement with Georgia. Although the Resolution positively evaluates some developments in Georgia, among them implementation of the priorities set by the European Commission, the Resolution directly invited the President of Georgia Salome Zurbishvili to pardon Mikheil Saakashvili and Nika Gvaramia<sup>149</sup>.

On July 5-6, 2022, the Georgian delegation, under the leadership of Deputy Minister of Justice, Beka Dzamashvili, presented to the United Nations Human Rights Committee the 5th periodic report of Georgia on the implementation of the International Covenant on Civil and Political Rights<sup>150</sup>. Later, on July 27, 2022 the UN Human Rights Committee published Concluding observations on the fifth periodic report of Georgia<sup>151</sup>. The conclusion underlines the issues like – discrimination and violence against minorities, arbitrary interference with the right to privacy in the form

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<sup>146</sup> European Parliament, Human rights breaches in China, Nicaragua and Georgia (09.06.2022)

<sup>147</sup> Joint [press statement](#) following the 7th Association Council meeting between the EU and Georgia (07.09.2022)

<sup>148</sup> See the [information](#) of the Ministry of Foreign Affairs of Georgia (06.09.2022)

<sup>149</sup> See European Parliament resolution of 14 December 2022 on the implementation of the EU Association Agreement with Georgia (2021/2236(INI))

<sup>150</sup> See the [information](#) of the Ministry of Justice of Georgia (06.07.2022)

<sup>151</sup> United Nations, Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, [CCPR/C/GEO/CO/5](#) (13 September 2022)

of surveillance, etc. The Committee underlined the gaps in the Code of Administrative Offences, including insufficient safeguards guaranteed to administrative detainees<sup>152</sup>.

International organizations Amnesty International and Human Rights Watch reacted to the criminal proceedings against Nika Gvaramia. Marie Struthers, Amnesty International's Director for Eastern Europe and Central Asia said that Nika Gvaramia's conviction highlights mounting concerns over declining media freedom in Georgia and exposes the government's growing influence over the courts in a number of cases aimed at muzzling their critics and opponents<sup>153</sup>. Associate director, Europe and Central Asia Division, Human Rights Watch, Giorgi Gogia evaluated the criminal proceedings against Nika Gvaramia as a huge blow to media freedom and rule of law in Georgia<sup>154</sup>.

The US Embassy in Georgia released the statement with regard to the overruling of the President's Veto. According to the US Embassy, the Parliament's decision to intentionally pass wiretapping legislation that expands the government's ability to monitor its citizens and *"this law moves Georgia away from European integration, not towards it."*<sup>155</sup>

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<sup>152</sup> *ibid*, para. 29

<sup>153</sup> Amnesty International, Georgia: [Sentencing of pro-opposition media owner Nika Gvaramia a political motivated silencing of dissenting voice](#) (17.05.2022)

<sup>154</sup> Associate director, Europe and Central Asia Division, Human Rights Watch, Giorgi Gogia on [Twitter](#) (16.05.2022)

<sup>155</sup> See the [statement](#) of the US Embassy in Georgia (07.09.2022)