



Mid-term Report

of the Civic Platform “No To Phobia” following the third Universal Periodic Review of Georgia

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Introduction

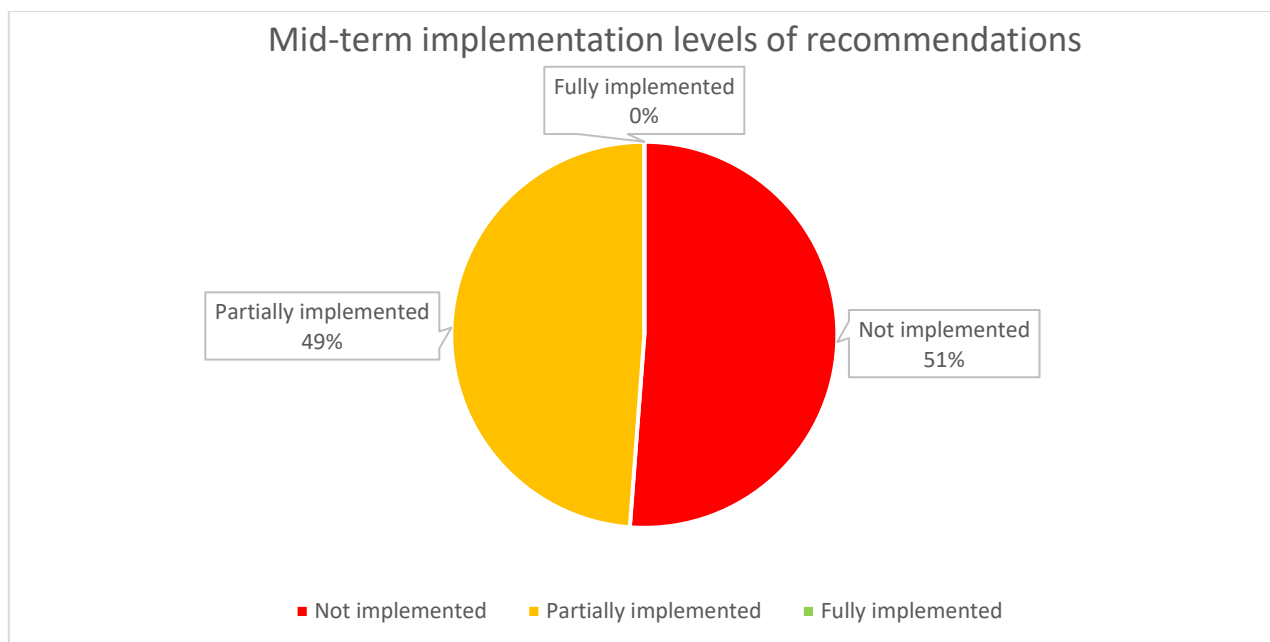
1. The present report on the implementation of the recommendations received at the 3rd cycle of the Universal Periodic Review (UPR) is submitted upon the voluntary pledge made by civil platform “No To Phobia” in course of the adoption of the outcome of the UPR Georgia, in July, 2021.
2. During the 3rd UPR cycle, Georgia was reviewed in January, 2021. UN member states made a total of 285 recommendations. Among them, 257 were supported and 28 were noted.
3. It is worth noting that on March 23, 2023, the Parliament of Georgia adopted the Second National Human Rights Strategy for the period 2022-2030. Subsequently, the Government of Georgia approved the Human Rights Action Plan for 2024-2026, in alignment with this strategy. Previously, action plans were based on the National Strategy for Human Rights for the period 2014-2020, during which the Government, including its relevant agencies and ministries, tied its activities to recommendations supported as part of UPR. It is therefore assumed that the Government continues to uphold its responsibility for implementing UPR recommendations.
4. The civil platform “No To Phobia” was established in 2014 with support of the USAID „Advancing National Integration“ Program (ANI) implemented by the UNA Georgia. It continues to function with the facilitation of the Georgian Democratic Initiative (GDI) in partnership with the USAID Unity Through Diversity Program, implemented by UNA Georgia. The platform is a coalition of independent non-governmental organizations (NGOs). Its mission is to identify instances of intolerance, hate speech, and discrimination in public spaces, combating them, and fostering the active engagement of society in cultivating a tolerant environment. Currently, the platform unites 14 national human rights organizations working on the rights of various discriminated/marginalized groups, and elimination of hate speech.
5. The report was submitted 9 members of the platform, such as Georgian Democracy Initiative (GDI), Sapari, Rights Georgia, Tolerance and Diversity Institute (TDI), Equality Movement, Human Rights Center, Media Development Foundation (MDF), International Society for Fair Elections and Democracy (ISFED) and Partnership for Human Rights (PHR) in collaboration with UNA Georgia.
6. In this report, the civil society highlights the developments to the normative and institutional human rights framework as well as the state of implementation of recommendations made to Georgia in January, 2021. The report covers the period from January, 2021 to December, 2023.

Methodology

7. The information was gathered and evaluated from a variety of sources, including cases litigated by participating NGOs, their research findings and reports, reviews from the Public Defender’s Office, and publicly available data and studies. This report covers the practice of various regions of Georgia.
8. The report delves into subjects centered around equality rights and anti-discrimination, with a focus on various groups, including women, children, people with disabilities, ethnic and religious minorities, migrants, LGBTQI individuals, journalists, activists and human right defenders, civil servants’ rights. Moreover, it discusses the instances of the hate speech used against aforementioned groups as well as sexual and reproductive health and rights (SRHR).
9. The recommendations and descriptions are categorized based on the thematic issues, which the coalition is working on. Those fully implemented are colored in green, partially implemented recommendations are marked in yellow and recommendations that have not been implemented at all are highlighted in red.

General overview of the implementation

10. The following report reviews 125 recommendations. None of them were fully implemented, 61 were partially implemented and 64 were not implemented at all.



Implementation of recommendations

People with disabilities and SRHR

11. This section analyzes 6 recommendations. Among them, four are partially implemented and two of them are not implemented at all.

Comprehensive Sexual education.

148.178 Develop and implement comprehensive curriculum on sexual and reproductive health and rights, in accordance with UNESCO guidelines (Iceland);
148.179 Develop and implement a comprehensive educational plan on sexual and reproductive health and rights for adolescents and adults, including family planning and contraceptive methods, in accordance with UNESCO guidelines and standards (Mexico);
148.175 Develop and implement comprehensive education curricula on sexual and reproductive health and rights, in line with United Nations Educational, Scientific and Cultural Organization (UNESCO) guidance and standards (Uruguay);
148.177 Guarantee access for women and girls to sexual and reproductive rights and health, in particular through access to comprehensive education, and combat child and forced marriage (France);

12. Georgia has received five recommendations[1] regarding the development and implementation of a comprehensive curriculum on sexual and reproductive health and rights in accordance with UNESCO guidelines. Even though the state supports all of the recommendations, Comprehensive sexual education (CSE) must still be implemented in the educational plan. Therefore, recommendations are only partially fulfilled. The Ministry of Education states that “doctor’s hour” is introduced, and the

subject covers CSE; however, based on the Sexuality Education Review and Assessment Tool (SERAT)¹, conducted in 2022, education about sexuality is poorly represented in the education plan.

13. The component of human sexuality is not fully integrated into the educational system as the approach applied by the Ministry of Education and Science of Georgia towards education on human sexuality is narrow and deals only with the medical aspects of reproductive health². Inadequate knowledge/competence of teachers themselves on reproductive health issues also remains a crucial challenge³.
14. The absence of the CSE causes a high rate of sexual crimes against minors and a high percentage of labor and abortions⁴. Introducing CSE is crucial for children with disabilities, as only 13 children with disabilities have been granted the status of victim out of 638 cases of sexual crimes against children⁵.

Access to Sexual and Reproductive health services

148.172 Ensure universal access to quality sexual and reproductive health and rights services, including for vulnerable women, people living with HIV and young people (Luxembourg);

15. Georgia has received the recommendation to ensure universal access to quality sexual and reproductive health and rights services, including for vulnerable women. The recommendation is not implemented. The Ministry of Health Care made amendments⁶ in the order of the Minister about the “Artificial termination of the pregnancy.” Based on the amendments, pre-abortion consultation from a social worker and psychologist is mandatory from January 2024. Moreover, the results of radiological research must be included in the medical documentation. The new regulation sets doctors’ liability for violating the mandatory five-day waiting period.
16. The new regulation is against the WHO guidelines on abortion⁷ and the ESCR⁸. The restriction of the legislation will reduce access to sexual and reproductive services and violate the right to health of women. The regulation is particularly problematic for adolescents and women with disabilities, as well as women in rural areas. Mandatory consultations with social workers and doctors will create the risk of confidentiality infringement in rural areas. The particular problematic issue is that psychology is not a licensed profession in Georgia, therefore the ethics and quality of psychologists cannot be monitored.
17. One of the major challenges, specifically affecting rural women, is the limited access to sexual and reproductive health services. Clinics practically do not provide access to sexual and reproductive health services for women with disabilities⁹.

Family life of people with disabilities

¹ Sexuality Education Review and Assessment Tool (SERAT), January 2022. Available [here](#)

² Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, pages 117, available [here](#)

³ Ibid.

⁴ Increase in sexual violence against children in Georgia due to refusal of comprehensive sexual education, policy document. Ana Arganashvili, Ana Abashidze, November, 2022. P.2. Available [here](#)

⁵ The statistics of sexual crimes against minors from the Ministry of Internal Affairs, 2022.

⁶ Order N 75/N of the Minister of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia “on Amending the Rules for the Implementation of Artificial Termination of Pregnancy”,

⁷ WHO, Abortion Care Guideline, 2022. Available [here](#)

⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights). Available [here](#)

⁹ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 13; Available [here](#)

148.241 Guarantee the equal rights of children with disabilities to health, education, protection, justice, participation and family life (Algeria);

18. The Georgian Government approved the 2023-2030 action plan for the independent life of people with disabilities and the deinstitutionalization strategy, which must be positively evaluated. However, the government does not take effective measures to ensure independent living¹⁰ for people living in institutions, which is essential for effective deinstitutionalization. The standard of asylum for people with mental health problems still does not exist, which increases the risks of violating the rights of these people during individual actions taken by the state to deinstitutionalize the field.¹¹
19. There are no effective state programs tailored to women's needs that will help women with disabilities improve their skills for taking care of children.¹² The absence of programs results in a high rate of separation of children from their disabled mothers. Even though Georgian legislation bans separation based on disability, most women with intellectual impairments cannot realize their rights to family life.¹³

Rights of children

20. In this section analyzes 9 recommendations. 7 of them are implemented partially. 2 of them are not implemented.

148.228 Prohibit corporal punishment in all education institutions (Montenegro);

21. Despite adopting the Code on the Rights of the Child, which prohibits all forms of corporal punishment against children, effective implementation of existing regulations remains a serious challenge in Georgia.
22. One of the most acute problems remains the prohibition of violence and physical punishment in educational institutions and the effective response to cases, which became the basis for initiating administrative proceedings in 79 cases in 2022.¹⁴
23. In April 2021, systematic violence against children by their caregivers was revealed at Ninotsminda Boarding School, which an Orthodox church runs.¹⁵ The criminal case is still pending, and the perpetrators have not been punished.
24. In June 2022, the Committee on the Rights of the Child adopted the view against Georgia and found a violation of the right of protection from violence, as Georgia didn't provide to protect children from corporal punishment in public kindergarten and to investigate the case effectively.¹⁶

148.108 Continue measures to prevent and fight against trafficking in persons (Azerbaijan);

¹⁰ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 250; Available [here](#)

¹¹ Ibid. p. 255.

¹² Assessment of the needs and human rights conditions of women and girls with disabilities in Georgia. 2022. P. 16-18. Available [here](#)

¹³ Ibid.

¹⁴ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 209; Available [here](#)

¹⁵ Special Report of Public Defenders Office on the Rights of Children in NNLE Javakheti Ninotsminda St. Nino Boarding School Available [here](#)

¹⁶ RC/C/90/D/84/2019, 21/06/2022

148.109 Step up efforts to combat trafficking in persons, including by improving law enforcement practices with a view to bringing to justice and punishing the perpetrators, as well as providing victims of trafficking with comprehensive protection and rehabilitation (Belarus);
148.110 Continue national efforts aiming at combating trafficking in persons, especially of women and children, and provide victims with the necessary support and protection (Egypt);
148.111 Continue its efforts in combating trafficking in persons and ensuring appropriate protection for the victims (Greece);
148.112 Continue taking measures to ensure the protection of victims of trafficking in persons (Kyrgyzstan);
148.113 Pursue efforts in combating trafficking in persons (Lebanon);
148.234 Consolidate the child protection mechanism, in particular for homeless children or children involved in child labour (Slovakia);

25. Georgia meets the minimum standards for the elimination of trafficking, although the rate of conviction and victim identification is low.¹⁷ In 2021-2023, there were 43 trafficking cases registered, but only 16 cases were detected.¹⁸
26. In 2022, the 2023-2024 action plan for combating human trafficking was developed. Nevertheless, it does not envisage creating a work permit system for migrants, which would allow them to be employed.¹⁹
27. The development of the 2023-2026 strategy by the Ministry of Justice of Georgia for the protection of children living and/or working on the street from all kinds of violence, including trafficking, should be positively evaluated, as should the increasing number of mobile groups. However, the adequate number of day-night shelters for homeless children and their access to other services remain problematic,²⁰ which increases the risk of trafficking.
28. The country faces an important problem in identifying child trafficking cases in their early stages due to the incompetence of professionals, such as social workers and health care providers.²¹
29. Corruption²² in the judiciary system and selective justice is the most severe problem in the country, which has a negative effect on access to justice for vulnerable groups, including children.
30. The number of child-friendly spaces in general courts and agencies is still scarce.²³ Despite existing regulations, legal documents, including court decisions, are not adapted for children. The common courts do not meet the criteria of adherence to the deadlines of legal proceedings.²⁴ According to the

¹⁷ 2023 Trafficking in Persons Report: Georgia. Available [here](#)

¹⁸ Criminal Justice Statistics. Available [here](#)

¹⁹ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 158; Available [here](#)

²⁰ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 216; Available [here](#)

²¹ Criminal Case N008230223019; 23.02.23

²² STATEMENT BY SECRETARY ANTONY J. BLINKEN: Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption. Available [here](#)

²³ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pg. 209; Available [here](#)

²⁴ Judicial Effective Index; Georgian Court Watch, 05.10.23; Available [here](#)

Code on the Rights of the Child, the common courts have the obligation to hear the case of the child prior, although proceedings often take several years.²⁵

31. The specialization of all professionals working for children in the juvenile justice process is still problematic, as there is no legal obligation for forensic experts, including psychologists, to be specialized in child rights.

148.206 Further strengthen measures to combat sexual and gender-based violence, including domestic violence, sexual harassment and early marriage (Philippines);

32. The state did not implement the sexual harassment prevention mechanism at schools. Implementing sexual harassment prevention mechanism means that schools have anti-harassment policy. Anti-harassment policies explain what harassment is, tell all employees that harassment will not be tolerated, and set out how school should respond to incidents of harassment. Anti-harassment policies should also set forth a detailed mechanism by which victim can make complaints when sexual harassment occurs. Schools should provide anti-harassment information and pieces of training to teachers and pupils, the importance and ways of its prevention, and the competent body to study harassment cases. This mechanism is important as schools do not have regulations about suspension or termination of the labor contract when there is suspicion about sexual harassment or it is established by authorized bodies. The Ministry of Education and Science does not have a plan, for when and how to implement the mechanism. The Ministry does not make a statistic of the sexual harassment cases.
33. In the absence of a prevention mechanism, discipline committees of schools discuss the cases of sexual harassment of minors by teachers. The committee does not have the competence to discuss cases of sexual harassment²⁶, sexual harassment is not regulated as a violation of internal regulations, and therefore schools do not have an effective mechanism of reaction when there is suspect about the harassment or when it is established from the competent body.
34. The court does not have the practice of discussing cases of sexual harassment at school. The court decisions²⁷ so far are not in compliance with the Istanbul convention. The practice now addresses the child to use the lowest and irrelevant Standard of sexual harassment such as harassment in public places or corruption of the child. None of these standards are relevant or appropriate or in compliance with the international standards of studying the incidents of sexual harassment at school.

Rights of women

35. This section discusses the implementation process of 37 recommendations. Among them 35 recommendations are partially implemented. 2 recommendations are not implemented.

148.188 Further promote gender equality and better guarantee women's rights (China);

148.192 Continue its efforts to eliminate the inequality of men and women in both public and private sectors, especially regarding women in rural areas (Lao People's Democratic Republic);

²⁵ The case NBS-975(k-23) concerns children's unlawful transfer to state care. It was submitted before common court in 2020 and is still pending. The cases N3/6407-20 concerns children's access to personal assistant services. The case was submitted before common court in 2020 and is still pending.

²⁶ Sexual harassment may be discussed by the PDO or the court.

²⁷ Tbilisi City court decision. 18.08.2023. case #330350023007734550

Tbilisi Appeal court decision. 19.10.2024. case # 3b/ 2212-23. Two instances of the court discussed the motion of issuing interim measures to protect the child from re-victimization by meeting at school before the final decision of the court. Tbilisi appeal court settled a very low standard of discussing sexual harassment at school which is quite contrary to the Istanbul Convention, which implies that sanctions must be appropriate in such cases.

148.44 Take further measures on strengthening the protection of the rights of children, women and persons with disabilities (Turkmenistan);

148.49 Further develop the framework of protection of the rights of vulnerable groups such as women, children, and people with disabilities (Romania);

148.52 Implement effectively the anti-discrimination measures and policies to overcome negative stereotyping about women, persons with disabilities and religious and ethnic minorities (Islamic Republic of Iran);

148.186 Implement policies, plans and programs to modify entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society (Argentina);

148.190 Improve the participation of women in decision-making positions and their representation in political and public life (Iraq);

- 36.** Despite the positive steps taken over the years in legislative regulation and practice, aiming to promote gender equality, the subject remains a challenge for Georgia. In 2022, the rate of violence against women and domestic violence are still high. Additionally, the harmful practices, such as child marriage, and the effective implementation of sexual and reproductive health rights is still an issue.²⁸

148.195 Address the impact of conflicts on women and girls and strengthen the participation of women in conflict resolution and peacebuilding, as part of its fourth national action plan on women, peace and security for the years 2021–2024 (Portugal);

- 37.** Various training courses of the Ministry of Defense have introduced issues of peace and security, including sexual harassment and sexual, gender-based violence. Additionally, documents related to gender have been developed in the office.²⁹ However, the rate of female service-women in the Georgian Defense Forces is only 7%, which is critically low.³⁰ Additionally, IDP women's awareness and participation in the decision-making process is still problematic. Displaced women also lack awareness regarding programs aimed at women's empowerment and support, which notably interferes with their participation in decision making.³¹

148.225 Target the root causes of child and forced marriage through education, training and public awareness campaigns and provide support services to the survivors of such marriages (Australia);

- 38.** Child and forced marriages, which includes cases of bride kidnapping as a variant of forced marriage, remain a serious issue in Georgia, especially within groups of ethnic minorities.³² Families avoid the legal prohibition on child marriage by abstaining from officially registering minor's marriage. They

²⁸ Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, 154.

²⁹ Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, 156, [See also](#).

³⁰ Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, 156, See Also: Letter of the Ministry of Foreign Affairs No. 01/1432; 17.01.2023.

³¹ Research by the Office of the Public Defender of Georgia "Barriers to the Mobility of Persecuted Women and Their Impact on Women's Economic Empowerment". Available at: < <https://bit.ly/3l2s21z> >.

³² Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p. 160; Exploring Harmful Practices of Early/Child Marriage and FGM/C in Georgia, Final Report, UNFPA, 2017, Available [here](#); See also CEDAW/C/GEO/CO/6 Concluding Observations on The Sixth Periodic Report of Georgia, 2023, para. 44, Available [here](#); Public Defender's Office of Georgia, Harmful Practices of Early/child marriage in Kvemo Kartli: Research of Attitudes, 2021, p. 2, Available [here](#).

might organize engagement gatherings and wedding ceremonies, and once couple starts living together, the community considers them married, referring to them as husband and wife.³³

- 39.** The authorities have issues identifying the alleged forced marriages. Additionally, they find it particularly difficult to respond to incidents of child marriage that do not constitute a crime, meaning marriage of a minor between age of 16-18.³⁴ Additionally, in general marrying a child does not automatically constitute a prohibition under the law, as forced marriage or as violence against child, hence, child marriage per se is not deemed as a crime. For a child marriage to be regarded as a crime, it has to be committed by using various forms of physical and psychological coercion. The existing approach towards perpetrators of sexual violence occurring within early marriages encourages impunity and reduces criminality of this crime. Where the victim is a child, the action should automatically be considered as coercive due to the age of the victim.
- 40.** Aside from an effective criminal justice system, it is important to establish multi-sectoral prevention and support programs to address this issue comprehensively. The root causes of child and forced marriages should be addressed by strengthening educational, social healthcare services.

148.214 Keep up its efforts to combat gender-based violence, including domestic violence and femicide (Greece);
148.215 Intensify efforts to combat gender-based violence, including domestic violence and femicide (Guyana);
148.216 Continue to take measures to combat gender-based violence, including domestic violence (India);
148.217 Develop more effective policies and measures to combat domestic violence against women and children (Islamic Republic of Iran);
148.218 Continue its measures towards strengthening the legislation on domestic violence and violence against vulnerable groups (Kyrgyzstan);
148.219 Strengthen its efforts to combat gender-based violence, including domestic violence (Maldives);
148.220 Intensify efforts to combat gender-based violence, including domestic violence and femicide (Montenegro);
148.221 Strengthen efforts to combat gender-based violence, including domestic violence and femicide (Namibia);
148.209 Intensify its efforts to combat gender-based violence, including domestic violence and femicide (Timor-Leste);
148.210 Take effective preventive measures to combat violence against women and domestic violence (Finland);
148.222 Take all necessary measures to ensure the protection of women and children who are victims of domestic violence (North Macedonia);
148.62 Fight against all forms of violence and discrimination based on gender and sexual orientation (France);
148.200 Take legislative and policy measures to further improve the situation regarding the elimination of violence against women and domestic violence (Azerbaijan);

³³ Equality Now & Goga Khatiashvili, Courage: Survivors of Child Marriage share their stories, Available [here](#)

³⁴ Equality Now & Goga Khatiashvili, Courage: Survivors of Child Marriage share their stories, Available [here](#)

148.191 Ensure equal employment opportunities between men and women and take further steps to prevent gender-based violence (Japan);
148.203 continue to implement measures to combat all forms of gender-based violence (Malta);
148.204 Step up efforts to combat all forms of violence against women, including through public awareness campaigns and protection mechanisms (Marshall Islands);
148.205 Enhance the ongoing efforts in combating violence against women and protecting children from any form of abuse (Myanmar);
148.223 Redouble efforts to eliminate violence against women, in particular domestic violence and femicide (Peru);
148.206 Further strengthen measures to combat sexual and gender-based violence, including domestic violence, sexual harassment and early marriage (Philippines);
148.208 Step up its efforts to prevent gender-based violence, including domestic violence in particular, to ensure that relevant laws and practices comply with international human rights standards (Republic of Korea);

- 41.** Domestic and gender-based violence remains a problem in Georgia. Additionally, economic violence remains largely unnoticed in Georgia.³⁵ Economic violence notably harms women physically and mentally. As a result, victims become economically dependent on the perpetrator and, therefore, are unable to leave the abusive relationship.³⁶ Economic violence, a form of gender-based and domestic violence, is notably one of the least recognized forms of violence. According to researchers economic violence against women occurs across various socio-economic levels and encompasses 94-99% of victims of domestic violence.³⁷ Therefore, recognizing economic violence as a crime is crucial while fighting against domestic violence.
- 42.** Preventive measures and protective instruments play a crucial role in combating domestic and gender-based violence. Among these, restraining orders and electronic bracelets are fundamental mechanisms. However, despite their widespread use by the police, restraining orders often face significant challenges. In some cases, the Ministry of Internal Affairs fails to provide sufficient evidence to the court, resulting in the dismissal of orders, which is a significant obstacle. Another challenge is related to the appeal process for court decisions regarding dismissals, as alleged victims are not allowed to appeal the decision. Instead, the entire process depends on the attitude and discretion of Ministry of Internal Affairs officers.
- 43.** Moreover, restraining orders alone may not provide adequate protection against future threats. There is a critical need for electronic bracelets, which can alert the police if the perpetrator approaches the victim. These electronic mechanisms serve as tools for enforcing restraining orders and offer an additional layer of protection against violence. They are particularly useful when there is a high risk of violence recurring.³⁸
- 44.** Unfortunately, the utilization of electronic bracelets in conjunction with restraining orders remains remarkably low. This additional measure is not mandatory and in some cases depends on the discretion of MIA officers. Law enforcement agencies must prioritize the assessment of the risk of recurrence of

³⁵ Baia Pataraiia, Economic Violence – Unstudied problem, 2021, p. 14, Available [here](#)

³⁶ Study of economic violence against Women in Kakheti and Adjara, Union “Sapari”, KVINFO, Tbilisi 2023, p. 16, Available [here](#)

³⁷ Study of economic violence against Women in Kakheti and Adjara, Union “Sapari”, KVINFO, Tbilisi 2023, p. 16, Available [here](#)

³⁸ Social Justice Centre, Key aspects of systemic coping with violence against women, 2022, 16. Available [here](#)

domestic and gender-based violence. Additionally, it is the state's responsibility to inform affected individuals about the associated risks, raise awareness about the benefits of electronic bracelets, and encourage their cooperation with law enforcement agencies.³⁹

45. Another critical issue persists in appropriately categorizing criminal cases, often resulting in indictments for more lenient offenses despite clear grounds for more severe crimes based on both factual evidence and legal circumstances. Research conducted by the Public Defender highlights a common occurrence where cases initially classified as intentional serious injuries to health should rightfully be identified as attempted femicides. A serious concerning aspect is the failure to apply increased sentencing for gender-based circumstances in court proceedings, despite evident signs of gender intolerance in femicide cases. Particularly, the Criminal Code mandates judges to increase penalties by at least one year for crimes motivated by gender, research by the Public Defender reveals a notable reluctance among courts to implement this provision.⁴⁰ Consequently, this failure not only distorts the true extent of gender-intolerance-related crimes but also results in significantly lighter sentences for offenders.

148.202 Ensure that all cases of gender-based violence are thoroughly investigated and that victims have access to medical, social, legal and other support services (Estonia);

46. In the majority of cases, perpetrators are prosecuted for sexual violence crimes only when physical injuries and/or biological evidence related to a sexual act are evident on victim's body. These evidentiary standards leave many forms of sexual violence unpunished. This contributes to the high number of dropped cases concerning sexual and gender-based violence. Due to this number of cases never advance to the prosecution and conviction stages. This goes against the recommendation of CEDAW to abolish “corroboration rules that discriminate against women as witnesses, complainants and defendants by requiring them to discharge a higher burden of proof than men in order to establish an offense or to seek a remedy.”⁴¹
47. Additionally, gender stereotyping and discriminatory investigation methods which are still applied in practice creates a significant obstacle for survivors of sexual violence. Moreover, the stereotypical views used by judges in the legal assessment of the judgment in cases of violence against women and domestic violence are still problematic.⁴² These practices include requiring the victim to retell their traumatic experiences numerous times, examining their past sexual history and assessing their mental health in order to challenge their credibility, and the absence of gender-sensitive questioning during both investigations and court proceedings. This discourages victims from participating in criminal investigations.⁴³
48. Moreover, the interrogation of the victim during the investigative phase frequently takes place in a communal area within the police station, where other investigators, policemen and other victims are present, therefore, the victim's narrative is easily heard by bystanders. This circumstance amplifies the fear and humiliation experienced by the victims throughout the procedure. Reports from victims and

³⁹ Ibid.

⁴⁰ Office of the Public Defender, Femicide and attempted femicide in 2021, Analysis of cases, 2023, 29. Available [here](#)

⁴¹ Committee on the Elimination of Discrimination against Women, General recommendation on women's access to justice, 23 July 2015, CEDAW/C/GC/33, para 25(a)(iii).

⁴² Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, pp. 158-159, Available [here](#)

⁴³ Sex Crimes – Unpunished and Poorly Regulated Crimes in Georgia, Open Society Georgia Foundation, November 2022, p.5; Accessible [here](#) See Also Joint CEDAW submission of Equality Now and 15 Georgian NGOs on factors effectively denying access to justice for survivors of sexual violence in Georgia, submitted in June 2021, p. 5. Available [here](#)

their legal representatives underline that inquiries and comments made by investigators during the interrogation implicitly—or at times explicitly—criticizes the victim's actions, often aiming to assign responsibility to the victim alongside the perpetrator for the occurrence of the sexual violence.⁴⁴

49. Georgian legislation and court proceedings lack adequate provisions to protect victims of domestic violence from intimidation, psychological pressure, and secondary victimization. The criminal procedural legislation of Georgia fails to include measures for remote interrogation of victims of violence. Moreover, except for rare instances, essential protective mechanisms, such as removing the accused from the courtroom during the victim's interrogation and conducting sessions in closed settings, are rarely employed.⁴⁵ These mechanisms would prevent victims from direct and stressful communication with perpetrators.
50. Also, it's important to note that the current court infrastructure does not meet the needs of women who are victims of violence. It fails to address the challenges they face. Courts do not provide a safe space where victims can avoid interacting with their abusers or their relatives. Specifically, there are no separate waiting areas for victims of violent crimes. Also, there is no separate entrance to the court building or courtroom.⁴⁶ These obstacles often impede women from asserting their rights and seeking legal recourse against perpetrators, as face-to-face encounters with their abusers can be deeply traumatic for them. These shortcomings highlight the urgent need for reforms to ensure the safety and well-being of victims within the judicial system.

148.201 Amend the definition of rape in the Criminal Code to ensure compliance with the Istanbul Convention (Denmark);

51. Despite numerous amendments, the Criminal Code of Georgia still not in compliance with the Istanbul Convention as it lacks definition of rape based on consent, resulting in certain serious instances of rape being classified as minor crimes that do not qualify as rape.
52. As emphasized by CEDAW⁴⁷ rape and other forms of sexual violence crimes should be based on the absence of genuine consent from the victim. Contrary to the above-mentioned standard, the definition of rape and other sexual offenses the Criminal Code of Georgia focuses on criteria such as use of force, threat of force, abusing the victim's vulnerability, and various forms of coercion. This fails to prioritize the evaluation of the absence of voluntary consent within the context of the surrounding circumstances.
53. Article 137 of the Criminal Code defines rape as any form of sexual penetration of the body of another person with any body part or object, committed by the use of violence, threat of violence or by abusing a helpless condition of a victim which is punishable by imprisonment of six to eight years. Similarly, Article 138 of the Criminal Code defines sexual assault as one that does not involve penetration, committed using violence, the threat of violence or by abusing the victim's helpless condition, punishable by imprisonment of four to six years.

148.173 Improve access to and distribution of public sexual and reproductive health services, including free or subsidized contraceptive methods, especially for vulnerable groups, and criminalize the sexual exploitation of children under the age of 18 in line with the Council of Europe Convention

⁴⁴ Sex Crimes – Unpunished and Poorly Regulated Crimes in Georgia, Open Society Georgia Foundation, November 2022, p.5; Accessible [here](#)

⁴⁵ Public Defence of Georgia, Rights Georgia, Monitoring of interrogation of women victims of domestic violence in court (special report), 2021, 63. Available [here](#)

⁴⁶ *ibid*, 64.

⁴⁷ CEDAW Committee, General recommendation No. 35. CEDAW Committee, *Vertido v Philippines*, Merits, Communication No. 18/2008, UN Doc CEDAW/C/46/D/18/2008, Accessible [here](#)

on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (Spain);
148.175 Develop and implement comprehensive education curricula on sexual and reproductive health and rights, in line with United Nations Educational, Scientific and Cultural Organization (UNESCO) guidance and standards (Uruguay);
148.177 Guarantee access for women and girls to sexual and reproductive rights and health, in particular through access to comprehensive education, and combat child and forced marriage (France);
148.178 Develop and implement comprehensive curriculum on sexual and reproductive health and rights, in accordance with UNESCO guidelines (Iceland);
148.179 Develop and implement a comprehensive educational plan on sexual and reproductive health and rights for adolescents and adults, including family planning and contraceptive methods, in accordance with UNESCO guidelines and standards (Mexico);

- 54.** Access to sexual and reproductive health services still remains a major issue for women living in rural parts of the country. According to informational sessions conducted by the Office of the Public Defender, because of the lack of maternity and gynecological facilities in certain municipalities women need to travel to other areas to receive these services.⁴⁸
- 55.** Additionally, persistent stereotypical attitudes concerning service reception remain a significant issue, particularly impacting women not in civil marriages, which is the reason why they refrain from receiving medical consultations.⁴⁹
- 56.** Although there are some improvements in abortion and post-abortion care in Georgia, it is also still a significant problem.⁵⁰ Moreover, only few healthcare facilities provide information about abortion, possible health complications, post-abortion contraception and other rights of clients.⁵¹
- 57.** Victims of sexual violence face issues in timely access to abortion services. Practice shows that receiving this service is delayed because of evidence gathering process. This poses significant challenge for these individuals who seek abortion due to sexual violence.⁵²
- 58.** Moreover, while there is an increase in the use of effective contraception methods among women in Georgia, accessing quality and affordable contraceptive services remains a problem.⁵³ The unfulfilled need for contraception among women also persists as a serious concern.⁵⁴
- 59.** Age specific information concerning sexual and reproductive health, based on UNESCO and WHO standards, is still not incorporated in schools. Policies fail to ensure the inclusion of Comprehensive

⁴⁸ Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p. 157.

⁴⁹ Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p. 157.

⁵⁰ Sexual and Reproductive Health and Rights in Georgia, Coalition for Reproductive Health and Rights, Report, 2020, p. 1. Available [here](#)

⁵¹ Family Planning and Abortion Service Availability and Readiness Assessment, Analytical report, Association HERA XXI, 2022, p. 30, Accessible [here](#)

⁵² Report of the Public Defender of Georgia, On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p. 157.

⁵³ Sexual and Reproductive Health and Rights in Georgia, Coalition for Reproductive Health and Rights, Report, 2020, p. 3.

⁵⁴ Ibid; See also CEDAW/C/GEO/CO/6 Concluding Observations on The Sixth Periodic Report of Georgia, 2023, paras. 37-38.

Sexuality Education (CSE). Attempts have been made to include sexuality education as a component of a healthy lifestyle, specifically within biology and civic education subjects, however these efforts have been limited and only cover certain aspects such as early marriage, pregnancy, STDs, and sex-related physiological issues.⁵⁵

148.78 Step up the fight against discrimination, in particular on the grounds of gender, sexual orientation, religion or belief and disability, by combating stigmatization and hate speech and ensuring that related violations are thoroughly investigated (Belgium);

Gendered Disinformation and Sexist Hate Speech

- 60.** Gendered disinformation and sexist hate speech, particularly propagated through anonymous government-affiliated Facebook accounts, continues to pose a significant threat to democratic discourse and the rights of women in Georgia. The monitoring carried out by the Media Development Foundation revealed that both 2022⁵⁶ and 2023⁵⁷ were marked by further growth of anti-Western, anti-liberal, sexist, and homophobic discourse. The main sources of sexist and homophobic hate speech over the years have been antiliberal and extreme right-wing actors, which have recently been reinforced by conservative rhetoric actively used by the members of the ruling party.⁵⁸
- 61.** One significant instance of sexist hate speech used by a member of the ruling party concerned a case when 2023, during a public speech in a parliamentary session, MP Irakli Beraia, used offensive and degrading language towards his female colleague, MP Teona Akubardia. “To have the opportunity to take selfies on Facebook, to enter airport lounges, to get drunk and wallow with the likes of her and anyone else. Those who know her will know exactly what I’m talking about. I urge this person to refrain from mentioning my name and the name of my committee with her long and ubiquitous tongue,” Beraia said.⁵⁹ Noteworthy that sexism and misogyny are still widely-used instruments to discredit and silence the opponents in Georgia.
- 62.** One frequent target of derogatory language with sexist undertones has been the President of Georgia, Salome Zourabichvili. In addition to ubiquitous sexist hate speech directed against the President,⁶⁰ MDF has observed an instance when a fabricated photo of Zourabichvili was disseminated after her pardon of Nika Gvaramia, founder of the pro-opposition TV company Mtavari Arkhi. Anonymous pro-government and pro-Kremlin Facebook accounts fabricated an image available on pornographic dating sites and disseminated it with sexist comments.⁶¹ The use of gendered disinformation has also been observed in relation to the newly-appointed ambassador of the US to Georgia, Robin Dunningan, when anonymous Facebook accounts published a deepfake scene from a pornographic video, noting that the new US ambassador to Georgia is a former porn star. The post also falsely claimed that before Georgia, Dunningan served in Argentina as an ambassador and was expelled after a sexual misconduct.⁶²

⁵⁵ Sexual and Reproductive Health and Rights in Georgia, Coalition for Reproductive Health and Rights, Report, 2020, p. 10.

⁵⁶ Media Development Foundation, “Anti-Gender and Anti-LGBTQI Mobilization in Georgia 2022. Available [here](#)

⁵⁷ Media Development Foundation, “Anti-Gender and Anti-LGBTQI Mobilization in Georgia 2023. Available [here](#)

⁵⁸ Ibid

⁵⁹ Jamnews, “Sexist scandal in Georgian Parliament - will the case go to court?” accessed 14 February 2024. Available [here](#)

⁶⁰ Media Development Foundation, Anti-Gender Mobilization

⁶¹ Media Development Foundation, “Gendered Disinformation 2023,”. Available [here](#)

⁶² Myth Detector, “Disinformation and Visual Manipulations Regarding the New US Ambassador to Georgia, Robin Dunningan,” 31 July 2023. Available [here](#)

63. Hence, the use of sexist hate speech, as well as altered images to discredit public figures, raises concerns about the manipulation of traditional and social media for political purposes. In addition to exploiting gender biases and perpetuating harmful narratives, misleading or altered images were used to incite anti-Western and anti-liberal sentiments and strengthen pro-Kremlin influence, as well as to discredit opponents. This tactic not only erodes trust in public institutions but also reinforces harmful gender norms by portraying women in positions of authority as incompetent or untrustworthy.

Religious Minority Rights and Freedom of Religion or Belief

64. This section reviews 15 recommendations and none of them are implemented.

148.45 Step up efforts to combat discrimination, including based on gender, religion or belief, or disability (Uzbekistan);
148.50 Adopt measures to eliminate and punish all forms of discrimination for any reason, including religion, gender and sexual orientation (Ecuador);
148.79 Investigate reports of physical attacks against members of ethnic and religious minorities and ensure that perpetrators are brought to justice (Botswana);
148.80 Take further measures to protect religious and ethnic minority rights by combating hate speech and xenophobia (Cyprus);
148.86 Take stronger measures in tackling racism and intolerance, in particular in the forms of xenophobia and Islamophobia (Indonesia);
148.89 Adopt steps to combat acts or advocacy of racial or religious hatred, including by bringing those responsible to justice and envisaging the adoption of a national action plan against racism (Jordan);
148.94 Combat incidents of hate speech and attacks against ethnic and religious minorities, including through legislative measures (Pakistan);
148.119 Continue its efforts to guarantee full enjoyment of freedom of religion or belief, in particular by persons belonging to religious minorities (Poland);
148.260 Renew the commitment to protect persons belonging to minorities by promoting their greater involvement in public institutions, as well as by preventing and pursuing episodes of intolerance on the ground of religion or belief more effectively (Italy);
148.118 Continue efforts in the direction of a gradual return of the cult buildings to the religious communities that belonged to them before Sovietization, and take further measures for the preservation and restoration of such heritage (Armenia);
148.51 Take effective and transparent measures, both in the judicial processes and in the administrative system, to ensure the fundamental human rights of foreign residents in Georgia (Islamic Republic of Iran);
148.83 Continue to strengthen efforts to ensure that all instances of racist hate crimes are effectively and impartially investigated, that perpetrators of such crimes are prosecuted, and that victims are provided with adequate and appropriate redress (Fiji);
148.92 Ensure that all crimes motivated by racial hatred are thoroughly investigated (Luxembourg);
148.93 Develop a policy and a strategy to combat and prevent crimes motivated by racial or ethnic intolerance, and ensure an immediate and effective response to hate crimes based on origin, race or ethnicity (Mexico);
148.47 Promote intercultural and interreligious dialogue and cooperation (Albania);

- 65.** All systemic challenges regarding freedom of religion and belief and equality of religious communities in Georgia remain unresolved. The government has not taken any steps to address the discriminatory legislation, policy and practice. In recent years, the government has made a number of initiatives that contain risks of further deterioration of freedom of religion and belief standards. Among such initiatives were the Forest Code adopted in 2020 on the transfer of the state forests exclusively to the Georgian Orthodox Church (GOC)⁶³, the new Defense Code adopted in 2023 envisaging military obligation for only non-Georgian Orthodox Church clergy⁶⁴, the initiatives of a special law on religious organizations which would increase intervention in their activities and liability for “insulting religious buildings and objects.” The non-secular policy of the state is increasingly manifested in the actions and rhetoric of high-ranking officials.⁶⁵ A big part of the government’s anti-Western and anti-democratic policy is the populist religious content, by which it constantly tries to use the authority of the Georgian Orthodox Church for its own advantage, and it happens at the expense of neglecting the rights of minorities.⁶⁶
- 66.** The case of alleged surveillance files of the State Security Service remains unsolved. On September 13, 2021, thousands of leaked documents appeared on online platforms containing personal data, private communications and personal information about many individuals. According to the media that had access to the mentioned documents and that processed the materials, most of the published documents were concerned with the topic of religion and religious organizations. No one has been charged in connection with the mentioned case, and the authorities have not taken responsibility for the alleged large-scale illegal surveillance and monitoring.⁶⁷
- 67.** The LEPL State Agency for Religious Issues (SARI), working under the Prime Minister, has not addressed the case of alleged surveillance files or legislative initiatives, further worsening the inequality of religious communities. The policy and views of SARI on freedom of religion and religious minorities were published in the 2015 Strategy of Development of Georgia’s Religious Policy. The content of the Strategy suggested that the State’s priority is not the protection of freedom of religion and belief but to reinforce control over religious communities. The Agency also did not address the cases of discrimination of religious minorities during the COVID-19 pandemic.⁶⁸
- 68.** Property and ownership issues of minority religious communities remain an acute issue. No steps have been taken toward returning the religious buildings to religious minorities, confiscated by the Soviet regime and developing a restitution policy.⁶⁹ Under the Constitutional Agreement, the state recognized GOC’s right to return ownership of churches, monasteries, remnants and nearby territories. However, the state has not extended similar practices and legislation to other religious communities.⁷⁰ Unlike the Orthodox Church, other religious communities could not reclaim a large part of their property confiscated during the Soviet Union. The state owns part of that kind of property, and part of it is being handed over to the Patriarchate of the Georgian Orthodox Church⁷¹.

⁶³ TDI: During the State of Emergency Parliament is reviewing the legislation on Transferring the State Forests to the Patriarchate of Georgia. Available [here](#)

⁶⁴ TDI: The government adopted discriminatory and unconstitutional defense legislation. Available [here](#)

⁶⁵ TDI: Alarming Propagandistic Rhetoric of the Government, 2023. Available [here](#)

⁶⁶ Recommendations N 148.45, 148.50, 148.52, 148.80, 148.94, 148.119, 148.260

⁶⁷ “Evaluation of ongoing investigation into the leaked files from SSSG”, Social Justice Center, October 2022, available [here](#)

⁶⁸ Recommendation N148.119

⁶⁹ Restitution Policy in Georgia, TDI, 2020, available [here](#)

⁷⁰ STUDY OF RELIGIOUS DISCRIMINATION AND CONSTITUTIONAL SECULARISM IN GEORGIA, Part 3, TDI, 2014. Available [here](#)

⁷¹ Freedom of Religion and Belief in Georgia, 2022 Report, TDI, p.15. Available [here](#)

- 69.** The state's practice of creating artificial obstacles for constructing new places of worship has also been maintained. Muslims in Batumi are still praying under the open air because Batumi City Hall has been refusing to issue a permit for the construction of a new mosque in Batumi from 2017 to the present day. In the first instance, the court considered the municipal government's refusal to be discriminatory. The Court stated that GOC also had several churches constructed in the same municipal zone where the local government rejected Muslims to build a mosque with the argument that the zone was determined for only residential purposes. The Court of Appeals upheld the decision. However, in 2023, the Supreme Court of Georgia questioned the lower court's decision on discrimination and returned the case to the Court of Appeals for reconsideration. The Supreme Court's argument was based on non-existent construction permits for the above-mentioned GOC churches. With this decision, the Court further protracted the case and the resolution of Muslim's legitimate need to have a mosque in Batumi.⁷²
- 70.** The Defense Code, adopted in 2023 by the Parliament of Georgia, created a new area of religious discrimination⁷³. The Code violates constitutional principles of freedom of religion and belief, equality and the right to privacy. The new legislation obliges non-Christian Orthodox clerics to perform non-military labor service. Additionally, unlike Orthodox Christian clerics, non-Christian Orthodox clergy (between ages 18-60) will be automatically enrolled in the reserve defense forces. Based on the Constitutional Agreement, Christian Orthodox clerics are exempt from all kinds of military obligations. Furthermore, the information regarding the religious affiliation of all men aged between 18-60 will be collected and entered into the electronic system of the mobilization reserve. In the explanatory cards of the law, the authorities also introduced new, rather alarming terminology, such as "dishonest" and "fictitious" religious organizations, granting themselves the authority to decide which religion should be considered "real".
- 71.** Legislative discrimination of religious minorities was also significantly worsened in May 2020 when the parliament adopted the new Forest Code. Instead of amending the already existing discriminatory provisions, the government granted GOC the authority to gain 20 hectares of forest surrounding churches and monasteries.⁷⁴ The right is not extended to any other religious community.⁷⁵
- 72.** The government's communication and cooperation with religious communities on an equal basis is challenging, including with the broadest inter-religious forum - the Council of Religions under the Public Defender of Georgia. ECRI and CoE Committee of Ministers addressed and called on the state to cooperate with the Council.⁷⁶
- 73.** Indoctrination, proselytism, and violation of religious neutrality in public schools remain a significant challenge to the present day, as the state does not have a proactive or effective approach to the problem.⁷⁷ As the representatives of minority religious communities share in media and in private discussions, both the facts of displaying religious symbols for non-academic purposes and the differentiation of students representing a specific religious community based on religion are still common in public schools.
- 74.** The government has not taken any effective measures to investigate the violent incidents committed against Muslims in Georgia. Since 2012, several large-scale cases of religious violence and violations of the rights of Muslims have been revealed, including the ones in village Buknari in 2021 and Adigeni municipality in 2023⁷⁸. In Buknari, local Orthodox Christians opposed the functioning of a Mosque,

⁷² TDI: The case of the Batumi New Mosque. Available [here](#)

⁷³ TDI: The government adopted discriminatory and unconstitutional defense legislation. Available [here](#)

⁷⁴ EMC: According to the Forest Code, it will be unconstitutional to transfer forest resources to the church only. Available [here](#)

⁷⁵ Recommendations N 148.45, 148.50, 148.52, 148.119

⁷⁶ Committee of Ministers, decision CM/Del/Dec(2019)1355/H46-8, 25 September 2019, para. 10

⁷⁷ Freedom of Religion – Critique of Discriminatory and Non-secular state policy, Part 5, EMC, 2016, available [here](#)

⁷⁸ NGOs Statement on the Restriction of Freedom of Religion and Discriminatory State Policy. Available [here](#)

while in Adigeni, Muslims were demanded by Orthodox clerics not to conduct religious rituals or teachings. In addition to not investigating such cases effectively, the state often chooses to minimize the publicity of the incidents.

75. Another area of religious discrimination and violation of secular principles is the funding policy of religious organizations. The GOC regularly receives yearly funding of 25 million Georgian Lari from the state. Apart from this, GOC also receives funding from municipal budgets - approximately 5 million Lari each year. The government defines the direct funding practice as payment for damages inflicted by the Soviet regime, while the State has not yet calculated the damages, nor has it defined the extent of compensation and the restitution policy in general. The budgetary resources transferred to the church do not undergo state audit inspection. The state has been funding four other religious organizations (Muslim, Jewish, Roman Catholic, and Armenian Apostolic) since 2014, with approximately 5.5 million Lari for all four religious communities. The funding is also defined as symbolic compensation for material damage during the Soviet times; however, unlike the GOC, the state audits the expenditure of these four organizations. The damages caused during the Soviet period to these communities also have not been calculated, and the current list also does not include all of the religious communities that were subjected to confiscation during the Soviet Union.

Migrants' Rights and Racism

148.43 Continue taking the necessary measures to address concerns over the rights of vulnerable groups, including internally displaced persons, refugees, migrants, and persons with disabilities, for their social cohesion (Republic of Korea);

76. Migrants from African and Asian countries often face discriminatory treatment during the process of border crossing and when applying for a residence permit. Many of them who have all the proper documents are refused entry and put back on the next flight without any explanation.⁷⁹ This practice may indicate racial profiling by Georgia's border control officials.⁸⁰
77. The state's problematic policy on the issuing of residence permits remained unchanged during the last years. The practice of refusing to issue residence permits without proper justification remains a significant challenge. Such refusals are based, in almost all cases, on negative evaluations issued by the State Security Service.⁸¹ The analysis of the state policy shows that, since 2015 in particular, the authorities have been exhibiting a selective and discriminatory attitude when considering applications for residence permits by persons coming from African and Asian continents. This may be indicative of systemic racism.⁸² Representatives of African and Asian countries point out that the state's policy towards them is still discriminatory and they are often denied residence permits without explanation. Among them are international students who face obstacles in pursuing their studies.⁸³
78. Qualification of racial hate motives in crimes still remains a problem. In 2018, 25-year-old Vitali Safarov, a Georgian citizen and human rights defender, was murdered. According to the factual and legal circumstances of the case, the clearly anti-Semitic and xenophobic language of the assailants indicated that the crime was committed on the basis of intolerance. At the same time, the evidence indicated the perpetrators' connection with neo-Nazi groups. Nevertheless, in 2019, the first-instance court removed the religious, national, or ethnic intolerance elements from their determination of the

⁷⁹ TDI: Legal Status of Foreigners and Racism in Georgia, 2022 report, pp. 13-14: Available [here](#)

⁸⁰ recommendations N148.43, 148.51

⁸¹ Ibid. p. 21.

⁸² Ibid. p. 22.

⁸³ Ibid.

defendants' motives, found them guilty only of group murder and sentenced each of them to 15 years in prison.⁸⁴ In 2023, the Court of Appeals upheld the verdict of the court of first instance.⁸⁵

79. In the carried out surveys, migrants speak about stereotypical, indifferent, or discriminatory attitudes and practices towards them by the police system and the government in general. According to them, there are frequent cases of unfair treatment, racial profiling and ineffective response to the alleged crimes committed against them⁸⁶.
80. Migrants from Asian and African states residing in Georgia share that it is common for the police to stop them and require identification papers due to, as they believe, discriminatory profiling. Migrants also speak about the ethnocentric bias of the patrol police they've experienced when patrol officers have sided with Georgians only because of their ethnicity.⁸⁷
81. Another challenging area for migrants is receiving medical services in Georgia. Residence permit holder migrants, even those with permanent permits, do not have access to state medical aid and state insurance for medical needs - even for emergencies. The lack of state medical aid was most acute for migrants in Georgia during the COVID-19 pandemic when the accessibility of different state services was problematic.⁸⁸
82. Racism against people from certain countries in public and private interactions is still problematic. Migrants from African and Asian countries, in addition to the obstacles they face when receiving public services (entry at the border, obtaining a residence permit), often talk about discriminatory experiences in public spaces, such as obstacles created when attempting to rent an apartment, discriminatory treatment in commercial banks, and public transportation⁸⁹.

Ethnic minorities

83. This section reviews 22 recommendations. Among them 9 have not been implemented and 13 have been implemented partially.

148.16 Ratify the European Charter for Regional or Minority Languages (Germany);

148.52 Implement effectively the anti-discrimination measures and policies to overcome negative stereotyping about women, persons with disabilities and religious and ethnic minorities (Islamic Republic of Iran);

148.72 Strengthen activities and laws aimed at the elimination of discrimination in society, other intolerance and hate speech against minorities and other groups, including based on sexual orientation and gender identity (Iceland);

148.76 Take measures to combat discrimination, xenophobia and racism against ethnic minorities (Argentina);

148.259 Ensure the equal rights of ethnic minorities based on the "no one left behind" principle (Czechia);

⁸⁴ Ibid. p. 32.

⁸⁵ recommendations N148.43, 148.51, 148.83, 148.86, 148.89, 148.92, 148.93

⁸⁶ Racial Profiling in Georgia, TDI, 2021. Available [here](#)

⁸⁷ Ibid.

⁸⁸ Recommendations N148.43, 148.51

⁸⁹ Legal Status of Foreigners and Racism in Georgia, 2022 Report, TDI. Available [here](#)

148.93 Develop a policy and a strategy to combat and prevent crimes motivated by racial or ethnic intolerance, and ensure an immediate and effective response to hate crimes based on origin, race or ethnicity (Mexico);

148.94 Combat incidents of hate speech and attacks against ethnic and religious minorities, including through legislative measures (Pakistan);

148.183 Take measures to increase school enrolment among children with disabilities and children belonging to ethnic minorities (Cyprus);

148.185 Consider developing programmes to promote the enrolment and retention of Roma children in the education system (Peru);

148.79 Investigate reports of physical attacks against members of ethnic and religious minorities and ensure that perpetrators are brought to justice (Botswana);

148.253 Strengthen the participation of national minorities in state decision-making processes at the national and local levels, including in crisis situations, by establishing consultation procedures (Switzerland);

148.256 Promote the representation of minorities in political and public life (Albania);

148.260 Renew the commitment to protect persons belonging to minorities by promoting their greater involvement in public institutions, as well as by preventing and pursuing episodes of intolerance on the ground of religion or belief more effectively (Italy);

148.262 Further enhance the access by ethnic minorities to State services and opportunities to participate in civil and political life (Philippines);

148.47 Promote intercultural and interreligious dialogue and cooperation (Albania);

148.261 Intensify efforts to ensure full implementation of economic, social and cultural rights, particularly by ethnic minorities, including in areas relating to education and employment (Malaysia);

148.255 Better ensure equal and full participation of ethnic minorities in civic and political life and protect their cultural identity (Viet Nam);

148.257 Take additional measures to ensure access by national minorities to literature in their mother tongue and the training of minority-language teachers (Armenia);

148.258 Improve conditions for teaching Georgian as a second language among persons belonging to national or ethnic minorities (Romania);

148.80 Take further measures to protect religious and ethnic minority rights by combating hate speech and xenophobia (Cyprus);

148.84 Prevent hate speech and strengthen efforts to properly enforce legislation prohibiting agitation, particularly against racial, religious and ethnic minorities (Germany);

84. The continuation and adoption of the new State Strategy for Civic Equality and Integration 2021-2030 and its action plan are positive developments in the coordination of integration policies.⁹⁰ However, the practical implementation of these priorities and goals does not address the systemic challenges faced by ethnic minorities.
85. The current environment excludes equal and fair access and participation of ethnic minorities in the state's political, civic, or economic life of the state. Minority groups are often perceived as "threats" to national security, "guests," and "foreigners". Such attitudes impede integration and deepen the isolation, stigmatization, and oppression of vulnerable groups.

Minority's access to quality education

86. Access to quality education for ethnic minorities remains problematic, mostly due to the inconsistency and instability of educational reforms. In addition, the state itself does not regularly assess the situation and does not collect specific data to provide an up-to-date picture of educational needs.⁹¹
87. The analysis of the 2022 Parliamentary Report of the Public Defender, as well as studies published by public and international organizations, shows that the language barrier of representatives of ethnic minorities is one of the most serious problems that have not been solved by the state.⁹²
88. The challenges in early and preschool, general, higher, and vocational and training education are virtually identical, including infrastructure problems in the regions, a lack of bilingual teachers and professional qualification among the workforce.
89. Access to quality education is linked to the shortage of kindergartens in the regions populated by ethnic minority communities.⁹³ Neither is the number of kindergartens sufficient⁹⁴ nor do they develop bilingual and multicultural approaches and methodologies. The above only serves a nurturing function.⁹⁵
90. Due to limited access to quality education for students in non-Georgian speaking general education institutions/sectors, a significant number of ethnic minority students prefer to attend Georgian-language

⁹⁰ State Strategy for Civic Equality and Integration 2021-2030. Available [here](#)

⁹¹ According to the 2017 survey of the Georgian population by the Caucasus Barometer, it turns out that 42% of the population has only complete secondary or lower level of education, 25.4% - secondary vocational education, and 32.6% - higher than secondary education. Considering the noted, the level of education among ethnic minorities is significantly lower: 65.9% of the representatives of ethnic minorities have secondary or lower level of education which exceeds the indicator for the population of Georgia, whereas only 22.9% have higher than secondary education and 11% -secondary vocational, which are lower than the indicator for the total population.

⁹² Report of the Public Defender of Georgia, "On the situation of protection of human rights and freedoms in Georgia" (2022). Available [here](#)

⁹³ It is noteworthy that the rate of enrollment of children in preschool in Georgia is 65%, and in the regions densely populated by ethnic minorities is 25,5% (on average), which is 95% lower than in European countries. *see. State Strategy for Civic Equality and Integration 2021-2030, (2021), p. 16, Available [here](#) study on quality of early childhood education and care in Georgia" UNICEF. Available [here](#)*

⁹⁴ in none of the communities compactly populated by ethnic minorities of Bolnisi municipality, except Tamarisis township, there is no kindergarten, *see.; Report of the Public Defender of Georgia, (2022) p. 206*

⁹⁵ According to data from 57 municipalities, "44% of caregivers are unqualified. Most of the staff have no qualifications or qualifications that are not related to early childhood education and care. *see; Joint opinions of civil society., (2023). Available [here](#)*

public schools, which is a recent tendency.⁹⁶ Thus, the intercultural competencies of teachers have become a new challenge.

91. As for the school dropout, If we compare the dropout rates in different regions of Georgia, the highest rate is in minority-populated regions (3.8% in Kvemo Kartli, 2.1% in Samtskhe-Javakheti of pupils left the school)⁹⁷. Economic and household responsibilities and early marriage practice in minority girls are significant factors contributing to dropping out of school, which itself has various social factors and requires a complex approach of educational and social institutions, and not only police measures.⁹⁸
92. Teacher qualifications remain problematic.⁹⁹ Full-time employment of graduates of the "1+4 program" in public schools is low. According to 2020 data, the average age of teachers in non-Georgian language schools remains high.¹⁰⁰
93. The Public Defender considers that the production of native language (Armenian and Azerbaijani languages) textbooks and literature for non-Georgian speaking schools, as well as the training of teachers of these languages, remains a systemic problem in 2022.¹⁰¹ The multi-lingual textbooks have significant shortcomings in terms of methodology, adequacy of educational level, and meeting the actual needs of minorities.¹⁰² In addition, textbooks in the mother tongues of ethnic minorities, which have not been developed in Georgia and are imported from other countries, are also problematic.¹⁰³
94. Since 2010 the government has developed a program to improve access to higher education due to insufficient teaching of the state language in non-Georgian language schools. The so-called "1+4 program"¹⁰⁴ remains a positive, successful, and effective support mechanism for ethnic minorities to access higher education.¹⁰⁵ However, the program needs further development, revision, and flexibility. As the number of young people using the program increases over time, a proportional increase in the number of state-funded scholarships should also be on the agenda.¹⁰⁶ According to another formal

⁹⁶The proportion of pupils in Azerbaijani-language schools and sectors decreased by 0.5% and Armenian-language schools decreased by 0.4%, while the proportion of pupils in the Georgian sector increased by 1%. *see.; Thematic inquiry of the Parliament of Georgia, (2022), p. 35. Available [here](#)*

⁹⁷ Ibid, p. 49

⁹⁸ In Kvemo Kartli, 32% of married women from ethnic minorities are married under the age of 18, and the proportion married between the ages of 13 and 14 is 5%. *see.; Report of the thematic inquiry of the Parliament of Georgia(2022), p. 37*

⁹⁹ According to data as of January 1, 2022, 52% of teachers at non-Georgian schools are still in the category of practitioner teachers. Correspondingly, they were at the lowest level in the system. *see. Advisory Committee On The Framework Convention For The Protection Of National Minorities, „Fourth Report submitted by Georgia“, (ACFC/SR/IV(2022)001),(July 2022): para, 153.*

¹⁰⁰ CCIIR, “What do we need to know about the teachers in the Georgian schools?” (2023) p. 19,25-27. Available [here](#)

¹⁰¹ Report of the Public Defender of Georgia, (2022) p. 225-226

¹⁰² A total of 20 linguistically adapted thematic units have been produced. Textbooks for classes I, II, III, IV, V, VI, VII, VIII, and IX have been translated into Armenian, Azerbaijani, and Russian languages. The quality of the translations remains a challenge. Textbooks are translated word-for-word, which makes learning several subjects (e.g. grammar and literature texts) much more difficult for pupils. *see science and Youth Affairs Committee of of the Parliament of Georgia, Report of the thematic Inquiry of the Parliament of Georgia, p. 35. Available [here](#)*

¹⁰³Report of the thematic inquiry of the Parliament of Georgia, (2022), p. 46

¹⁰⁴ Since 2010, representatives of the ethnic minorities have an opportunity to receive higher education in the simplified way. This simplified system includes an exam in general skills in Azeri, Armenian, Ossetian and Abkhazian languages. And if the applicant gains the right amount of points, he / she gets the opportunity to receive higher education. During one year young people attend Georgian language courses. After that, if they gain 60 credits, they will be able to continue the studies on the chosen faculty.

¹⁰⁵ According to the amendment to the Law on Higher Education of 28 June 2023, the term of the "1+4 education program" has been extended to the academic year 2030-2031, see: the amendments to the Law on Higher Education of Georgia. Available [here](#)

¹⁰⁶In 2010, when the program was developed, 247 students were enrolled, in 2021 - 1332, in 2022 - 1386, in 2023 - more than 1500.

restriction, a student participating in the 1+4 program cannot receive funding from the state in the event of enrollment in an accredited educational program, which, according to the general rule, is funded by the state.¹⁰⁷ Another challenge is the high dropout rate of the program (79%) and the fact that the "1+4 Internship Program" cannot fully ensure the employment of program graduates due to inefficiencies and lack of mechanisms for employment programs.¹⁰⁸

95. Early school leaving and dropout rates are extremely high among Roma.¹⁰⁹ The low school attendance is one of the most acute problems in the Roma community. To address this challenge, the municipal governments work with Roma families and try to register children in schools gradually.¹¹⁰ As of 1 August 2023, a total of 286 Roma pupils are enrolled in the general education system.¹¹¹

Participation of ethnic minorities in political, civic, and cultural life

96. After the 2020 parliamentary elections, the number of ethnic minorities in parliament reached 6 MPs, which is 3.5% of the total MPs. Political parties do not adequately represent the interests of ethnic minorities. The challenge lies in the nominal selection of ethnic minority representatives on party lists, without ensuring their effective participation in political processes.¹¹²
97. The representation of ethnic minorities in local self-governments remains a challenge, including in the local self-governments of several municipalities with a high ethnic minority population.¹¹³ The municipalities of Ninotsminda and Akhalkalaki are positive exceptions in this respect. In Kvemo Kartli, ethnic minorities are somewhat represented in leadership positions in local self-governments, but they are under-represented in leadership positions in various services in city councils and town halls.¹¹⁴ Ethnic minorities are not represented in the central administration and Tbilisi self-government.¹¹⁵
98. According to the 2022 Parliamentary Report of the Public Defender, as in previous years, the access of representatives of national minorities in public institutions is still associated with such obstacles¹¹⁶ as the language barrier, the insufficient number of persons who know their native language in service-providing institutions, and the financial barrier.¹¹⁷

¹⁰⁷ Order of Minister of Education and Science of Georgia, №76/ August 15, 2023, consolidated versions - 01/09/2023. Available [here](#)

¹⁰⁸ PMCG, "Assessing the participation of ethnic minorities in the public service"(2022), p. 38. Available [here](#)

¹⁰⁹ According data from Kobuleti public school no.5. 2021 studied 76 pupils, 2022 -71, 2023-64, and 2024-57. Individual interview (03/21/2024)

¹¹⁰ The authorities have recognized that citizenship status and lack of documentation are key challenges for persons belonging to the Roma, Dom, and Lom communities. They are also aware that these issues may constitute discrimination grounds against access to rights for these persons, including access to education for children. *see.; Advisory Committee On The Framework Convention For The Protection Of National Minorities, "Third Opinion on Georgia", (2019), para .44*

¹¹¹ *Advisory Committee On The Framework Convention For The Protection Of National Minorities, "Fourth Report submitted by Georgia," para. 214.*

¹¹² Action Plan 2021-2022 of the State Strategy for Civic Equality and Integration, (2023), page - 27;

¹¹³ PMCG, "Assessing the participation of ethnic minorities in the public Service"(2022), p. 20-21. Available [here](#)

¹¹⁴ Only 36% of the employees in the City Hall of Marneuli Municipality are representatives of national minorities, while 91.4% of Marneuli Municipality are representatives of national minorities. Only 15% of the people employed in Bolnisi Municipality Hall are representatives of national minorities, while 69.1% of the population of Bolnisi Municipality are representatives of national minorities. Only 23% of people employed in the Dmanisi Municipality Hall are representatives of national minorities, while 66.9% of Dmanisi Municipality are representatives of national minorities. *see. Report of the Public Defender of Georgia(2022) p.223.*

¹¹⁵ According to statistics, around 12 percent of the population of the capital belongs to an ethnic minority. For many years, they have not elected a member of the city council or appointed an ethnic minority representative to a position of responsibility in the city hall.

¹¹⁶ ISSA research shows that 69.9% of respondents have never addressed the local government for their personal or family needs. And 76.5% have never applied for public services. *see.; ISSA/OSGF, Recommendationary Policy Document - Improving Political Participation of Representatives of Ethnic Minorities, (2019). Available [here](#)*

¹¹⁷ Report of the Public Defender of Georgia, (2022), p.224

99. Informing ethnic minority representatives about socio-economic programs and state services in their native language remains a challenge. In addition, the burden of translating statements and documents to be submitted to the state is on minorities, which is a significant barrier to accessing information and state services.¹¹⁸
100. Concerning events, programs, and projects aimed at presenting and popularizing the culture of ethnic minorities, representatives of the minority communities note that the celebrations organized by the State are superficial and meaningless. Some of the measures mentioned in the Implementation plans of the State Strategy for Civic Equality and Integration, only indirectly ensure the promotion of intercultural dialogue.¹¹⁹
101. According to current legislation, the maintenance of cultural heritage monuments is the responsibility of the National Agency for the Protection of Cultural Heritage and the self-governing units of Georgia. Nevertheless, there are many monuments of cultural heritage that are in urgent need of restoration.¹²⁰
102. According to the report on the implementation of the 2022 Action Plan Performance Report, the change in the rate of touristic visits compared to the previous year is as follows: Kvemo Kartli had a decrease of 11%; Kakheti had an increase of 5.6%; Samtskhe-Javakheti had a slight increase of 0.2%.¹²¹ There is no information about minority tourist attractions on the state tourism websites.¹²² Information on minority tourist attractions in Kvemo Kartli and Samtskhe-Javakheti is not available on local/central state websites or the Georgian tourism portal.¹²³
103. The challenge is to improve the quality of minority media products.¹²⁴ To improve access to media and information, the public broadcaster broadcasts the news program "Moambe" in Armenian and Azerbaijani languages and supports the operation of non-Georgian print media ("Vrastan", "Gurjistan"). However, no statistics are available on the viewing figures of programs translated into minority languages. As a result, the public broadcaster does not influence the formation of public opinion in the region, either at the national or local level.¹²⁵

Anti-discrimination mechanisms and alleged hate crimes

104. The tendency towards improvement in legal, anti-discrimination mechanisms and policies and strategies to combat hate crimes should be assessed positively. However, in the 2022 Parliamentary

¹¹⁸ Of the 6 municipalities most densely populated by national minorities, only the websites of Dmanisi⁹⁴⁶ and Akhalkalaki⁹⁴⁷ municipalities are translated into a language understandable to national minorities. see. *Report of the Public Defender of Georgia (2022)*, p. 224

¹¹⁹ Social Justice Center, "Cultural domination and the signs of minority culture erasure in Kvemo Kartli region", (2020) p.21. Available [here](#)

¹²⁰ According to a US State Department report, in previous years the National Agency for Cultural Heritage Preservation Georgia allocated 2.25 Million Georgian Lari for the rehabilitation of Orthodox monuments. However, to maintain the cultural heritage of minorities the agency consents to the rehabilitation of the mosques of Zvare and Dzetsnami villages municipality of Keda. It should start in the year 2023. See: *"International Religious Freedom Report for 2022 United States Department of State. Office of International Religious Freedom GEORGIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT."* n.d. Accessed July 24, 2023. Available [here](#)

¹²¹ Action Plan 2022 Implementation Report, (2022), Page - 35

¹²² Georgian National Tourism Administration, Elibrary. Available [here](#)

¹²³ Georgian National Tourism Administration, Kvemo Kartli, and Samtskhe-Javakheti Regions. Available [here](#) Samtskhe - Javakheti / Kvemo Kartli. An exception is a few years ago the three brochures sponsored by GIZ - German Cooperation for International Cooperation about German Settlements;

¹²⁴ Only 4,5% of minorities have been watched by Georgian Public Broadcasters. Based on the same study, more than 70% of the minorities living in Georgia followed the social and political events in Azerbaijan and Armenia daily, while there was significantly less interest in the events in Georgia. see. *ISSA/OSGF, Recommendatory Policy Document - Improving Political Participation of Representatives of Ethnic Minorities, 2019*, page - 44.

¹²⁵ Center for Media, Information and Social Research (CMIS), "Resilience to disinformation at the regional level in Georgia", (2023), p.33. Available [here](#)

Report, the Public Defender of Georgia highlights the low level of trust in law enforcement agencies among representatives of vulnerable groups, as well as the inefficiency and lack of timeliness in responding to and investigating hate crimes.¹²⁶

- 105.** It remains problematic to determine whether the murder of the young human rights defender Vitaly Safarov was committed based on ethnic hatred. The factual and legal circumstances of the case indicate that in 2018, Vitaly Safarov was killed based on ethnic intolerance and anti-Semitism. In June 2019, the Tbilisi City Court found two men guilty of Safarov's murder, but the crime was not assessed as a murder based on racial, religious, national, or ethnic intolerance.¹²⁷ The Tbilisi Appeal Court upheld the decision of the City Court.¹²⁸
- 106.** The hate crimes committed against the civic activist and human rights defender Samira Bairamova, are also concerning. In particular, on March 14, 2022, Samira Bayramova painted the flags of Ukraine and the EU on the facade of the office of the political party “Conservative Movement” (founded by the pro-Russian hate group “Alt Info”) to demonstrate protest against the opening of the office in Marneuli. In response, threatening comments/messages were followed from members of the radical group.¹²⁹ On 4th October 4 2023, members of the radical group painted a cross and the Russian flag on the door of Bairamova’s apartment.¹³⁰ In both cases, investigations were started under Article 151 (threat) of the Criminal Code.¹³¹ However, conducting effective and timely investigations and identifying and charging those responsible remain a challenge.

Rights of LGBQI individuals

- 107.** This section reviews 19 recommendations. Among them 17 are not implemented. 2 of them are partially implemented.

148.66 Improve the legislative framework regulating hate speech to explicitly prohibit violence and discrimination based on sexual orientation or gender identity (Portugal)

148.57 Implement educational and awareness-raising campaigns to combat discrimination on the grounds of sexual orientation and gender identity (Uruguay)

148.58 Guarantee the protection of rights for the lesbian, gay, bisexual, transgender and intersex community and other marginalized groups, including the freedoms of expression and assembly (Australia)

148.59 Continue to implement and expand measures to uphold the rights of lesbian, gay, bisexual, transgender and intersex individuals, including by ensuring full investigations into abuses and addressing hate speech (Canada)

148.62 Fight against all forms of violence and discrimination based on gender and sexual orientation (France)

148.67 Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation and gender identity (Finland)

¹²⁶ Report of the Public Defender of Georgia, (2022) p. 142

¹²⁷ “Murder of human rights defender, Vitali Safarov case details and legal assessment”, human rights.ge, September 5, 2019. Available [here](#)

¹²⁸ Radio Tavisupleba, "The Court of Appeal has not changed the verdict in the case of Vitaly Safarov - the word of the Supreme Court prevails". Available [here](#)

¹²⁹ GYLA: threats against Samira Bayramova must be stopped in time. Available [here](#)

¹³⁰ Radio Tavisupleba, “Chasing Samira - "They know very well that their behavior does not frighten me”. Available [here](#)

¹³¹ Georgian Democracy Initiative (GDI), “Human rights in Georgia”, (2023) p.8 Available [here](#)

148.69 Take measures to combat social stigmatization, discrimination, hate speech and violence based on sexual orientation and gender identity (Argentina)
148.72 Strengthen activities and laws aimed at the elimination of discrimination in society, other intolerance and hate speech against minorities and other groups, including based on sexual orientation and gender identity (Iceland)
148.60 Adopt specific policies to promote tolerance towards diversity in matters of sexual orientation and gender identity in educational settings, and document and prevent bullying and discrimination based on these grounds (Chile)
148.61 Undertake educational and awareness-raising campaigns to address stigma, dispel myths and combat stereotypes related to sexual orientation and gender identity (Denmark)
148.64 Establish permanent educational and awareness-raising campaigns on the prevention of discrimination based on sexual orientation and gender identity, including within the judicial and police apparatus (Mexico)
148.63 Promote public awareness through education and campaigns in order to eliminate discrimination based on sexual orientation and gender identity that leads to the harassment and bullying of lesbian, gay, bisexual, transgender and intersex people (Israel)
148.68 Increase the capacity of law enforcement to adequately investigate reported hate crime across the country by intensifying preventive efforts and collaborating with organizations working on protecting the enjoyment of human rights by lesbian, gay, bisexual, transgender and intersex persons (Sweden)
148.71 Adopt measures to protect LGBTQI people and eradicate discrimination by preventing and investigating related hate crimes (Cyprus)
148.74 Take further measures to combat hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons (Norway)
148.65 Take measures to enable the safe and peaceful gatherings of LGBTQI activists and to counter violence, hatred and discriminatory attitudes and behavior against LGBTQI persons, including by ensuring accountability (Netherlands)
148.153 Establish a rapid, accessible and transparent procedure, based on the principle of self-determination of the person, that eliminates the requirement of surgical intervention for individuals who wish to change gender in their official identification documents (Spain)
148.82 Continue to strengthen efforts to combat discrimination, including on grounds of gender, sexual orientation, religion or belief and disability, including through public awareness campaigns combating hate speech and stigma (Fiji)
148.73 Ensure the prevention, investigation and prosecution of hate crimes based on sexual orientation or gender identity and expression by establishing an effective hate crime investigation unit within the law enforcement system (Ireland)

108. Despite the majority of the 3rd cycle recommendations being directed at the elimination of discrimination and social stigma against LGBTQI individuals and strengthening anti-discriminatory mechanisms, no positive measures have been taken by the state. In contrast, the state started actively removing LGBTQI rights from the national human rights policy documents. On March 23, 2023, the

Parliament of Georgia approved the National Human Rights Strategy (2022-2023).¹³² The document fully excludes the LGBTQI community. In December 2023, the Government of Georgia adopted the Human Rights Action Plan for 2024-2026 without mentioning LGBTQI issues, homophobia or SOGIGE-based discrimination, hate speech and hate crimes.

5th July, 2021

109. The enjoyment of the right to freedom of assembly and manifestation remains a critical challenge. Most notably, on July 5, 2021, the Pride March was canceled as a result of the organized violent mob.¹³³ Even though the violence was preceded by the public calls for violence by specific individuals and the mobilization of certain groups in society for this purpose, "the Ministry of Internal Affairs did not take effective preventive measures to prevent violence, neither has it responded fully or adequately to the criminal facts so far".¹³⁴ According to the official information, on July 5 100 people were administratively arrested on July 5, and 68 of those arrested were soon released on the basis of a report.¹³⁵ Despite the Public Defender of Georgia demanded criminal prosecution of two persons for organizing group violence and calling for violence,¹³⁶ no organizer has been held accountable. The next year the organizers of Pride Week cancelled Pride March due to security concerns. Similarly, in 2023 the Pride Week event took place indoors. However, the Pride Festival was canceled due to an attack by threatening groups on the festival venue.¹³⁷

110. Homophobic hate speech went extreme in political discourse. On July 5, 2021, a few hours before the announced Pride March PM of Georgia made a homophobic statement and labeled the March as a "propagandistic parade".¹³⁸ It was followed by other homophobic statements by high-ranking politicians.¹³⁹ Distinctly, the Orthodox Church called for a so-called "anti-LGBTQI propaganda law".¹⁴⁰ This idea was echoed among the high-ranking politicians.¹⁴¹ Moreover, the PM of Georgia addressed a conference in Hungary where he made homophobic and discriminatory statements.¹⁴²

111. Unregulated legal gender recognition remains a critical problem. On December 1, 2022, the European Court of Human Rights found a violation of the right to protection of private and family life of the European Convention on Human Rights in the case of three transgender men.¹⁴³ However, the state did not take any further actions to implement the decision and regulate fast, transparent, and accessible procedures.

Disruption of Pride Festival of July 8, 2023

¹³² On the approval of the "National Strategy for the Protection of Human Rights of Georgia (for the years 2022-2030)" Available [here](#)

¹³³ Tbilisi Pride March Cancelled Available [here](#)

¹³⁴ Public Defender's Statement on Investigation of Actions of Organizers of July 5-6 events. Available [here](#)

¹³⁵ INFORMATION OF THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA REGARDING POLICE ACTIVITIES CONDUCTED IN PARALLEL WITH THE "TBILISI PRIDE" WEEK. Available [here](#)

¹³⁶ Public Defender Demands Criminal Prosecution of Two Persons for Organizing Group Violence and Calling for Violence on July 5. Available [here](#)

¹³⁷ Tbilisi Pride Festival cancelled after police fail to confront extremists. Available [here](#)

¹³⁸ Garibashvili on LGBT Pride: "95% Against Propagandistic Parade". Available [here](#)

¹³⁹ GD Chair Kobakhidze Says Holding Pride Week Irresponsible. Available [here](#) Kobakhidze Says 'Radical Opposition' Behind Tbilisi Pride. Available [here](#)

¹⁴⁰ Georgian Orthodox Church calls for 'queer propaganda law'. Available [here](#)

¹⁴¹ PM says violence against minorities won't be allowed, but "we will also not allow propaganda, violence against majority" Available [here](#)

¹⁴² Address by Georgian Prime Minister Irakli Garibashvili at Conservative Political Action Conference. Available [here](#)

¹⁴³ CASE OF A.D. AND OTHERS v. GEORGIA. Available [here](#)

112. On July 8, 2023, a festival scheduled as a part of the Pride Week organized by "Tbilisi Pride" at a private outdoor venue near Lisi Lake faced disruption from violent hate groups.¹⁴⁴ The LGBTQI community received assurances from the Government that their protection would be better guaranteed this time, as the location for their assembly was private property. These guarantees were communicated during official meetings. After violent calls and outlining the hate groups' plan to obstruct the festival,¹⁴⁵ violent attacks were followed and organizers and supporters of a peaceful event planned for July 8 had to be evacuated. Despite the clear potential for an escalation of the situation and aggression toward the festival organizers, as indicated by hate groups' previous statements¹⁴⁶ and past violent incidents (including July 5, 2021), the police did not present any substantial resistance during the march.¹⁴⁷ Indeed, the hate groups that arrived at the festival area engaged in vandalism, damaging existing structures and equipment. In response to this threat, the festival organizers had to be evacuated to ensure their safety.¹⁴⁸ However, the evacuation process was chaotic, as law enforcement officers were not informed well about the evacuation plan.

113. Significantly, the violent disruption of the "Pride Festival" on July 8 indicates that the impunity syndrome and the recurrence of violence were facilitated by the ineffective investigation of similar violent cases in the past, including the impunity of the hate crime organizers.¹⁴⁹ Additionally, the events of July 8th further demonstrate that vulnerable groups such as LGBTQI community faces considerable difficulties in exercising their rights to peaceful assembly and expression, not just in public areas but also in private spaces. GDI advocates for the interests of the festival organizers and supporters regarding the events of July 8.

Activists and Human Rights Defenders

114. This section reviews 5 recommendations and none of them are implemented.

148.65 Take measures to enable the safe and peaceful gatherings of LGBTQI activists and to counter violence, hatred and discriminatory attitudes and behaviour against LGBTQI persons, including by ensuring accountability (Netherlands);

115. The state has not taken any effective measures to ensure the safe and peaceful gatherings of LGBTQI activists. The government was inactive against violence, hatred and discriminatory attitudes and behaviour against LGBTQI persons. On the contrary, their statements and activities were directed to raise non-acceptance and aggression towards LGBTQI community among society. These were clearly demonstrated on 5th July, 2021 and 8th July 2023, when the LGBTQI individuals aimed to organize the peaceful gatherings, however, the state has not taken any effective measures to ensure their safety neither prior nor at the day of the event. Moreover, the Government failed to investigate hate crimes effectively.

"March of Dignity" on 5th of July, 2021

116. On July 5th, 2021 was planned "March for Dignity", which aimed to share concerns about the problems of the LGBTQI community, and raise public awareness. However, event of 5th July was

¹⁴⁴ 4 Violent groups disrupted the "Tbilisi Pride" festival, available [here](#). The Pride festival forcefully canceled - the organizers are leaving the area, available [here](#). Yoga mats and Coca-cola, How did the violent groups obstruct the "Pride Festival", available [here](#).

¹⁴⁵ Violent groups disrupted the "Tbilisi Pride" festival, available [here](#). Opponents of the "Pride Festival" began their march, available [here](#).

¹⁴⁶ An illustrative example: Morgoshia: "July 8 will be the last nail on the coffin erected on July 5", available [here](#).

¹⁴⁷ Supra. 18.

¹⁴⁸ Ibid.

¹⁴⁹ The judgment of the European Court of Human Rights in the *CASE OF WOMEN'S INITIATIVES SUPPORTING GROUP AND OTHERS v. GEORGIA*, para. 76.

disrupted by violent groups, who attacked not only LGBTQI people, but also journalists, activists and civil society organizations.¹⁵⁰ A group of 500-600 people was called by one of the organizers to relocate to the office where the organizers of the Pride festival were.¹⁵¹ After the call for action, members of the hate groups arrived there where they were swearing and exhibiting aggressive behaviour. Despite this, only a few police officers were present at the scene.¹⁵² Afterwards, organizers and supporters of LGBTQI people were constantly persecuted and even were under the threat of death.¹⁵³ Beforehand, the Government did not respond to violent calls of homophobic groups to undertake preventive measures aimed at protection of LGBTQI community.

- 117.** As a result, ordinary people, activists and journalists were physically injured, media equipment was damaged and the “March for Dignity” was disrupted. The homophobic statements [see, par.121-126] make us believe that the Georgian government failed to provide adequate protection for the LGBTQI community members, its supporters, activists, and members of the media from the hate groups. The organizers of the hate groups were not arrested, which led to the events of July 8, 2023. Even more, investigative media reports have clarified that the police's inaction was a result of coordinated efforts with ultra-conservative groups.¹⁵⁴ According to the Public Defender, a major flaw in the investigation was that specific individuals were not charged with organizing and leading violent actions, which would clearly be an additional argument for the domestic court to acquit those involved in group violence.¹⁵⁵ Notably, GDI is the legal representative of Tbilisi Pride and LGBTQI activists at the European Court of Human Rights and waiting for the judgment to be delivered.¹⁵⁶

Disruption of Pride Festival of July 8, 2023

- 118.** 8th of July, 2023, two years after the disruption of “March of Dignity, the Pride Festival was disrupted again, which one more time concluded that the government creates a hostile environment for activists. [see, par.121-126]

Homophobic statements from Governmental authorities

- 119.** The problem regarding malpractice in Georgia, affecting the exercising of the human rights to freedom of expression and/or peaceful assembly by LGBTQI people, is encouragement of violence and aggression with the use of the homophobic and anti-democratic statements.
- 120.** On the morning of July 5th, the Prime Minister, Gharibashvili, called the “March for Dignity” inexpedient and said that LGBTQI community march should not take place, stressing that the march is unacceptable to the majority of the population.¹⁵⁷ *”When 95% of our population is against holding a demonstratively propagandistic march, we must comply. This is the opinion of the absolute majority of our population.”*¹⁵⁸
- 121.** Additionally, the Ministry of Internal Affairs appealed to the organizers not to hold the march: “We once again publicly call on the participants of “Tbilisi Pride” to refrain from the “March for Dignity”

¹⁵⁰ Police investigating attack on offices of Tbilisi Pride, Shame movement, available [here](#).

¹⁵¹ Chronology of the attack on the office of the “Shame” Movement and Lekso Lashkarava, available [here](#).

¹⁵² Hate groups moved to the office of the Shame movement, available [here](#).

¹⁵³ Report of the GDI, March of Dishonor, pp.26-27, available [here](#).

¹⁵⁴ Evidence of how the Government was behind the July 5 raid, available [here](#).

¹⁵⁵ The results of the inspection regarding the July 5 case, pp.5-6, available [here](#).

¹⁵⁶ European Court of Human Rights Has Accepted The Tbilisi Pride Application Regarding The July 5, 2021 Violent Events, available [here](#).

¹⁵⁷ PM Says Pride March ‘unreasonable,’ organized by ‘radical opposition’, available [here](#). Violence by hate groups groups, available [here](#).

¹⁵⁸ 95% oppose the propagandistic "Pride", we are forced to obey – Gharibashvili, available [here](#).

being held in public space due to the scale of counter-manifestations planned¹⁵⁹ by the opposing groups on Rustaveli Avenue.”¹⁶⁰

122. Moreover, in 2023, homophobic rhetoric witnessed an unfortunate increase. Prime Minister Gharibashvili expressed the view that the truth and freedom are under threat from the perceived erosion of traditional family values and what he characterized as the promotion of false freedom, citing concerns about “LGBT propaganda” and attempts to legislate sex changes for minor children without parental involvement.¹⁶¹
123. The term "LGBTQI propaganda" is utilized as a negative connotation, raising concerns about the potential exploitation of homophobia for political-populist purposes. In May 2023, Mamuka Mdinardze, the chairman of the parliamentary faction of ruling party, stated that the law was necessary to replace "wrong propaganda" with "correct propaganda" on the draft law on banning LGBTQI propaganda. He later called the propaganda of the LGBTQI community "disgusting".¹⁶²
124. Such statements encourage violence and aggression which leads to a sense of impunity among those involved in violence, as well as a sense of insecurity and fear in society, especially amongst the LGBTQI community.

148.130 Further develop measures to ensure a safe environment for human rights defenders, including protection measures, as part of the national human rights action plan (Uruguay);

148.133 Protect human rights defenders (France);

148.132 Ensure that attacks on human rights defenders are effectively investigated and, in consultation with civil society, identify best practices in policy protection for human rights defenders (Czechia);

148.134 Increase the efforts of political leaders to publicly acknowledge and protect the important role of human rights defenders and independent human rights institutions in the democratization process (Norway);

National Strategies and Policies

125. The Georgian government approved the 2nd national strategy for human rights protection, which will cover the years 2022-2030. Unlike other social groups, LGBTQI people and their rights are not mentioned once in the document. It left out of the attention the issue of eliminating the homophobic environment even in the next decade.¹⁶³ The widespread statements reveal a sharp criticism, as “*None of the directions of the strategy include LGBTQI issues.*”¹⁶⁴ Notably, the complete disregard for the needs of the LGBTQI community in the National Human Rights Strategy echoed in the draft of the

¹⁵⁹ Institute for the Study of Democracy, Prime Minister's homophobic messages are in line with the rhetoric of far-right forces, available [here](#).

¹⁶⁰ Statement of the Ministry of Internal Affairs, available [here](#).

¹⁶¹ Gharibashvili regarding the legal regulation of “LGBT propaganda, available [here](#).

¹⁶² The adoption of such a bill is not considered in the Georgian Dream" - Mdinardze on the initiative to limit "LGBT propaganda, available [here](#).

¹⁶³ National Strategy for Human Rights Protection of Georgia for 2022-2030, available [here](#).

¹⁶⁴ Why LGBT people are not mentioned in the national human rights strategy, available [here](#); Georgia’s (in)human rights strategy, available [here](#).

Governmental Action Plan shared to local NGOs by the Georgian Government Administration, has drawn significant condemnation.¹⁶⁵ Later, the Government adopted an Action Plan in 28th December.¹⁶⁶

- 126.** The state has not developed any measures to ensure a safe environment for human rights defenders. Moreover, the government has not followed through to implement the recommendations but has instead created a hostile environment for activists and human rights defenders. Furthermore, activists and human rights defenders are not even mentioned in the national human rights action plan 2022-2030.¹⁶⁷ The creation of hostile environment was clearly demonstrated by initiating the “Russian Law”, and detentions of activists and human rights defenders for protesting peacefully and holding white blank paper.

The “Russian Law”

- 127.** The States’ approach towards activists and human rights defenders was actively demonstrated in February, 2023 when the government initiated the “Russian Law”.¹⁶⁸ This proposed legislation included a definition of an "agent of foreign influence," stipulating that entities receiving over 20% of their income from a "foreign power"¹⁶⁹ would fall under this designation.¹⁷⁰
- 128.** The proposed legislation faced widespread condemnation both domestically and internationally, drawing criticism from approximately 400 civil organizations, public advocates, representatives of the European Union and European Council, embassies, the United Nations, and others.¹⁷¹ Despite the extensive disapproval, the majority in the Parliament approved the draft law during its first reading. This decision triggered a substantial public protest held in front of the parliament from March 7 to 9, 2023.¹⁷² In response to the protests, the ruling party was compelled to backtrack and opted not to proceed with the law, ultimately rejecting it during the second reading at the plenary session of the Parliament.¹⁷³
- 129.** Despite the rejection of the "Russian law," the government campaigned against CSOs and human rights defenders, which created unfriendly environment for civil society. The particular attention is

¹⁶⁵ Civic platform "no to phobia!" statement on the disregard of the needs of the lgbtqi community in the government’s draft action plan, available [here](#).

¹⁶⁶ Resolution No. 528, Available [here](#).

¹⁶⁷ National Human Rights Action Plan, available [here](#)

¹⁶⁸ The draft law is available [here](#). A letter/appeal from the parliamentarians of Georgia to the head of the Organizational Department of the Parliament of Georgia regarding the submission of the draft law, available [here](#)

¹⁶⁹ The draft law defined "foreign power" by encompassing the following categories: "a) a constituent entity of the government system of a foreign state; b) an individual not holding Georgian citizenship; c) a legal entity not established under Georgian legislation; d) any organizational structure (including foundations, associations, corporations, unions, or other forms of organization) or any other association of individuals formed based on the laws of a foreign state and/or international law," available [here](#)

¹⁷⁰ Consequently, numerous civil society and non-governmental institutions, along with online media operating in Georgia met this criterion due to substantial financial support from foreign donor organizations. Hence, the proposed legislation compelled them to register as "agents of foreign influence" and submit financial declarations. Violation of these requirements could result in substantial fines. Simultaneously, the Ministry of Justice was authorized to monitor and access all pertinent information, including personal data, to identify these "agents." In case of non-compliance with the law, the National Agency of Public Registry would be empowered to impose fines on the organization and register it in the roster of foreign influence agents.

¹⁷¹ The Human Rights Commissioner calls on the Parliament of Georgia to reject the bill on "Transparency of Foreign Influence" available [here](#) Statement of the High Representative of the European Union regarding the adoption of the Law "On Transparency of Foreign Influence" available [here](#) Russian law is not Georgia's choice, available [here](#) Statement of the Office of the Public Defender of Georgia on the Draft Law of Georgia "On Transparency of Foreign Influence", available [here](#) Black day for Georgia's democracy - Evaluations of Foreign Partners [subject to periodic updates], available [here](#)

¹⁷² Photo story: The 2nd day of the protest against the draft laws on "Foreign Agents" in Tbilisi. available [here](#)

¹⁷³ Resolution of the Parliament of Georgia of March 10, 2023, on the Draft Law of Georgia "On Transparency of Foreign Influence", available [here](#)

drawn to statements from the State Security Service¹⁷⁴ and the initiated investigation concerning a training session organized for the representatives of the artistic sphere. The training program aimed to "familiarize members of cultural and art movements and advocacy groups with diverse strategies for non-violent activism, self-organization for change, and mobilizing supporters." Participants were given the opportunity to formulate collaborative and/or individual plans for future activities over the course duration.¹⁷⁵ According to the statement by the State Security Service, the training involving art representatives appeared to be directed towards provoking disorder in Georgia. The service's assessment characterized it as part of a so-called "scenario of changing the government by violence."¹⁷⁶ The investigation was conducted under the charges of preparing a terrorist act and conspiring or attempting a rebellion to forcibly change the constitutional order in Georgia (Articles 18-323 and 315 of the Criminal Code). The Serbian trainers involved in the training have been interrogated by the State Security Service as part of the investigative process.¹⁷⁷ The interests of some of these individuals are being safeguarded by the GDI.¹⁷⁸ The State Security Service's statements, investigations, and inquiry processes constitute an unprecedented attack on international organizations in Georgia. The GDI contends that these actions are intended to diminish trust in civil society and instill a "chilling effect," creating an atmosphere of intimidation.

- 130.** In October-November 2023 human rights defender organizations, particularly, GDI and its donor organizations were subjected to targeting by pro-government media and representatives of the ruling party. Notably, the pro-government television channel, TV Imedi, produced a report characterizing GDI as a "sponsor of unrest" and discussing its alleged involvement in supporting victims of human rights violations within the so-called "revolutionary scenario."¹⁷⁹ As per GDI's perspective, this attack is designed to impede the organization from persisting in its efforts to safeguard human rights and provide assistance to repressed individuals in Georgia.¹⁸⁰

Detention and Guilty Verdict for “ირაკლი” (Irahli)* and a Blank White Poster

- 131.** On June 2, 2023, law enforcement officers apprehended numerous human rights defenders and activists in front of the Parliament of Georgia. Among those detained were Eduard Marikashvili, the chairman of the "Georgian Democracy Initiative" (GDI), Saba Brachveli, an employee of the "Open Society Foundation", Lasha Janjghava, an activist, Nika Romanadze, and lawyer Shota Tutberidze, among others.¹⁸¹ During his arrest Eduard Marikashvili was holding a blank white sheet of paper, peacefully expressing support for previously detained activists.¹⁸² The others detained during the demonstration were also exercising their freedom of peaceful assembly. Considering the peaceful

¹⁷⁴ State Security Services: Members of the organization "CANVAS" held master classes on overthrowing the government in Tbilisi, available [here](#) State Security Services: Certain groups are planning to overthrow the government through violence In October-December, available [here](#)

¹⁷⁵ State Security Services accuses USAID of funding training on "revolutionary scenario," available [here](#)

¹⁷⁶ State Security Services: Members of the organization CANVAS held master classes on overthrowing the government in Tbilisi, available [here](#) State Security Services: Certain groups are planning to overthrow the government through violence In October-December, available [here](#)

¹⁷⁷ "Pressure is being applied" - "Canvas Georgia" responds to the statement of State Security Services, available [here](#)

¹⁷⁸ Interrogation of Vakho Kareli related to the "Training Case" has been completed, available [here](#) "How come you don't care about this useless tries" - another artist was summoned for interrogation due to the "Trainings Case, available [here](#)

¹⁷⁹ Report of TV Imedi available [here](#)

¹⁸⁰ Shalva Papuashvili: EED - European Democratic Foundation that emerged just recently, operates secretly in Georgia, available [here](#) "Apparently, they have lots to hide - how does the so-called law "On Foreign Agents" work despite it being rejected, available [here](#) "Imedis Kvira" - October 22, 2023, available [here](#)

¹⁸¹ We, the civil society organizations echo the facts of the detention of human rights defenders, available [here](#)

¹⁸² The Chairperson of GDI, Eduard Marikashvili, arrested at the protest in front of the Parliament, available [here](#) The police arrested the chairman of GDI for holding a blank paper in front of the Parliament, available [here](#)

nature of the protest, their apprehension was deemed arbitrary and illegal. Non-governmental organizations collectively condemned the arrest of human rights defenders and activists.¹⁸³

132. After the arrest, the detainees were not allowed to meet with lawyers. Following this, they were transferred to the regions. The detention time of most detainees was extended from 24 hours to 48 hours.

133. The court proceedings extended over several months, experiencing multiple postponements. Finally, on September 27, 2023, the Tbilisi City Court rendered its decision. The detainees were convicted of petty hooliganism, imposing fines.¹⁸⁴

Detentions in Batumi

134. The government took strict measures against activists participating in peaceful demonstration against the arrival of a Russian cruise ship at the Batumi port. Demonstrators had gathered near the port late on the night of July 30 to express their opposition. However, the police blocked the streets and cordoned off the port area for security reasons.¹⁸⁵ Over 20 participants were arrested on charges outlined in Article 166 and Article 173 of the Code of Administrative Offenses.¹⁸⁶ Civil organizations published a statement in response to the incident. According to their report, the police hindered the detainees from exercising their right to consult with a lawyer.¹⁸⁷ Although lawyers from the organizations that issued the statement eventually provided legal assistance to some of the detainees, for several hours their whereabouts were unknown.¹⁸⁸ Detainees were only allowed visits at the end of the day, held in temporary detention centers across different cities (Zugdidi, Ozurgeti, Senaki, Samtredia).¹⁸⁹ The incidents during the Batumi rally underscore the recurring practice of misusing the Code of Administrative Offenses to suppress freedom of assembly.

Detentions in Kvareli

135. On May 19, 2023, reports surfaced that the family members of Sergei Lavrov (namely his daughter), the sanctioned Minister of Foreign Affairs of the Russian Federation, were staying at a hotel near Kvareli Lake for the wedding ceremony of Lavrova's brother-in-law.¹⁹⁰ In response, on May 20, a protest took place near the lake, leading to the arrest of over 20 participants by law enforcement officers. Non-governmental organizations condemned the arrests. They pointed to the viral footage that revealed "instances of degrading treatment of individuals administratively detained by the police." Additionally, the police unlawfully denied lawyers from non-governmental organizations access to detainees.¹⁹¹ Eventually, the Court gave a verbal warning to three of the 14 detainees, acquitting the remaining 11.¹⁹²

136. The government utilizes the 1984 Code of Administrative Offences as a tool, which is incompatible with contemporary human rights standards.

137. To sum up, the recommendations are not implemented. Instead of taking and developing measures and creating a safe environment for human rights defenders, to investigate attacks on them, the

¹⁸³ Supra. 40

¹⁸⁴ The case of white posters - detainees were fined, available [here](#)

¹⁸⁵ The police do not allow the participants of the rally to gather in Batumi harbor, available [here](#)

¹⁸⁶ 23 individuals were arrested at the Batumi rally, available [here](#)

¹⁸⁷ The practice of administrative detention violates the rights guaranteed by the constitution, Available [here](#)

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ The judge acquitted 11 people arrested at the rally against Lavrov's daughter, available [here](#)

¹⁹¹ Advocates not allowed access to the detained activists, available [here](#)

¹⁹² The judge acquitted 11 people arrested at the rally against Lavrov's daughter, available [here](#)

government has taken all measures to create an extremely hostile environment for activists and human rights defenders.

Political discrimination

138. This section reviews 3 recommendations. None of them are implemented.

148.45 Step up efforts to combat discrimination, including based on gender, religion or belief, or disability (Uzbekistan);

148.55 Continue efforts in ensuring the full enjoyment of human rights by all of its population without discrimination (Nigeria);

148.70 Step up efforts to combat all forms of discrimination, including on the grounds of gender, sexual orientation, religion or belief, and disability, by combating stigma and hate speech and pursuing human rights education and awareness-raising (Brazil);

139. During the pre-election period in Georgia, the dismissal of people employed in public and private institutions on political grounds is becoming more frequent. The problem is the politicization of persons employed in state agencies, for example, the active involvement of civil servants in electoral or political processes against their will for the benefit of the ruling party. Such an approach contradicts the idea of professional public service based on professional and meritocratic principles. It creates a feeling of insecurity, mainly if an extreme measure of dismissal is used against a particular person.

140. During the pre-election period of the 2021 elections of municipal bodies, both at the central and local levels, there was a tendency to pressurize or dismiss persons considered to be supporters of the opposition party created by the former prime minister. During the monitoring of the pre-election period, the ISFED reports included 27 cases of allegedly political dismissals.¹⁹³ According to the statement of the Public Defender on September 1, 2021, various types of pressure were applied to 62 persons, and a large part of them were released from their positions due to the pressure.¹⁹⁴

141. In addition, after the elections, some municipalities began to reorganize and, in some cases, layoffs on political grounds. For example, dismissing employees started in Ozurgeti City Hall after the elections. Thirty-one employees of the City Hall were denied.¹⁹⁵ In some cases, the dismissal was related to the political expression of the employed persons. After the municipal elections in 2021, the new mayor of Tkibuli started personnel changes in the city hall. Seven officials were dismissed from Tkibuli City Hall on various grounds.¹⁹⁶

142. In addition, from the fall of 2020, the Ministry of Education and Science no longer appointed some of the principals as acting principals and terminated their employment relationship, which was explained by the contract's expiration. As of August 1, 2021, the term of office of 1003 directors has expired. After the expiry of the term, the Ministry of Education and Science appointed the majority of them (891 directors) as acting directors, while some (112 directors) did not. ISFED defends the interests of four public school principals in court.

143. In response to the increased rate of discrimination and dismissals on political grounds, from the 2021 elections of municipal bodies, ISFED actively protected the labor rights of persons employed in public or private agencies. From 2021 until now, the organization has filed 91 individual and three collective (34 plaintiffs) lawsuits in court regarding the facts of illegal dismissal. In 15 of these lawsuits,

¹⁹³ ISFED, the final report of the monitoring of the 2021 municipal body elections. Available [here](#)

¹⁹⁴ Statement of the Public Defender. Available [here](#)

¹⁹⁵ Reorganization in Ozurgeti municipality. Available [here](#)

¹⁹⁶ Statement regarding the ongoing dismissal case in Tkibuli City Hall. Available [here](#)

an independent request was made to establish the existence of discrimination on political grounds, along with the request to cancel the dismissal decision and compensation for forced labor.

Main findings

- 144.** The following main findings are based on the analysis of the experience and practice of cases litigated by ISFED on political discrimination:
- 145. Ground for discrimination** – Victims of discrimination cite affiliation with an opposition party, including family or friendly relations with party members/supporters, as the reason for unequal/discriminatory treatment. In addition, discriminatory treatment often relates to sharing posts/opinions supporting an opposition party on social networks. In some cases, their political activity or that of their family members and related persons served as the grounds for discriminatory treatment.
- 146. Discrimination mechanisms** – To legalize dismissal allegedly due to political views, the following legal mechanisms were mainly used: refusal to extend the contract, early termination of the agreement, forced resignation, dismissal due to an artificially initiated inspection, reorganization, or disciplinary proceedings. There were cases when the victims of discrimination had to face a hostile environment, or other employees were turned against them.
- 147. Interim injunction** – In practice, problems were identified in those court cases when the employer abolished the disputed position during the court proceedings. In such cases, it was impossible to use the interim injunction as the disputed position no longer existed.¹⁹⁷
- 148. Constant refusal of the court to establish a fact of discrimination** - Courts rarely show a point of discrimination, even when overturning a dismissal decision. The court may recognize a decision to dismiss as illegal but refuses to determine the reason for the illegality, thus avoiding highlighting the political motive. Out of 15 lawsuits submitted to the district/city courts, the court recognized dismissal as illegal in 10 cases. However, no discriminatory treatment was established in any of the reviewed cases. Five cases are still pending before the court.
- 149. Immediate enforcement of the court decision** – The primary enforcement of the court decision is the best way to protect the interests of the illegally dismissed person in labor disputes. However, the current practice of motions for immediate enforcement is problematic. In most cases, the court does not grant a motion for primary enforcement of the judgment. Due to the overload of the court and violation of procedural deadlines for consideration of cases, non-enforcement of the decision significantly damages the interest of the claimants.
- 150. The burden of proof in disputes on discrimination** - Challenges of obtaining evidence complicate the establishment of discrimination on political grounds in labor disputes. As a rule, the discriminatory motive for dismissal is revealed only verbally. Discrimination often occurs in secret, without witnesses, and the plaintiff cannot access the defendant's evidence. Ordinary courts impose an unreasonably heavy burden of proof (presenting direct evidence, which is impossible in many cases due to the covert nature of discrimination) on the plaintiffs.
- 151. Financial burden** – The amount of the duty determined for moral damages in labor disputes is an additional burden for citizens who were illegally dismissed from their jobs and left without a source of income. When claiming moral damages, the claimant has to pay at least 3% of the claimed value as a duty in the court of the first instance. In upper courts, the amount of the duty increases even more (4%

¹⁹⁷ In this case, as an interim injunction, the plaintiff requests the court to prohibit the defendant to appoint a new employee to the disputed position under the terms of an employment contract (including for a term of more than one year or for life), under the conditions of which, if the claim for reinstatement of the plaintiff is satisfied, court decision would be hard to enforce.

for the appeal, 5% for the cassation).¹⁹⁸ Due to the amount of the duty, victims of discrimination often refuse to claim compensation for moral damages or to appeal the decision in the upper court.

Prohibition of discrimination in labor relations (guarantees established by local legislation)

- 152.** According to the Constitution of Georgia Art. 11, people are equal before the law.¹⁹⁹
- 153.** To eliminate all forms of discrimination and to ensure equal enjoyment of the rights established by the legislation of Georgia for any individual and legal entity, the Law of Georgia "On Elimination of All Forms of Discrimination" establishes the mechanisms for the protection of rights and standards for the elimination of discrimination. According to Article 3 of the same law, the requirements of the law apply to the actions of public institutions, organizations, and natural and legal persons.²⁰⁰
- 154.** In addition, the Labor Code of Georgia prohibits discrimination at all stages of labor relations.
- 155.** Obligations of equal and fair treatment are also defined based on the Law of Georgia "On Public Service." A public institution must ensure equal treatment in matters of human resource management, career advancement, remuneration, and legal protection. Public institutions must take appropriate measures to ensure compliance with the principle of equal treatment in the workplace, reflect anti-discrimination provisions in the bylaws and other documents of the public institution, and ensure their enforcement.²⁰¹
- 156.** The Activity in public service is based on the principle of political neutrality. Selection of persons employed in the public sector on political grounds is not allowed.²⁰²
- 157.** Any person who considers himself as a victim of discrimination has the right to file a lawsuit against the person/institution who, in his opinion, discriminated against him. This person has the right to request a termination of discriminatory action and elimination of its consequences and/or a compensation for moral and material damages.²⁰³ The amount of the state duty, except for the cases provided by law, amounts to 3% of the value of the subject of the dispute, but not less than 100 GEL.²⁰⁴
- 158.** The following are exempted from paying state duty in cases pending in general courts: natural persons who file a lawsuit for payment of wages and compensation in cases arising from legal labor relations.²⁰⁵
- 159.** The lawsuit submitted in connection with the claim for accepting forced labor is exempt from payment of the state duty. Victims of labor discrimination must pay a state fee for discrimination claims by the law. In case of a moral damage claim, the amount of the state duty increases with the amount; in this case, the claimant has to pay 3% of the value of the subject of the dispute (4% of the subject of the dispute for an appeal, and 5% for a cassation appeal). In some cases, victims of labor discrimination refuse to claim compensation for moral damages caused by discrimination, depending on the amount

¹⁹⁸ Law of Georgia on State Fees. Available [here](#)

¹⁹⁹ Constitution of Georgia, Art. 11 - Any discrimination on race, color, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or other grounds shall be prohibited. In addition, universally recognized principles and norms of international law and the legislation of Georgia, citizens of Georgia, regardless of their ethnic and religious affiliation or language, shall have the right to maintain and develop their culture and use their mother tongue in private and in public, without any discrimination.

²⁰⁰ Law of Georgia on elimination of all forms of discrimination, Art. 3

²⁰¹ Law of Georgia, On Public Service, Art.56

²⁰² Article 11 of the Law on Public Service - any decision made regarding the hiring of an official and career development must be made impartially and based on a fair and transparent assessment of the official's competence and ability to perform work.

²⁰³ Article 3632 of the Code of Civil Procedure

²⁰⁴ Based on Article 39 of the Code of Civil Procedure

²⁰⁵ Law of Georgia on state duty

of the state duty. The amount of the fee determined for moral damages in labor disputes is an additional burden for people illegally dismissed from work and, in many cases, left without a source of income.

- 160.** The plaintiff can apply to the court with a statement on securing the claim, which must include a reference to the circumstances due to which the non-implementation of measures to ensure the claim will make it difficult or impossible to enforce the decision and the relevant justification.²⁰⁶ Suppose the court has a reasoned assumption that the non-implementation of the security measures will make it difficult or impossible to implement the decision. In that case, it will issue a ruling on the security of the claim. The use of a security measure is based on the judge's assumption that the party's claim can be satisfied. Such an assumption does not affect the court's subsequent decision.
- 161.** The measure for securing the claim can be the prohibition of performing a specific action for the defendant.²⁰⁷ The City Court of Poti approved the petition of the ISFED lawyer, which meant prohibiting the defendant from appointing a new employee to the disputed position under the terms of an employment contract (including for a term of more than one year or life), under which conditions, if the plaintiff's claim for reinstatement is satisfied, the court decision could not be enforced.
- 162.** In the case of the application of the claim security measure, problems were identified in practice in those court cases where the employed persons were released as a result of the reorganization, and there was no longer a vacant position in the agency. Also, in the instances where the employer canceled the disputed position during the dispute process. In such a case, the existence of a security order is practically meaningless.²⁰⁸
- 163.** The court may, at the request of the parties, transfer decisions for immediate execution, in whole or in part about assigning no more than three months' salary to the worker; or about the reinstatement of an illegally dismissed or transferred worker;²⁰⁹ In all other cases, the delay in executing the decision due to exceptional circumstances may cause significant damage to the payer.
- 164.** Due to the overcrowding of the courts and the delay of the cases, the delay in enforcing the decision significantly damages the claimant's interest in returning to his job. With the mechanism of immediate execution of the decision, the plaintiffs are closer to the opportunity to restore the violated rights, which allows them to fix the violated rights much earlier before the court's final decision to return to the work environment and continue their activities. The mechanism of immediate enforcement of the decision of the first instance is the best way to restore the right in a short time.
- 165.** From a legal point of view, the immediate execution of the decision does not deprive the party of the right to appeal the decision in a higher instance, to fully benefit from the procedural guarantees within the relevant proceedings, and in case of changing the contested decision, to achieve the elimination of the consequences caused by the annulled decision.

²⁰⁶ Article 191 of the Code of Civil Procedure of Georgia

²⁰⁷ Article 198 of the Code of Civil Procedure of Georgia

²⁰⁸ An example of this is the case of N.K. Within the scope of the dispute, ISFED had to apply twice to the Tkibuli Magistrate's Court with a request to secure a lawsuit since the administrative body carried out reorganization during the dispute process and formally changed the name of the disputed position, which created a risk, N.K. could not be restored to work. By the decision of May 6, 2022, the court approved the motion of ISFED for the second provision of the claim. Thus, the plaintiff's interest was secured to be restored to the disputed position. The organization's petition was satisfied even when the employee was dismissed based on reorganization. At the time of filing of the suit, there was no opportunity to file a claim security petition due to the non-availability of vacancy; however, during the dispute, the disputed state became vacant, at which time the claim security petition was filed. The Akhaltsikhe District Court made an important decision concerning the case of T.A., the defendant of ISFED using the measure of securing the claim. The Sakrebulo of Akhaltsikhe municipality, even though immediately after the filing of the lawsuit, the measure to ensure the lawsuit was satisfied, at least a few days after the person's dismissal, announced a competition for the disputed position. Because of this, the organization had to appeal several times to the City Council, the Public Service Bureau, and the National Enforcement Bureau. The city council stopped the competition only at the interview stage.

²⁰⁹ Article 268 of the Code of Civil Procedure,

166. The Akhaltsikhe District Court made an important decision on January 28, 2022, regarding the immediate execution of the decision. In labor disputes, there is not a very rich practice of making the court decision immediately enforceable, which protects the illegally dismissed person from being in a hopeless situation and, given the time frame of the court proceedings (processes generally last for several years), from suffering even more moral and material damage. It is mentioned in the court ruling: "Court proceedings can last for a long time, which puts the claimant in a difficult situation - he will be unemployed and without income for some time."²¹⁰ Consequently, the delay in the execution of the decision will cause him significant damage, which contradicts the basic postulates of human rights defined by the Universal Declaration of Human Rights (which in some cases is also called the general code of conduct of the modern civilized world) - the right to work. Article 23 of the international document states that everyone has the right to protection from unemployment. According to the same article, every person has the right to receive fair and satisfactory remuneration. Based on the ruling, the person under the protection of ISFED was immediately reinstated.

Hate speech

167. In this section two recommendations are reviewed. None of them are implemented.

148.94 Combat incidents of hate speech and attacks against ethnic and religious minorities, including through legislative measures (Pakistan);

148.81 Implement effective measures to eliminate the actions of extremist groups and the expressions of hate and intolerance of these groups (El Salvador);

Hate Speech and Homophobia

168. Since 2021, the Georgian information environment has experienced a concerning rise in hate speech, with a number of instances targeting marginalized groups and individuals. Politically motivated hate speech has been particularly pronounced, often contributing to a divisive atmosphere and strained social cohesion. The media monitoring carried out by the Media Development Foundation (MDF) shows that hate speech, including homophobia and xenophobia are not only amplified primarily by pro-Kremlin and far-right actors, but also by selected members of the ruling "Georgian Dream party." In 2022, MDF identified 11 cases of discriminatory messages voiced by the members of the incumbent party.²¹¹ For instance, in July 2021, Prime Minister Garibashvili was criticized for making a homophobic statement, when saying that it would not be appropriate to hold an LGBT Pride, since "95% of the population are against holding propagandistic parade in a demonstrative manner."²¹²

169. Another instance of Hate Speech by a high-ranking political figure was observed in 2022, when the then Chairman of the Georgian Dream party, used derogatory comments against the journalists of the pro-opposition "Mtavari Channel." A homophobic comment was voiced by Tornike Rizhivadze, the Chairman of the Government of the Autonomous Republic of Ajara, when using the derogatory term "Liberast" [Liberal+pederast] in connection to the political opponents.²¹³

Regulation of Hate Speech in Media

170. The 2023 amendments to the Georgian Law on Broadcasting, initiated by the ruling party, entailed an expansion of power for the National Communications Commission, specifically in the realm of regulating hate speech within broadcast content. The ruling party justified the step to be an attempt to align

²¹⁰ Decision of the Akhaltsikhe District Court of January 28, 2022 (N 5028739-3/180-21).

²¹¹ Media Development Foundation, Hate Speech 2022, Forthcoming

²¹² Civil.ge, "Garibashvili on LGBT Pride: "95% Against Propagandistic Parade," accessed 14 February 2024. Available [here](#)

²¹³ Alt-Info TV, Alternative Vision, 28 June, 2022. Available [here](#)

Georgian broadcasting regulations with European Commission recommendations and establish a mechanism to curb the dissemination of hate speech and terrorism-related content. However, these amendments have drawn concern from the civil society and other media organizations due to the concentration of additional regulatory power in the hands of the Commission, which raises the risk of potential abuse, considering past practices.²¹⁴

- 171.** The concentration of additional power within the National Communications Commission increases the likelihood of regulatory abuse, leading to concerns about potential censorship and limitations on freedom of expression within the media landscape. Moreover, despite acknowledging the need to address hate speech, the proposed amendments lack comprehensive consultation with broadcasters and broader consensus, as mandated by European directives on audiovisual media services.²¹⁵ This lack of inclusivity in the legislative process undermines the principles of democratic governance and stakeholder engagement, raising doubts about the legitimacy and effectiveness of the regulatory framework.

Financial Transparency of Media

- 172.** As regards the financial transparency of media in Georgia, certain aspects of concern have been observed both in 2021 and 2022, especially in terms of signing budgetary contracts with media outlets having controversial editorial policies, as the administrative bodies did not have clear-cut criteria for selecting media outlets to disseminate information and place advertisements.
- 173.** In this regard, the Media Development Foundation (MDF)'s 2021 data analysis revealed²¹⁶ the practice of cooperation with several types of media, including: 1. Media outlets with homophobic and anti-Western editorial policies; 2. Hybrid editions with mixed editorial policies; and 3. Media outlets with pro-governmental editorial policies, often involved in discreditation campaigns and dissemination of disinformation in a coordinated manner. For example, as in previous years, in 2021, a service contract for information services was again signed with the newspaper "Sakartvelos Respublika" [Republic of Georgia], the editorial policy of which is homophobic, xenophobic and anti-Western. At the same time, budgetary contracts were signed again in 2021 with the online outlet „Spacesnews,“ which has a hybrid editorial policy involving both pro-government and anti-Western stances²¹⁷. Additionally, service contracts were also signed with other media outlets having pro-government editorial policies, which were also involved in the discreditation campaigns directed against the opponents of the government.
- 174.** Notably, similar to the previous years, some instances of budgetary contracts signed with media having contradictory editorial policies were also identified in 2022. According to the Media Development Foundation (MDF)'s "Financial Transparency of Media 2022" report, budgetary organizations continued to cooperate with the newspaper "Sakartvelos Respublika" [Republic of Georgia] in 2022 as well²¹⁸. Despite the fact that contracts signed with this outlet have decreased significantly in 2022, compared to the previous years, the preliminary data for 2023 shows a growing trend in this regard, while the approaches and the editorial policy of the publication has not changed. The newspaper "Sakartvelos Respublika" poses criticism as it continues to publish materials containing hate speech, xenophobia and homophobia²¹⁹, including anti-Semitic messages in the context of the war in Ukraine²²⁰, while it was also distinguished by

²¹⁴ Charter of Journalistic Ethics. Available [here](#)

²¹⁵ Media Advocacy Coalition. Available [here](#)

²¹⁶ Media Development Foundation (MDF), "The Practice of Allocating Budgetary Funds for Advertising and Dissemination of Information in Media - 2021". Available [here](#)

²¹⁷ Myth Detector, "Spaces" for Pro-Russian and Governmental Experts are funded from the State Budget, 2 July 2021. Available [here](#)

²¹⁸ Media Development Foundation (MDF), "Financial Transparency of Media 2022". Available [here](#)

²¹⁹ "Republic of Georgia," #70, 6 June 2022. Available [here](#)

"Republic of Georgia," #187-88, 8-10 July 2022. Available [here](#)

"Republic of Georgia," #19, 2 February 2022. Available [here](#)

²²⁰ "Republic of Georgia," #129-120, 29-30 August 2022. Available [here](#)

materials with anti-Western content²²¹. According to Recommendation #7 of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, member states should be guided by an anti-discrimination policy when concluding contracts. Taking into account that based on the Media Development Foundation (MDF) research, in the fifth cycle report of the European Commission against Racism and Intolerance (ECRI) in 2015²²², the Commission recommended to the Georgian authorities to review the existing contracts with media outlets that were found to be exhibiting racist or homo/transphobic hate speech, such types of cooperation with the media decreased over time, however, it still continues to occur in selected cases. Noteworthy is that, budgetary contracts were also signed with those media outlets that pursue pro-government editorial policy, and were often involved in a coordinated campaign against the opponents of the government, in certain cases, even deliberately disseminating false information.²²³

- 175.** In a nutshell, the continuous occurrence of signing budgetary contracts with certain media outlets having contradictory editorial policies, especially in terms of government institutions having no clear-cut criteria for the selection of these outlets, raises concern that budget funds may be directed by such media to incite hate speech, homophobic and xenophobic language, as well as, amplify anti-Western propaganda.

Radicalization and Violent Extremism

Alt-Info

- 176.** Various radical groups have emerged over the past couple of years, actively cultivating conservative sentiments in the country and fighting against ‘liberal propaganda’. In this regard, 2021 marked the year of one of the broadest expressions of radicalization, when on 5 July 2021, radical groups employed violent actions against the „March of Dignity“ planned within the Tbilisi Pride Week²²⁴. These acts included holding a counter-demonstration on Rustaveli Avenue, raiding the offices of civil activists organization „Shame Movement“ and „Tbilisi Pride“, as well as the opposition tents placed in front of the parliament, taking down the EU flag and burning it²²⁵, physically assaulting 53 journalists and deliberately damaging their equipment²²⁶. Pro-Kremlin Alt-Info, later transforming into the Conservative Movement political party, emerged as the leading force and organizer of these activities, not refraining from inciting violence through their TV channel as well. Leaders of the Alt-Info/Conservative Movement, Konstantine Morgoshia and Zurab Makharadze, made statements encouraging violence even before the 5 July rally²²⁷, while on July 5, Morgoshia was directing 500-600 participants of the counter-demonstration to the office of the „Shame Movement“ where „Tbilisi Pride“ organizers were²²⁸. It was in the office of the “Shame Movement” that Lekso Lashkarava, the cameraman of TV Pirveli, was attacked and severely beaten.
- 177.** Violent rhetoric of Alt-Info became more assertive after the 5 July attacks and was aimed at Western embassies and diplomatic representatives, the EU and the US, as well as media outlets not controlled by the government and individual journalists. The Alt-Info leaders claimed that aggression had

²²¹ “Republic of Georgia,” #127-128, 26-28 August 2022. Available [here](#)

²²² European Commission against Racism and Intolerance Report on Georgia, 1 March 2016. Available [here](#)

²²³ Media Development Foundation (MDF), “Financial Transparency of Media 2022”. Available [here](#)

²²⁴ Media Development Foundation (MDF), “The Anatomy of Violent Groups- One year since the events of July 5”. Available [here](#)

²²⁵ On.ge, “რამდენი ლარი დაიხარჯა ძალადობრივი ჯგუფების მიერ დამწვარი ევროკავშირის დროშის შეცვლაში”, 14 July 2021. Available [here](#) Tabula, “პუტინის ტემბა ევროკავშირის დროშა დაწვეს”, 7 July 2021. Available [here](#)

²²⁶ Media Checker, “ჟურნალისტების სია, რომლებსაც ძალადობრივი ჯგუფები თავს დაესხნენ”, 5 July 2021. Available [here](#)

The Media Advocacy Coalition, “A Pogrom Of The Media: Tbilisi, July 5 and 6 2021”. Available [here](#)

²²⁷ Myth Detector, “Alt-Info, The Organizer Of The Violence Against Journalist, Claims That Journalists Are Unable To Identify The Culprits”, 18 February 2022. Available [here](#)

Alt-Info TV, Alt-Interview, 6 July, 2021. Available [here](#)

²²⁸ Publika, Basti Mgaloblishvili, 17 July 2021. Available [here](#)

to become a standard of political and ideological battle²²⁹, while the burning of Western symbols (flags) had to become a mundane reality²³⁰. Alt-Info members also denoted the need to clean the information environment from critical TV channels and planned the replacement of liberalism with Christian-conservative governance and ruling the country together with the mother church²³¹.

178. Since then, Alt-Info/Conservative Movement has also been extensively nurturing anti-Western propaganda, inciting skepticism towards Georgia's European and Euro-Atlantic integration, defaming the EU and US in general, along with fighting against Western liberal and homosexuality agenda²³².

179. Alt-Info's violent rhetoric once again materialized in yet another homophobic pogrom against the Tbilisi Pride events in July 2023. Led by the leaders of Alt-Info/Conservative Movement, far-right violent groups disrupted a Pride Festival planned by the Tbilisi Pride on 8 July 2023²³³. Before 8 July, various public statements from these far-right groups emerged that clearly posed a risk of violence against the Pride Festival²³⁴. Notably, six members of the European Parliament's Intergroup on LGBTIQ rights even issued a joint letter, calling for targeted sanctions against the Alt-Info group and one of its leader, Konstantine Morgoshia²³⁵.

180. Alt-Info/Conservative Movement's violent nature is also evident in various vandalic calls to burn EU symbols. Following the 5 July pogroms, which were also accompanied by several instances of burning EU flags in front of the Parliament building, Alt-Info leaders have actively called on its supporters to burn EU symbols. Alt-Info saw the necessity to tear down and burn EU flags as a way to protest against the EU and its institutions or decisions²³⁶. Overtime, on a number of occasions, EU flags were burned at the protest rallies organized by ultra-conservative groups, led by Alt-Info/Conservative Movement²³⁷. Moreover, a similar encouragement to burn EU flags and subsequent campaign in this regard emerged again in 2023²³⁸, when one of the supporters of the Alt-Info/Conservative Movement was sentenced to pre-trial detention for removing and burning the EU flag from the Mtskheta City Hall building²³⁹. Alt-Info leaders even went further, taking down the EU flag from the Tbilisi City Hall building and burning it on the spot, thus repeating the same action in solidarity²⁴⁰.

Georgian National Squadron

181. Another radical organization emerged in the Georgian political arena, following the end of imprisonment period of the leader of the Georgian neo-fascist movement "Georgian National Unity", Giorgi Chelidze, who in 2022, shortly after his release, "in response to the new geopolitical reality and the

²²⁹ Alt-Info TV, Alt-Analytics, 1 July 2021. Available [here](#)

²³⁰ Myth Detector, "The Strategy Of Pro-Kremlin Violent Groups: Burning Of The Western Symbolic Should Be Normalized!", 15 July 2021. Available [here](#)

²³¹ Ibid;

²³² Myth Detector, "Radicalization In The Name Of Religion And Against Political Opponents - By Whom And What Reason Is The Pride March Used For?", 6 July 2021. Available [here](#)

²³³ Civil.ge, "Police Stands by as Far-Right Groups Attack Tbilisi Pride Festival", 8 July 2023. Available [here](#)

²³⁴ Tabula, "მორგომია: 8 ივლისი 5 ივლისს დადგმულ კუბოზე ბოლო ლურსმნის დაჭედება იქნება", 7 July 2023. Available [here](#)

Radio Liberty, "'მოერიდეთ ვაჟა-ფშაველას და დატენეთ მობილურები" - "თბილისი პრაიდი" ფესტივალისთვის ემზადება", 7 July 2023. Available [here](#)

²³⁵ Civil.ge, "MEPs Call for Targeted Sanctions Against Alt-Info Group and its Leader", 20 July 2023. Available [here](#)

²³⁶ Myth Detector, "The Vandalic Calls Of The Supporters Of Levan Vasadze's "Alt-Info" And "ERI", 26 July 2021. Available [here](#)

²³⁷ Civil.ge, "Representatives of the 'Conservative Movement' Burn EU Flag in Front of Parliament", 14 March 2023. Available [here](#) Civil.ge, "Conservative Movement Leaders Charged for Burning EU Flags", 23 December 2023. Available [here](#)

²³⁸ Alt-Info TV, Realpolitics, 21 December 2023. Available [here](#)

²³⁹ TV Pirveli, "დაკავებულია პრორუსული დაჯგუფების წევრი, რომელმაც მცხეთის გამგეობაზე აღმართული ევროკავშირის დროშა დაწვა", 20 December 2023. Available [here](#)

²⁴⁰ Civil.ge, "Conservative Movement Leaders Charged for Burning EU Flags", 23 December 2023. Available [here](#)

need to save the Georgian statehood,” announced the establishment of a political movement, the creation of the so-called 14-point plan and his participation in the 2024 elections. In this regard, Chelidze started pursuing activities in a number of ways to achieve this goal. These included mobilizing youngsters. Particularly, on August 23, 2022, Chelidze founded the project “Georgian National Squadron,” which is claimed to unite those young people who want to participate in the organization of civil defense, train and fulfill specific tasks in coordination with the armed forces of Georgia²⁴¹. Later, in 2023, a questionnaire from “Georgian National Squadron” appeared on social media, calling on citizens, including minors, to join the civil defense organization. Along with the questionnaire, videos of the training conducted by the “Georgian National Squadron” were also distributed on social media.

182. Noteworthy is that members of “Georgian National Unity” appear mostly in masks at demonstrations and protests and often use Nazi symbols and gestures, quoting Benito Mussolini and Adolf Hitler. In the Telegram channel of the Union, fragments from the public speeches of Adolf Hitler and from the book “Mein Kampf” are often distributed. The symbol of “Georgia’s national unity” is the armband and cross of the Georgian battalion of the Wehrmacht²⁴².

183. Despite the fact that the organization is not very active in the Georgian political arena, as well as,

148.120 Continue efforts to ensure freedom of the media on the basis of international standards (Uzbekistan);
148.121 Promote editorial independence in major print and online publications (Australia);
148.123 Ensure full enjoyment of freedom of expression and media pluralism, including full independence of public broadcasting, for example by developing specific regulations and by-laws to avoid the restriction of broadcasters’ editorial independence; further strengthen guarantees of access to information (Czechia);
148.124 Ensure that journalists and media workers can exercise their profession in a free and secure environment (Ecuador);
148.125 Guarantee media freedom and media pluralism (France);
148.126 Protect and uphold freedom of expression and peaceful assembly, including by respecting and supporting free and independent media, in line with international human rights standards (Iceland);
148.127 Take the necessary steps to allow journalists and media professionals to work in a safe and free environment (Libya);

on social media, the existence of this group which utilizes Nazi symbols is itself quite alarming.

Rights of Journalists and Media Freedom

184. This section reviews 7 recommendations. None of them are implemented.

185. The state of media freedom, journalists' rights, and media pluralism in Georgia has been under scrutiny in recent times, prompting the need for a thorough evaluation. The alternative report serves as an assessment of the implementation of recommendations aimed at addressing critical issues within the media sector. Focusing on key aspects such as the safety of journalists, politically motivated cases against media

²⁴¹ Myth Detector, “What Do We Know About The Georgian Fascist Organization “Georgian National Squadron” That Seeks To Recruit Youngsters For Civil Defense”, 18 April 2023. Available [here](#)

²⁴² Ibid;

representatives, disinformation campaigns, and the degree of media independence, there is a need to shed a light on the challenges facing Georgia's media landscape.

- 186.** In Georgia, instances of physical violence, threats, and intimidation against journalists, particularly those associated with critical media outlets, have surged. Moreover, the inadequate response from authorities to crimes committed against the media fosters a sense of impunity, thereby chilling freedom of expression and exacerbating violence.
- 187.** Furthermore, it is evident that none of the recommendations connected to the freedom of opinion and expression & access to information have been effectively implemented in Georgia. Recommendations such as ensuring freedom of the media on the basis of international standards, and guaranteeing full enjoyment of freedom of expression and media pluralism, remain unaddressed. Moreover, the introduction of the "Russian Law" by the ruling party in 2022, has further exacerbated the situation, aiming to discredit independent media and civil society organizations. Dissemination of disinformation targeting critical media and journalists, allegedly orchestrated by the government and its affiliates, undermines public trust and impedes journalists in fulfilling their professional duties. Furthermore, limited media access to public information, government boycotts of undesired media outlets, and the use of Strategic Lawsuits Against Public Participation (SLAPPs) to silence dissenting voices pose significant challenges to media freedom and pluralism in Georgia.
- 188.** Through a review of legal frameworks, case law, and public reports, this report aims to provide valuable insights into the current challenges facing the media sector and offer recommendations for fostering a more conducive environment for media freedom, journalists' rights in Georgia.

Legal Alignment with International Standards

- 189.** Georgia's international legal framework pertaining to freedom of expression and media freedom is grounded in various conventions and treaties. As a signatory to key documents such as the Universal Declaration of Human Rights (UDHR), Georgia commits to upholding the fundamental right to freedom of expression outlined in Article 19. Moreover, its ratification of the International Covenant on Civil and Political Rights (ICCPR) and adherence to the European Convention on Human Rights (ECHR) further solidify its commitment to safeguarding these rights. The European Charter of Local Self-Government, ratified by Georgia, indirectly supports media freedom by promoting democratic principles at the local level. Additionally, the country's endorsement of the Declaration of the Committee of Ministers on the Protection of Journalists and Other Media Actors underscores its recognition of the importance of safeguarding journalists and media actors.
- 190.** Despite its alignment with these international instruments, challenges persist in ensuring full compliance and implementation of these standards within Georgia's domestic legal framework. Specifically, Contemporary amendments to legislation and judicial interpretations have regrettably eroded the Legal framework posing significant challenges to freedom of expression.
- 191.** The Law of Georgia on Broadcasting highlights several concerns.²⁴³ New amendments grant the ComCom increased authority to respond to violations, including imposing fines on broadcasters.²⁴⁴ Concerns persist regarding the independence of the ComCom because of the shortcomings in the Law on Broadcasting which is why regulations on obscenity and hate speech, potentially lead to disproportionate restrictions on freedom of expression and self-censorship among journalists and media outlets.²⁴⁵ Overall, while the amendments aim to align the Law on Broadcasting with international standards, they raise

²⁴³ Human Rights Center; Evaluation of Feasibility of the Amendments Introduced to the Law of Georgia on Broadcasting, 2023. Available [here](#)

²⁴⁴ Parliament Endorsed Amendments to the Law on Broadcasting in III Reading, parliament.ge 19.10.2023. Available [here](#)

²⁴⁵ Legal Opinion on the Law of Georgia on Broadcasting proposes its revision in line with the European standards, Strasbourg (2023). Available [here](#)

concerns about the protection of freedom of expression and the independence of regulatory bodies in Georgia.

- 192.** A technical paper prepared under the auspices of the Council of Europe highlighted systemic problems in ensuring journalist safety, including gaps in Georgian legislation. Article 154 of the Criminal Law, which addresses obstruction of journalistic activity, was found to be insufficient. The recommendation suggests revising Article 154 of the Penal Code to cover all instances of violence or threats against individuals or organizations related to their work in journalism. The number of cases examined under Article 154 has increased in recent years, however, it fails to adequately reflect the true extent of threats faced by journalists.²⁴⁶
- 193.** Georgia's legal framework still guarantees freedom of expression and media rights, however practical implementation falls short of international standards. The divergence between legal provisions and actual practices underscores the need for concerted efforts to uphold media pluralism, safeguard journalists' safety, and fortify democratic principles within the country.

Upholding Media Freedom: The Escalating Threat to Media Representatives Safety

- 194.** In Georgia, the safety of journalists has been steadily declining since 2020, presenting a significant challenge to the media environment. This deterioration has been marked by a series of incidents and a lack of adequate response from the state, contributing to an atmosphere of impunity.
- 195.** The situation reached a critical point in 2021, particularly on July 5-6, when organized violence erupted against media representatives. Pro-Russian, homophobic, and violent groups unleashed attacks, marking one of the largest instances of violence against journalists. Among those affected was Aleksandre Lashkarava, a cameraman for TV Pirveli, who underwent maxillofacial surgery due to injuries sustained during the attack. Tragically, Lashkarava passed away a few days later, underscoring the severity of the violence. Concerns lingered as civil society organizations and the Public Defender voiced apprehension about the impunity of the main organizers of the attack.²⁴⁷ Notably, journalist Vakhtang Sanaia's case exemplified concerns regarding judicial response, with attackers receiving minimal sentences, which potentially emboldened further violence against critical media members. Moreover, during pre-election periods, senior political figures exhibited disdain towards critical media, further deteriorating the media environment.²⁴⁸ Furthermore, cases of violence against journalists intensify during elections, as observed during the 2021 local government elections, where at least 37 incidents of interference with journalistic activity were recorded.²⁴⁹ A survey conducted by DW Akademie in November-December 2022 reflected the growing sense of insecurity among journalists. A staggering 93% of respondents expressed feeling less safe than three years prior, attributing much of this hostility to the government's actions.²⁵⁰
- 196.** Representatives of media outlets critical of the government, particularly reporters and investigative journalists, have been identified as the most vulnerable group. Physical violence, threats, intimidation, and hate speech have become commonplace tactics employed against journalists. For instance, in August 26, 2023, journalists and cameramen from the "Mtavari Channel" were attacked in the village of Khaishi, Mestia municipality, where assailants confiscated equipment and verbally abused them.²⁵¹

²⁴⁶ Technical Paper on the Assessment of Legislation and Practices Related to the Safety of Journalists, by Peter Noorlander, p 6. Available [here](#)

²⁴⁷ Report of the Public Defender on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p 9. Available [here](#)

²⁴⁸ Human Rights Center, annual report, 2021, p 35-36. Available [here](#)

²⁴⁹ Media Advocacy Coalition, media environment before 2021 local government elections, first and second rounds. Available [here](#)

²⁵⁰ Deutsche Welle, Georgia: Media Freedom in Decline, 2023. Available [here](#)

²⁵¹ Media Advocacy Coalition, Media Environment, 2023. Available [here](#)

197. Law enforcement bodies, including the police and prosecutor's office, have been criticized for their inadequate response to crimes against journalists and violating freedom of expression and peaceful assembly. The absence of special units dedicated to protecting journalists exacerbates the issue. Moreover, law enforcement officers have been reported to obstruct journalists from covering demonstrations, using violent methods to deter them from their journalistic duties.²⁵² An instance of this occurred during the dispersal of protests related to "Transparency of Foreign Influence" bill. During the period from March 2 to March 9, 2023, law enforcement officials prevented media representatives from fulfilling their journalistic duties. They resorted to various violent tactics, including the use of pepper spray, targeting journalists with water cannons, firing gas capsules, and engaging in physical assaults such as dragging individuals by their belts, throwing objects, striking them on the head or back, kicking, and subjecting them to verbal abuse, which included swearing, humiliation, and threats of violence. Moreover, officers were observed covering cameras with their hands and forcibly removing journalists from filming locations, even ejecting them from the parliament building.²⁵³

198. In 2023, there were cases involving the obstruction of journalists' professional activities. For instance, on July 13, reports emerged of the robbery of the vehicle belonging to the head of the news department at TV "Pirveli," where only items essential for journalistic work were taken from the car. Furthermore, instances of attacks on media figures have become more frequent, as evidenced by a recent assault on one of the founders of TV Formula.²⁵⁴ From January - November approximately 45 incidents involved various forms of violence. Major categories of violence included: overt assaults on media representatives, including attacks on crews, obstructing coverage of events, and physical assaults; Threats and intimidation attempts against journalists, such as threatening calls and attempts to discredit independent media; Violence against journalists during protests, arrests, and imposition of fines, including arrests and fines of journalists covering protests against the "Transparency of Foreign Influence" bill. Crimes targeting journalists, though not directly linked to their work, contributed to fear and insecurity among media personnel. These included break-ins at journalists' residences and incidents of theft and surveillance.²⁵⁵

199. In light of these challenges, the Human Rights Center emphasizes the importance of appropriate responses from authorities to each case to ensure a safe environment.²⁵⁶ These incidents underscored the persistent threats faced by media representatives in the course of their professional duties, highlighting the urgent need for comprehensive measures to safeguard media freedom and ensure a secure environment for journalistic work.

The Struggle for Media Freedom: Politically Motivated Prosecutions and SLAPP cases

200. In the last few years, Georgia has witnessed a concerning trend of politically motivated cases targeting critical media outlets, which pose a grave threat to media freedom in the country. These cases, characterized by biased prosecutions and lack of evidence, have had a chilling effect on journalists and media professionals, impeding their ability to work without fear of persecution or imprisonment.

201. One such example is the case of Nika Gvaramia, former director of "Rustavi 2" and co-founder of "Mtavari Channel." Gvaramia was sentenced to 3 years and 6 months in prison in May 2022 on charges of embezzlement and abuse of power, despite lacking substantial evidence against him. International

²⁵² Technical Paper on the Assessment of Legislation and Practices Related to the Safety of Journalists, by Peter Noorlander, p7 Available [here](#)

²⁵³ Media Ombudsman, "No to Russian Law," Second Report, July 7, 2023. Available [here](#)

²⁵⁴ Human Rights Center, Annual Report, 2023, p 15. Available [here](#)

²⁵⁵ Transparency International Georgia, „2023 Statistics of Violence against Georgian Media Representatives and the State's Response“, December 25, 2023. Available [here](#)

²⁵⁶ Supra note 273.

organizations, including the European Federation of Journalists, condemned the trial as an attack on media freedom, prompting calls for Gvaramia's pardon, which was eventually granted in June 2023.²⁵⁷

- 202.** The TBC case, involving Avtandil Tsereteli and opposition party leaders, exemplifies another politically motivated legal battle. Despite being found guilty of fraud by the Tbilisi City Court, observers argue that the prosecution lacked evidence of money laundering, branding it as a case of political justice. The Supreme Court's refusal to admit the case in September 2023 further underscores its dubious nature.²⁵⁸ Similarly, the ongoing legal proceedings of Davit Kezerashvili, owner of "Formula TV," reflects the recurring pattern of targeting critical media figures. Despite initial acquittals, Kezerashvili was sentenced to 5 years in prison by the Supreme Court, a decision viewed as politically motivated given the judge's prior role as general prosecutor.²⁵⁹
- 203.** On June 5, 2022, journalist Maia Mamulashvili of TV Pirveli alleged that Tbilisi City Mayor Kakha Kaladze had profited 60 million GEL from a single tender. Subsequently, Mayor Kaladze pursued legal action, resulting in a Tbilisi City Court ruling on November 30, 2022, that ordered the journalist to pay a fine of 15,000 GEL to Kaladze and issue an apology. Meladze lamented that TV Pirveli was unable to pay the fine due to their accounts being sequestered.²⁶⁰
- 204.** During the recent years Georgia has seen a surge in Strategic Lawsuits Against Public Participation aimed at silencing critical voices. These defamation lawsuits, often filed by powerful individuals associated with the ruling party, not only stifle free speech but also have a chilling effect on public discourse. Despite calls for judicial reform to protect journalists and activists from SLAPPs, the courts have been ineffective in safeguarding their rights, often ruling in favor of plaintiffs without considering the broader implications for media freedom.
- 205.** The Georgian Democracy Initiative observed a notable increase in SLAPP cases from 2021 to 2023, pointing to a systematic campaign against critical media and human rights defenders. SLAPP cases are predominantly initiated by city mayors (31.5%), Members of Parliament (13%), ministers/heads of state agencies (13%), police officers (8%), and individuals or institutions allegedly linked to the Georgian Dream party (26%). In 56% of SLAPP disputes, claimants seek exorbitant moral damages from defendants, aiming to create significant financial hurdles for them. 92% of SLAPP lawsuits target journalists and media outlets critical of the government, including Mtavari Arkhi, TV Pirveli, and Formula. There are several concerning trends regarding the handling of SLAPP cases in Georgia's general courts. Firstly, judges demonstrate a notable bias towards government-linked cases, expediting proceedings and potentially undermining impartiality. Secondly, courts unfairly allocate the burden of proof to defendants, disregarding legal standards and putting undue pressure on them. Additionally, there's a failure to scrutinize plaintiffs' intentions behind defamation lawsuits, leading to a disregard for freedom of expression. Moreover, there's a lack of balance between privacy rights and freedom of expression in judicial decisions, further jeopardizing civil liberties. Furthermore, termination grounds for disputes are overlooked, and evidence presented by defendants is inadequately considered. From 2021 to 2023, there are 38 defamation cases currently pending in general courts. Despite insufficient evidence and questionable motives behind the lawsuit, the court swiftly rules in favor of the plaintiff, disregarding the journalist's right to freedom of expression and setting a concerning precedent for media freedom in Georgia.²⁶¹

²⁵⁷ Radio Liberty, Nika Gvaramia was left in custody by the Court of Appeals. Available [here](#)

²⁵⁸ Radio Liberty, the Court of Appeals upheld the verdict on the case of Khazaradze-Japaridze, 26 January 2023. Available [here](#)

²⁵⁹ Tabula, Tsereteli: Filing a lawsuit against Kezerashvili before the elections is politically motivated, 30 September 2021. Available [here](#)

²⁶⁰ Civil.ge (30.11.2022) Available [here](#) Dailyinfo.ge (30.11.2022) Available [here](#)

²⁶¹ GDI Report, SLAPP Cases in Georgia. Available [here](#)

- 206.** Concerning SLAPP lawsuits aimed at stifling critical media outlets, arbitrary interpretations of "political advertising" by the National Communications Commission have resulted in undue sanctions against critical broadcasters. On August 23, 2022, the Georgian National Communications Commission responded to a complaint lodged by the ruling Georgian Dream party against three opposition television stations – Mtavari Arkhi TV, Formula, and TV Pirveli – for broadcasting a segment of “Going Home to Europe.” The commission levied a fine of GEL 118,688.67 (USD 42,319.85) against Mtavari Arkhi TV and issued written warnings to the latter two outlets, as reported by Civil.ge on the same date.²⁶²
- 207.** Overall, SLAPP lawsuits represent a grave threat to media freedom in Georgia, undermining the country's democratic credentials and stifling dissenting voices within the media landscape. Urgent action is needed to address these issues and safeguard the fundamental right to freedom of expression.

Editorial Independence

- 208.** The lack of editorial independence in Georgia is a multifaceted issue with several contributing factors, all of which undermine the media's ability to operate freely and impartially.
- 209.** Firstly, political influence plays a significant role in shaping the editorial stance of many media outlets. Channels like "Imedi" and "Rustavi 2" openly align themselves with the government, reflecting a pro-government editorial policy, while others, such as "Mtavari Channel," adopt opposition-leaning positions.²⁶³ This alignment with political interests compromises the objectivity and independence of media organizations, as they prioritize serving the agenda of political stakeholders over providing unbiased reporting to the public.²⁶⁴
- 210.** Ownership changes within major media outlets have also had a profound impact on editorial independence. The transition of "Rustavi 2" to government-aligned ownership, for example, resulted in a shift towards supporting the government's agenda. Similarly, "TV Pirveli," a channel critical of the government, has faced legal challenges and intimidation tactics aimed at silencing dissenting voices.²⁶⁵
- 211.** Financial pressures also contribute to the lack of editorial independence, particularly in the case of the Public Broadcaster. Changes in funding models and the closure of certain TV programs without transparent explanations have fueled suspicions about the broadcaster's commitment to media pluralism. The failure to inform the public about these decisions has raised concerns among civil society organizations and the media sector about transparency and accountability within the Public Broadcaster.²⁶⁶ Furthermore, politicized governance structures within media institutions exacerbate the problem. Despite provisions for diverse representation on the board, the influence of the ruling party in these elections has led to questions about the broadcaster's autonomy and contributed to biased editorial policies.²⁶⁷ Therefore, Public Broadcaster has faced criticism for its editorial bias and lack of transparency in governance. For instance, in 2022, one of the Public Broadcaster's journalists' accusations of censorship in the "Public Broadcaster" confirmed the channel's political bias.²⁶⁸
- 212.** In conclusion, the lack of editorial independence is a complex issue driven by political influence, ownership dynamics, legal challenges, financial pressures, and politicized governance structures. Addressing these underlying issues is crucial for fostering a media environment where diverse viewpoints can thrive and the public can access impartial and accurate information. Challenges persist, as evidenced

²⁶² See the article of Civil.ge Available [here](#)

²⁶³ Deutsche Welle, Georgia: Media Freedom in Decline, 2023. Available [here](#)

²⁶⁴ Media environment, p 9 2023. Available [here](#)

²⁶⁵ The Georgian Charter of Journalistic Ethics, Study on media coverage of the 2021 municipal elections in Georgia. Available [here](#)

²⁶⁶ Media Advocacy Coalition, 27 December 2023. Available [here](#)

²⁶⁷ Media Advocacy Coalition, Media Environment in Georgia 2020. Available [here](#)

²⁶⁸ Media Checker, Maglaferidze's influence in the broadcaster is increasing - interview with Ketii Tutberidze who left the first channel, 4 May 2022. Available [here](#)

by heightened media polarization, particularly in the post-election period. Pro-government and opposition-leaning media outlets exhibit significant bias, exacerbating societal divisions.

Undermining Media Freedom: Illegal Wiretapping

- 213.** The recommendation 148.127 emphasizes the importance of creating a secure and unrestricted environment for journalists and media workers. Therefore, it is important to carry on a profession without fear of surveillance, harassment, or other forms of interference. By addressing the issue of illegal surveillance activities and ensuring the protection of media freedom, Georgia would be taking steps toward fulfilling this recommendation. However, Surveillance of media professionals through illegal wiretapping remains a significant issue in Georgia, posing serious threats to media freedom and journalists' safety. Various studies, including those by Freedom House and the Vibrant Information Barometer by IREX, highlight the pervasive nature of this problem.²⁶⁹ This persistent surveillance undermines the safety and freedom of media workers, creating a hostile environment for journalism. Despite condemnations of covert recordings by the ruling party, instances have emerged where such recordings have been exploited for political gains or to undermine opponents.²⁷⁰ This practice indicates a lack of accountability and a disregard for media freedom, as political actors exploit surveillance tools for their advantage, further endangering journalists and media professionals.
- 214.** On September 13, 2021, a significant breach of privacy occurred when secret files purportedly leaked from the State Security Service revealed widespread surveillance practices in Georgia. These files, disseminated online, exposed a disturbing reality: media outlets, civil society organizations, opposition parties, and religious figures. Approximately 3,000 documents included details about various individuals, ranging from journalists and clergy to opposition politicians, foreign diplomats, and civil servants. The distribution of such extensive and private information posed a severe threat to the privacy and safety of those targeted. This incident underscores the pervasive nature of surveillance activities and the vulnerability of individuals operating within the media landscape in Georgia. Following the revelation of the distribution of covert recordings, the Prosecutor's Office initiated an investigation into the matter. The decision to grant several journalists the status of victims indicates acknowledgment of the harm inflicted upon media professionals by such illegal surveillance tactics.²⁷¹
- 215.** Additionally, Nato Gogelia, a journalist from "TV Pirveli" who made allegations regarding wiretapping by the government, claimed that the executive secretary of the ruling Georgian Dream party discussed a telephone conversation between her and a regional representative of an opposition party on live television.²⁷² Such allegations further highlight the atmosphere of distrust and intimidation faced by journalists in Georgia, where their communications are subject to surveillance and potential manipulation for political purposes. In essence, these incidents underscore the urgent need for robust measures to protect journalists and media professionals from illegal surveillance activities and ensure the preservation of media freedom and privacy rights in Georgia. Additionally, they emphasize the importance of transparent investigations and accountability mechanisms to address such violations effectively.²⁷³

²⁶⁹ Freedom House, Freedom in the World, Georgia, <https://freedomhouse.org/country/georgia/freedomworld/2022>, 2023; Irex, Vibrant Information Barometer” <https://shorturl.at/qEHV1> , 2022; Deutsche Welle, Georgia: Media Freedom in Decline, 2023. Available [here](#)

²⁷⁰ ISFED- THIS AFFECTS YOU TOO CAMPAIGN RESPONDS TO COVERTLY RECORDED TELEPHONE CONVERSATIONS. Available [here](#)

²⁷¹ Civil. Ge: Conversations of EU and US diplomats in alleged covert recordings, Available [here](#). The Media Advocacy Coalition calls on the state inspector to inspect the technical infrastructure of wiretapping. Available [here](#); Radio Liberty, the European Union summoned the EU ambassador to Georgia in connection with the alleged espionage files. Available [here](#)

²⁷² formulanews.ge; “TV Pirveli journalist: Kobakhidze confirmed that the government is wiretapping me, I will fight legally”. Available [here](#)

²⁷³ Human Rights Center; Media Environment, p31, 32; 2023 Available [here](#)

- 216.** The adoption of amendments to the Criminal Procedure Code in 2022 concerning covert investigative actions represents a significant development in addressing illegal wiretapping. However, these amendments have been met with criticism from both local and international experts. The expansion of the list of crimes eligible for covert investigation, the increase in the maximum duration of such measures, and reduced notification obligations have raised concerns about citizens' rights and privacy.²⁷⁴
- 217.** The politicization of surveillance tactics, coupled with the enactment of controversial legislative amendments, continues to undermine media freedom.

Guarantees of access to Public Information

- 218.** Access to public information is enshrined as a fundamental right in both the Constitution of Georgia and international law. This right serves as a cornerstone for transparency and accountability within the government. However, despite legal guarantees, public institutions frequently fail to adhere to mandated timelines for providing information, often offering incomplete responses without justification. In some cases, entities like the Government of Georgia neglect public information requests and complaints entirely.²⁷⁵
- 219.** For instance, according to a report by the Institute for Development of Freedom of Information (IDFI), a mere 12% of journalists managed to obtain comprehensive public information within the legally prescribed timeframe. Shockingly, half of the public information requests either received no response or were outright rejected. When individuals resort to administrative complaints, the outcomes are typically unsatisfactory. Even recourse to the general court system proves arduous, with public information disputes dragging on for an average of 2.5 years. Recognizing the complexity of these disputes, courts have extended the standard hearing period by an additional 5 months.²⁷⁶

Recommendations

The following recommendations should be taken into consideration by the Georgian government in order to fully implement given recommendations:

People with disabilities:

- Develop housing standards for persons with mental health impairments and ensure their displacement while deinstitutionalization in community-based housings which are following international standards;
- Recommendation to the Ministry of Labour, Health and Social Defense of Georgia
- Ensure to implement the effective and women-tailored programs that will improve the skills of women with disabilities to take care of children independently;

Rights of children:

- Establish the definition of sexual harassment, as well as other forms of violence in school settings in the laws on general education and higher education, and their prevention and response measures, according to international legal standards until the end of 2024 year;
- Develop the internal complaints mechanisms in educational institutions on sexual violence and other types of school violence until the end of 2024 year;

²⁷⁴ Counsel of Europe: Georgia: The bill on covert investigative actions was adopted hastily, needs further elaboration, according to the conclusion of the Venice Commission, August 26, 2022. Available [here](#); Transparency International Georgia: We Call on President to Veto Damaging Amendments to Wiretap Legislation, 9 June, 2022. Available [here](#)

²⁷⁵ IDFI; Institute for Development of Freedom of Information, Access to public information by the media: Legislation v. Reality, 2022. Available [here](#)

²⁷⁶ Ibid

- Develop specific guidelines for educational institutes to prevent and respond to sexual harassment until the end of 2024 year;
- Develop a special training course for teachers that will be tailored to the changes in the educational system in matters of sexual harassment and to carry out mandatory training of professors and teachers in this direction.
- Provide training to the judges about the international standards on sexual harassment at school;

Rights of women:

- Adopt the definition of consent-based rape in line with international human rights standards;
- Prioritize the assessment of the risk of recurrence of domestic and gender-based violence;
- Implement preventive actions against child marriages;
- Criminalise child marriage as forced marriage, regardless of the methods applied to commit the crime; criminalize child engagement; implement preventive actions against child marriages;
- Empower educational, social, and healthcare services to address the root causes of child and forced marriages;
- Establish rape crisis centers to support services for survivors of sexual violence;
- Specialize judges, prosecutors, and investigators in handling cases of all kinds of gender-based violence;
- Raise awareness of economic violence and criminalize systematic economic violence as another form of domestic violence;
- Criminalize systemic economic violence as a form of domestic violence;
- Effectively combat and prevent economic violence, including via awareness raising of public on economic violence;
- Make sexual and reproductive health services including abortion and post-abortion care more accessible;
- Raise awareness and make quality contraception services more accessible.

Religious Minority Rights and Freedom of Religion or Belief:

- Timely and efficiently investigate the case of mass illegal surveillance and eavesdropping, and bring all responsible to justice. Additionally, grant victim status to every individual affected by this crime.
- Reconsider the problematic mandate and role of the SARI and abolish it. Instead, the Government shall scale up the cooperation with the Council of Religions operating under the Public Defender of Georgia, utilize its expertise and recommendations.
- Adopt policy and legislation on the restitution of religious organization's property confiscated during the Soviet Union in close cooperation with affected religious organizations, the Council of Religions under the Public Defender and human rights organizations. In the meantime, ensure the protection of authenticity and preservation of historical religious heritage.
- Eradicate discriminatory practices on the authorization of religious constructions, including refraining from hampering the full enjoyment of Muslims' fundamental rights and granting the building permit for the mosque in Batumi.
- Amend the discriminatory defense legislation and grant equal rights and privileges to the clerics of all religious communities, including the Orthodox Church.

- Amend the discriminatory State Property Law by granting equal property rights to all religious communities without exceptions, including on acquiring state property, forests, and restitution of historic buildings.
- Amend the discriminatory provisions of the Tax Code to grant equal tax rights to all religious organizations without any distinction.
- Strengthen measures to proactively respond to indoctrination, proselytism, discrimination and violation of religious neutrality in public schools.
- Establish state policy oriented on creating multicultural and equal environments and practices in public schools.
- Thoroughly investigate the violent incidents committed against religious minorities in Georgia and ensure justice at all steps (investigation, prosecution, judiciary).

Migrants Rights and Racism:

- Adopt a non-discriminatory border policy on allowing foreign nationals to enter Georgia.
- Eradicate the practice of refusing to admit foreign nationals into Georgia without proper justification and explain each case of refusal with specific grounds defined by the law On the Legal Status of Foreigners and Stateless Persons.
- Provide reasonable and legally-based justification for refusing to issue residence permits to representatives of foreign countries.
- Justify the use of discretionary powers granted by law when making a decision on each case.
- Promptly, effectively and impartially investigate each crime committed on grounds of alleged racial/ethnic intolerance; highlight the motive of alleged racial/ethnic intolerance where relevant.
- Ensure that the victims of violence committed on the basis of racial/ethnic intolerance, are granted the victim status in a timely manner.
- Eradicate discriminatory profiling and bias among patrol police officers when performing their control functions towards migrants from Asian and African states residing in Georgia.
- Provide access to state medical aid and state insurance for medical needs, at least for emergencies, for migrants with Georgian residence permits.

Ethnic Minorities:

- Develop the concept of multicultural and multilingual kindergartens, schools and universities.
- Create school bilingual textbooks with parallel translations, which will be based on the existing experience and the needs.
- Continue support of 1+4 university program and take additional steps for its development; Including creating the resources for 1+4 students' scholarship funds.
- Provide to cancel the normative restriction, according to which it is not allowed, within the framework of program funding, after the completion of the educational program of training in the Georgian language, integrated bachelor's/teacher training ("1+4 program") - Funding of studies of persons enrolled in an accredited master's/veterinary integrated master's education program
- At the level of executive authorities, create effective institutionalized consultation mechanisms for minorities;
- Increase the rate of employment of representatives of ethnic minorities in state agencies, develop new employment programs;

- Clearly define the requirements of the 1+4 internship program for the receiving institutions, as well as the expected results of the internship for the participants of the program, to introduce assessment tools and measures focused on the development of young people's skills;
- Promote cultural and educational events, both for multicultural programs and specifically for the promotion of the culture of national minorities;
- Provide information on available social and medical assistance programs in minority languages and proactively spread this information in minority regions.
- Eradicate tense and arbitrary police/security authorities control practices in minority regions and instead, elaborate democratic approaches based on community needs.
- Reform State Security Service to deconcentrate its excessive powers and to increase public and parliamentary control.

Rights of LGBTQI individuals:

- Adopt national human rights policies that guarantee the protection of the LGBTQI community;
- Adopt a strategy to ensure prevention and full investigation of SOGIGE-based hate crimes; adopt a strategy to respond to violent far-right groups;
- Increase the capacity of law enforcement to adequately investigate organized hate crimes and start criminal prosecution of the organizers of anti-Pride violent rallies;
- Step up efforts to combat hate speech and address homophobic statements made by politicians, public figures and religious leaders;
- Regulate the legal procedures of legal gender recognition in a way that is based on the self-determination of transgender individuals.

Activists and Human Rights Defenders:

- I. To the Ministry of Internal Affairs, Prosecutor's Office, other law enforcement agencies:
 - Respect the freedom of expression and assembly of human rights defenders and activists and not interfere illegally with the exercise of these rights;
 - Prevent crimes and other offenses against human rights defenders and activists, respond to them in a timely and appropriate manner, and conduct effective investigations;
- II. To the Courts:
 - Review and resolve cases of administrative violations against activists based on the Constitution of Georgia and international human rights law including - according to the standards established by the European Convention.
- III. To the Parliament of Georgia:
 - Implement a comprehensive reform of the Code of Administrative Offenses, based on the Constitution of Georgia and international human rights law, including - according to the standards established by the European Convention.

Political Discrimination:

The state should take practical steps to fight and prevent political discrimination, and the general courts should improve their practice in determining it.

Hate speech:

- Implement national awareness campaigns aimed at educating the public about the harms of hate speech and homophobia. These campaigns could involve collaboration with media outlets, educational institutions, and civil organizations to foster a culture of inclusivity and respect for diversity.
- Ensure that any amendments or initiatives related to broadcasting and hate speech regulation are subject to comprehensive public consultation processes. This should include broadcasters, civil society organizations, human rights defenders, and other stakeholders to foster transparency and consensus-building.
- Introduce clear, objective, and transparent criteria for the selection of media outlets for budgetary advertising and information campaigns. These criteria should prioritize outlets that adhere to journalistic standards of impartiality, respect for human rights, and avoidance of hate speech.
- Mandate regular audits of budgetary contracts with media outlets and public reporting on the findings. This should include assessments of the outlets' adherence to the selection criteria and their impact on promoting a diverse and tolerant information environment.
- Improve the monitoring of groups known for promoting hate speech, homophobia, and violent extremism. This includes training law enforcement on how to effectively and lawfully respond to hate crimes and violent demonstrations, ensuring the safety of all citizens without infringing on rights to peaceful protest.
- Invest in community-based programs aimed at preventing radicalization and supporting de-radicalization. This could involve educational programs, outreach to at-risk individuals, and platforms for intercultural and interfaith dialogue to address the underlying causes of radicalization.

Rights of Journalists and Media Freedom:

I. Legal Alignment with International Standards

- It is recommended that the state authorities take concrete steps to implement and uphold the rights of the media and journalists, ensuring they are protected in practice and in accordance with the highest international standards.
- In accordance with the best international standards, article 154 of the Penal Code shall be revised to cover all instances of violence or threats against individuals or organizations related to their work in media.

II. Upholding Media Freedom: The Escalating Threat to Media Representatives Safety

- Implement comprehensive measures to protect journalists and media representatives from violence, threats, and intimidation, including the establishment of specialized units dedicated to their protection within law enforcement bodies.
- Ensure effective investigation of cases of attacks, intimidation, or illegal interference with the professional activities of media representatives.

III. The Struggle for Media Freedom: Politically Motivated Prosecutions and SLAPP Cases

- It is recommended that the authorities and its affiliates put an end to the practice of filing SLAPPs against critical media.

- Enhance transparency and accountability within the judiciary to prevent abuses of power and ensure fair and impartial judicial proceedings free from political interference, preventing politically motivated prosecutions and SLAPPs.
- Strengthen protections for journalists and media outlets against defamation lawsuits aimed at stifling free speech.

IV. Editorial Independence

- Implement measures to mitigate political influence on media outlets and ensure editorial independence.

V. Undermining Media Freedom: Illegal Wiretapping

- Review and amend legislation related to covert investigative actions to ensure protection of citizens' rights and privacy strictly preventing illegal surveillance activities targeting journalists and media professionals.
- Establish and enforce rigorous oversight mechanisms and accountability measures to effectively prevent illegal wiretapping. Hold individuals accountable for any infringements on privacy or violations of media freedom

VI. Guarantees of Access to Public Information

- Guarantee effective access to public information, including public events, for journalists by ensuring public institutions adhere to mandated timelines for providing comprehensive responses to public information requests. Strengthen mechanisms for administrative complaints and judicial remedies in cases of denial or incomplete responses, and provide training for government officials on their obligations to facilitate access to public information.