



THE RIGHT TO NON-DISCRIMINATION IN PRACTICE FOR VARIOUS GROUPS IN GEORGIA

2020 REPORT



ქალაქშია თანასწორობისთვის

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The Coalition for Equality is an informal alliance established in 2014 with the support of the Open Society Georgia Foundation. It unites eleven nongovernmental organizations. The members of the Coalition are: Open Society Georgia Foundation (OSGF), Social Justice Centre (former EMC); Rights Georgia; Union Sapari; Georgian Young Lawyers' Association (GYLA); Women's Initiatives Supporting Group (WISG), Partnership for Human Rights (PHR), Georgian Democracy Initiative (GDI), Tolerance and Diversity Institute (TDI), Human Rights Center (HRC), Equality Movement. The essential goal of the Coalition is to enhance the mandate and competences of antidiscrimination mechanisms and to support the effective fight against discrimination. In 2015, the newly formed Coalition for Equality and the Public Defender of Georgia signed a Memorandum of Understanding on the Elimination of Discrimination.

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INTRODUCTION

On May 2 2014, the Parliament of Georgia passed the Law on the Elimination of All Forms of Discrimination, which aims to eliminate all forms of discrimination and ensure equal enjoyment of the rights of any person under the legislation of Georgia. Since the adoption of the law, the Coalition for Equality has been studying the human rights situation of separate groups of people on an annual basis and preparing relevant reports.

The presented report is the fifth and assesses the current situation in Georgia in 2020 in terms of the realization of the right to equality of separate groups and the fight against discrimination. The report analyzes the trends of 2020, which have affected the human rights situation of individual groups. In particular, it outlines the steps taken forward and the challenges related to the state's anti-discrimination policy, anti-discrimination legislation, practices, and the daily lives of vulnerable groups.

The Coalition for Equality hopes that the report will help the relevant state agencies to take effective measures to eliminate discrimination and to ensure equal enjoyment of the rights of any person under the legislation of Georgia.

METHODOLOGY

The present report encompasses the period from January 1, 2020 including December 31, 2020. It analyzes the human rights situation of sixteen vulnerable groups: children, persons with disabilities, women, LGBTQI people, religious minorities, ethnic minorities, shelter seekers, refugees, persons with humanitarian status, migrants, population affected by conflict, internally displaced persons, human rights defenders, activists, media outlets/representatives and the homeless.

The member organizations of the Coalition for Equality have been actively studying the human rights situation of these groups during 2020. Accordingly, the report evaluates exclusively the situation of these groups, which does not exclude the existence of discriminatory treatment of other groups, that could not be identified in this report.

INTRODUCTION

The human rights situation of the groups in the report is assessed through a combined analysis of national standards, practices and best international experience. With respect to each group, the Coalition also presents recommendations for the state to create, strengthen and improve specific areas for the elimination of discrimination.

The discussion presented in the report is based on the information from the following sources:

- **Public information** - the Coalition member organizations requested public information from various agencies and analyzed it in this report;
- **Legal proceedings** - the assessments given in the report are also based on litigation materials of the Coalition member organizations and the deficiencies identified during legal proceedings;
- **Analysis of Legislation and Relevant International Standards** - The report assesses the right to equality of certain groups on the basis of Georgian legislation and the review of international standards.

The report is also based on the reports/studies/recommendations of the Public Defender of Georgia and other authoritative organizations.

MAIN FINDINGS

In 2020, Georgia submitted several important national reports to international organizations. The report was submitted to the United Nations Human Rights Council within the third cycle of the Universal Periodic Review¹. The UN Committee on the Elimination of Racial Discrimination was presented with combined 9th and 10th periodic reports concerning the implementation of the “Convention on the Elimination of All Forms of Racial Discrimination”²; Albeit late, the state also presented the sixth periodic report in line with the

1. Report available at: <https://bit.ly/3gwFBkS>

2. Report available at: <https://bit.ly/3szkBMP>

International Convention, on the implementation of the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)³, also the report on the Council of Europe Convention (Istanbul Convention) on Preventing and Combating Violence against Women and Domestic Violence (GREVIO)⁴.

Important legislative changes were made to the Georgian Labor Code. Particularly, a separate chapter on prohibition of labor discrimination was created, which, along with other issues, defines the notion of labor discrimination and sets the frames for prohibiting discrimination. Additionally, it defines the liability of the employer in case of violating the principle of prohibition of discrimination⁵.

Furthermore, with the support of the Council of Europe project “Fight against discrimination, hate crime and hate speech in Georgia”, a memorandum of understanding⁶ was signed among Supreme Court of Georgia, Prosecutor’s Office, Ministry of Internal Affairs and LEPL National Statistics Office. As a result, the first combined report of data on Crimes Committed on Grounds of Intolerance with Discrimination basis was prepared⁷.

However, despite the mentioned positive changes, as well as those discussed in the report, the unequal situation of various vulnerable groups is still problematic. The situation was particularly worsened by the global pandemic caused by the Coronavirus and the restrictions imposed to combat it.

Although in 2020 the Code on the Protection of the Rights of the Child officially came into force in the country, the reporting year is not distinguished by any essential changes in terms of improvement the situation of children’s

3. Report available at: <https://bit.ly/3fl68eI>

4. Report available at: <https://bit.ly/3fFJkfn>

5. See. Chapter II. Prohibition of Labor Discrimination, and Article 78. Violation of the Principle of Prohibition of Discrimination; available at: <https://bit.ly/3gt7WbU>

6. Memorandum available at: <https://bit.ly/3tFvU7O>

7. Statistic available at: <https://bit.ly/32wiDCw>

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rights. Particularly, in the context of the pandemic and isolation, when identification of children victims of domestic violence is complicated and the part of services is provided remotely, the risk of domestic violence against adolescents has increased. The problematic situation regarding the identification of and response to the cases of violence against children/among children is clearly revealed in educational institutions as well. Additionally, the state was unable to ensure the timely identification of the needs of children victims of sexual violence and to implement efficient measures directed at their support and rehabilitation. The systemic problems in the activities of the social workers engaged in the field of child welfare are still pressing. Certain problems are revealed in relation to the juvenile justice Code as well.

Persons with disabilities still remain one of the most vulnerable groups in the country. There is no right and field of public life that is not problematic for these people, which is determined by the state's inefficient and non-systemic policy, also the absence of a unified institutional framework. Degrading practice during their placement in closed institutions remains a significant challenge for persons with disabilities. Access to public spaces, as well as mental health and social services, employment and education is problematic. The existing problems aggravated during the pandemic and persons with disabilities were faced with additional risks. Despite this, the state was unable to appropriately consider the needs of these persons in the elaborated anti-crises plan to reduce the negative impact of the pandemic.

The pandemic caused by the coronavirus especially intensified the problem of domestic violence against women. Although according to the data of the Ministry of Internal Affairs the number of appeals related to family conflicts/domestic violence and the issued restraining orders is not significantly higher than the 2019 rates, the appeals related to violence have significantly increased in NGOs working on the issues of violence against women as well as domestic violence. The economic situation of women has worsened as well. Problems still remain in terms of access to justice for victims of sexual violence.

The pandemic revealed the critical challenges the LGBTQI persons faced. The community's concern about homelessness, unemployment or difficult economic situation have further aggravated. However, the mentioned challenges and basic needs were left beyond the state's anti-crisis plan. Although the number of appeals about domestic violence has not increased, this, among other factors can be explained by the fact that due to the experience of domestic violence and conflict, the majority of LGBTQI persons have stopped communicating with their family members.

The existing situation clearly revealed a number of systemic problems in the field of protecting freedom of belief and religion. The state could not ensure the protection of freedom of belief and religion, ignored the equality among religious unions and independence between religion and the state. Against the backdrop of the pandemic, hate speech increased, which was especially evident towards ethnic Azerbaijani and Muslim population. The reporting period, along with other issues, was also problematic due to the anti-Semitic statements made by the clergy of the Orthodox Church.

Ethnic minorities represent one of the most affected groups as a result of the pandemic. The events of 2020 brought forward hard social-economic situation of the minorities, informational vacuum, language barriers, inaccessibility to basic services, infrastructure, quality education in the regions, xenophobic and chauvinistic attitudes in the society and in political spaces, weak, fictitious political participation and the low interest of the parties in the needs of the minorities. The systemic problems that the minority groups were concerned with before the pandemic, still remained without the state's response and elaboration of sustainable inclusive policy. In this regard, the main problem remains the weak formal policy of integration and the existing discriminatory attitudes.

In 2020, for migrants in Georgia the matter of state security remained problematic, during granting the refugee or humanitarian status, also obtaining the right of residency for foreign citizens. Apart from this, in 2020 the shelter seekers and the persons with international protection were faced with new challenges, which were related to issuance of ID cards and the limita-

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tion of extension of expiry. In the wake of the pandemic, the challenges of access to information and the lack of information about the state programs were revealed. The difficulties related to the crossing of border are also noteworthy, which are related to the regulations on both departing Georgia and entering Georgia. The attitudes towards foreign persons and the issue of timely and qualified response to the alleged crimes on the grounds of racial, religious, national or ethnic intolerance by the investigative bodies still remain an important challenge.

2020 had a major impact on the already isolated regions of Abkhazia and Tskhinvali, where the social situation further deteriorated due to the processes of the pandemic. Restrictions imposed due to the de facto border closures have complicated the social situation of ethnic Georgians living in these regions and created a humanitarian crisis. The problem of access to health services was particularly pressing in this regard.

The IDP-s, especially those living in collective settlements often face challenges, including the vulnerability that is different from general population, which was further reflected in health and social economic situation as a result of the COVID-19 impact. Without appropriate measures, the refugees and IDPs who already experience inequality, are faced with even more problems.

Despite the special role of the human rights defenders and activists in democratic society, to this day the trend of political persecution, threats and harassment against this group remains a crucial problem. The above mentioned became larger-scale in 2020. In addition to a number of attempts by the state to limit the rights of the rights defenders and activists, the COVID-19 pandemic especially affected their rights situation, significantly interfering with their work. Additionally, the state's unequal measures limited the freedom of gathering of the activists as well.

The events of 2020 showed that the safety of the media is also problematic. Additionally, the state still acted discriminatorily towards certain media outlets/representatives, which was reflected in tax policy, an attempt

to change the editorial policy and in different approaches towards various types of media.

Despite the importance of the right to appropriate housing, the severity of the problem in this field and the necessity on the part of the state to act immediately, the state has not taken relevant measures for years to even minimally improve the situation. The legislation, policy and services based on international standards of human rights have not been elaborated yet. The policy and practice of eviction of households remain the toughest challenge, putting hundreds of people under the threat of homelessness, without any support from the state.

CHILDREN

In 2020, “The Code on the Rights of the Child”⁸ adopted by the Parliament of Georgia officially came into force in the country, which introduced different new regulations to protect children in the direction of social protection, justice, child care and protection of adolescents from harmful influence. However, the situation of children still remains a less priority direction for the state.

The above mentioned is expressed in essentially important problems to children that still remain unchanged. Specifically, the indicator of violence has a high rate every year; there are also systemic problems in the direction of child welfare. Additionally, the practice reveals the shortcomings of juvenile justice Code and its execution in practice. Effective protection of rights is especially problematic in the situation caused by the new Covid-19 pandemic, child poverty grows and there are serious challenges in the direction of juvenile justice.

VIOLENCE AGAINST CHILDREN

■ Violence in the family

In 2020, similar to the recent years, prevention of violence against children, protection of and assistance to the victims is still problematic. Sometimes, the social workers and law enforcement officers identify the facts too late, and in the already identified cases, the children victims of domestic violence do not have access to long-term, therapeutic rehabilitation services. Additionally, in guardianship-custody foster institutions and investigation bodies the environment is not appropriately tailored to the child⁹.

In 2020, 887 juveniles were identified as victims of domestic violence crimes. 623 restraining orders were issued in 2020 on the facts of violence against juveniles; at the same time, 13 protective orders were issued on the facts of violence against juveniles by regional (city) courts of Georgia¹⁰.

8. Adopted by the Parliament of Georgia, 20/09/2019; document number - 5004-IS

9. 2019 report of the Public Defender, p. 354

10. 2020 parliamentary report of the Public Defender, p. 354

In 2020, altogether 10321 restraining orders were issued on cases of domestic violence, including orders issued due to the violence against a juvenile¹¹. Unlike the previous year and the Prosecutor's Office, in 2020 the Ministry no longer gives us detailed statistics, i.e. the number of the orders issued, how many were issued to protect juveniles specifically. According to the Ministry of Internal Affairs, criminal investigation was launched against 467 persons in relation to the following crimes: "failure to comply with the demands and obligations envisaged by the restraining or protective order; failure to obey the social worker's decision about separation of the juvenile". However, in this case as well, unlike the previous year, the information is unclear regarding the number of children directly affected by this crime. The high index of violated orders and incomplete production of statistics indicate the important shortcomings in the unified work of the current system for protecting children from violence.

■ Violence in schools

The problem of identifying and responding to cases of violence against/ among children is clearly revealed in educational institutions as well.

In 2020, 928 beneficiaries addressed and/or were referred to the psychosocial service center of LEPL Office of Resource Officers to receive services, 221 juveniles and/or their parent/legal representative refused to receive the service. In 2020, 657 facts of violence against/among juveniles were registered in the information base of LEPL Office of Resource Officers of Educational Institutions; of these 432 facts of violence were registered among school students (physical violence), 210 cases were redirected to the Agency for State Care and Assistance for Victims of Human Trafficking. According to the information received from Educational Resource Centers, in those institutions where no Office of Resource Officers is available, and accordingly in such schools the number of pupils is low, in 2020 only 11 cases of violence

11. To the Ministry of Internal Affairs of Georgia, letter of March 30, 2021; MIA 9 21 00780736

against/among children were identified. These cases were referred to appropriate responsible agencies¹².

It is clear that the data are significantly reduced compared to the previous year. The above mentioned cannot be considered as positive, because the decrease in identification of violence cases is related not to the improvement of the environment/system, but to the physical absence of children from educational system, due to the circumstances caused by the new Coronavirus.

During 2020 the academic year went on mostly through online teaching for students. Accordingly, children who possibly had the problem of violence or bullying, could no longer reach out to the teachers, and they, despite their obligation, could no longer be the main supporters. Schools are still powerless in terms of preventing violence and cannot handle even the mild cases of rights violations. The reporting period does not relate to any essentially important reforms about providing safe space for children.

■ Sexual violence

Many cases showed that belated and inefficient response from the state to the facts of sexual violence and exploitation can even cause fatal results. The state cannot ensure the timely identification of the needs of children victims of sexual violence and provision of efficient measures oriented at their support and rehabilitation.

In 2020, investigation was launched in 254 cases¹³ of sexual violence and sexual exploitation against juveniles, of these 31 were committed within the family¹⁴. According to the 2020 data of the Ministry of Internal Affairs¹⁵, most

12. 2020 Parliamentary report of the Public Defender, p. 353.

13. Articles 137-141, 253-254 and 255-255² of the Criminal Code of Georgia.

14. 2020 Parliamentary report of the Public Defender, p. 353.

15. The Ministry of Internal Affairs does not specifically indicate the number of juveniles, the statistics presented combine data of crimes committed against juveniles, pregnant women and persons with disabilities. Given this, the data may not be accurate.

of the sexual crimes allegedly committed against juveniles were manifested in sexual penetration in the body (115) of a person under the age of 16 and indecent behavior (73).

It is noteworthy that only six structural units of the Ministry of Internal Affairs of Georgia have the room suited for interrogating juveniles, and the remote interrogation of children is possible only in Rustavi court building. Creation of the main office for juvenile affairs within the system of the Ministry of Internal affairs of Georgia deserves praise. However, the office functions only in the police department of Tbilisi and there is no such structural unit in other regions.

Moreover, although in order to avoid secondary victimization, involvement of appropriate specialists with children becomes crucial, there is no document that would precisely regulate the issue of involvement of a psychologist in the matters of sexual violence against children, or which the investigators or the prosecutors could use as a guide when making such a decision. The obligations and authority of the psychologist and social worker are not precisely and clearly defined at the stage of investigation or court proceedings. Furthermore, there are cases, when during different investigation activities, different investigators, social workers and psychologists work with the affected child¹⁶.

In 2020, compared to the previous years, the statistics is still growing. At the same time, it should be mentioned that even in the context of weakness of the investigation and tabooed topic in the society, the index of appeals probably does not reflect the real scale of the problem.

Despite the recommendations by the local NGO-s and the UN Committee on the Rights of the Child, when adopting the Code on the Rights of the Child, the Human rights and Civil Integration Committee of the Parliament of Georgia removed an important initiative about teaching reproductive health in educational institutions from the project of the Code.

16. 2020 Parliamentary Report of the Public Defender, p. 356

RECOMMENDATIONS

- increase the quality and quantity of the state rehabilitation services for children who have experienced violence and are victims of crime, taking into account the geographic factor;
- Improve the coordination and communication mechanism among the agencies in order to effectively prevent and respond to violence against children;
- Change the educational environment to ensure safety, which includes the creation of the possibility to hire the necessary professionals for schools, elaboration of programs to prevent and identify the cases of bullying and violence; it is necessary for schools to have a unified policy for crisis management and appropriate resources for its execution.
- Essentially review the effectiveness of legal response mechanisms to the cases of violence/crime
- Reform the child care system. It is necessary to mobilize appropriate professionals and programs.
- Essentially change the existing mechanism of investigation and prevention of sex crimes, also elaborate effective investigation of cyber-crimes and ensure proper rehabilitation of victims.

CHILD WELFARE SYSTEM AND SOCIAL WORK

The systemic problems in the activity of social workers who work in the field of child welfare became especially critical in the wake of social worker's strike and protest in recent years. Too busy, overloaded with work, unqualified social worker, left without resources in the context of faulty infrastructure cannot provide appropriate service to the children in the care system and cannot take preventive measures effectively, which will ultimately have negative affect on the welfare of children.

Despite this, situation remains unchanged in 2020. Specifically, the job description of social workers includes the list of their duties, made up of 24

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points, which involves working with various target groups. In February 2019, the reorganization that started as a result of the strike of social workers ended after one year by dismissing 33 social workers working in the system; as a result, in some municipalities there was no social worker left. The current number, in the whole country includes only 268 social workers and 12 psychologists, who have to work with thousands of juveniles with a variety of problems¹⁷.

It should also be mentioned that a social worker usually works on cases that require their long term engagement (prevention, foster care, reintegration, small family type homes, violence against children/domestic violence, guardianship/custody/support etc.). Accordingly, they may be working on one case for the whole year or years, as necessary. At this stage there is no regulation under law in the agency about determining the workload of the social worker¹⁸.

RECOMMENDATIONS

- Increase the number of social workers according to the amount of work and necessity;
- Differentiate the work of the social workers;
- Ensure the production of full and reliable statistics on the workload of social workers;
- Immediately raise the qualification of social workers and ensure continuous education system;
- Implement the needs assessment study to facilitate the efficiency of the work of social workers and plan/strengthen the services appropriately¹⁹.

17. 2020 Parliamentary report of the Public Defender, p. 25

18. Child rights situation, 2019, Coalition for children and youth pp 11-13; <https://bit.ly/38rpX5E>

19. Child rights situation, 2019, Coalition for children and youth, p. 14; <https://bit.ly/38rpX5E>

JUVENILE JUSTICE CODE²⁰

Although the Juvenile Justice Code adopted by the Parliament of Georgia on June 12, 2015 is mostly progressive, the accumulated practice over the years revealed the problematic issues of the above mentioned law. Particularly, based on the law, in certain cases it is possible to interrogate/interview the juveniles with the status of the witness **without the participation of the lawyer** and no **audio/video recording** is made.

The illustrated example of the above mentioned problematic issues became the case when during the interrogation of a juvenile L.S. the employees of the law enforcement body perpetrated violence towards the juvenile, resulting in tragic ending²¹.

The above mentioned case clearly revealed several problematic issues. The case showed the shortcoming of the Code on the one hand and the shortcoming of the execution of the Code in practice on the other. In order to reduce the risks of possible violence and influence, it is critically important to engage the lawyer in the case from the moment when the juvenile comes into contact with the investigative bodies. Additionally, the recording and its execution in practice are problematic, when at the stage of investigation, only the prosecution side assesses the need of a psychologist and ensures their involvement²².

RECOMMENDATIONS:

- Implement legislative changes in a timely manner, which will make the participation of a lawyer mandatory in all cases of questioning / interrogation of a juvenile.

20. The issue of the report has been prepared by GYLA.

21. On December 11, 2019, the juvenile L. S. was found fallen from the 9th floor of a residential building, the juvenile died later. Available at: <https://bit.ly/2Y4ZwNV> [last viewed: 05.03.2021].

22. Alternative report on Georgia's Compliance with the International Covenant on Civil and Political Rights, Tbilisi, 2020, pp 9-10. Available at: <https://bit.ly/3e05A3c> [last viewed: 05.03.2021].

**PERSONS
WITH
DISABILITIES**

Persons with disabilities still remain one of the most vulnerable groups in the country. There is no right and field of public life that is not problematic for these people, which is determined by the state's inefficient and non-systemic policy, also the absence of a unified institutional framework. Degrading practice during their placement in closed institutions remains a significant challenge for persons with disabilities, also access to public spaces as well as mental health and social services, employment and education.

The existing problems further deteriorated during the pandemic and persons with disabilities were faced with additional risks. Nevertheless, the state was unable to appropriately consider these persons' needs in the anti-crisis plan elaborated to reduce the negative impact of the pandemic²³.

IMPLEMENTING THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

On June 14, 2002 the Parliament of Georgia adopted the Law on the Rights of Persons with Disabilities, its elaboration aimed to implement the UN Rights Convention on Persons with disabilities and the creation of relevant legislative and institutional mechanisms. Despite this, the process of elaborating the draft law as well as its review went on with significant challenges in the Parliament²⁴. Although the law finally introduced a number of positive changes²⁵, it is mostly declaratory in nature and has a number of important substantive deficiencies²⁶.

23. See. „GYLA assess human rights situation in Georgia in 2020“, 10.12.2020, 4. Available at: <https://bit.ly/3ufsMik>; See. „Persons with disabilities and organizations urge the government to increase the social package“, 28.01.2021. Available at: <http://bit.ly/3oGs7Um>.

24. See. „Organizations and activists working on the rights of persons with disabilities respond to the draft law on rights of persons with disabilities“, 14.02.2020. Available at: <https://bit.ly/3oxX4KQ>; „Persons with disabilities and organizations evaluate the review of the draft law on the rights of persons with disabilities by the Parliament“, 22.06.2020. Available at: <https://bit.ly/2PSiQNC>.

25. See. „GYLA assess human rights situation in Georgia in 2020“, 10.12.2020, 9

26. *Ibid*, see.

PERSONS WITH DISABILITIES

Additionally, the transitional provisions envisage the elaboration of fundamental standards not in the nearest future, but in several years, which protracts fulfillment of obligations imposed by the Convention²⁷. Despite the envisaged obligation by law by January 1, 2021, the government has not yet elaborated thematic strategy and yearly action plan, also the body responsible for implementation and coordination of the Convention has not been established in the country.

On March 5 2021, the Parliament of Georgia ratified an Optional Protocol²⁸ of the UN Convention on Persons with Disabilities. It is noteworthy that with this instrument, persons with disabilities can address the UN Committee on the Rights of Persons with Disabilities for restoring individual rights. Despite the ratification of additional protocol, the Parliament has not made necessary legislative changes to effectively use this mechanism. Particularly, the administrative and civil procedural codes have not been added by the possibility of persons with disabilities to receive compensation from the state after addressing the UN Committee on the Rights of Persons with Disabilities²⁹.

MENTAL HEALTH AND DE-INSTITUTIONALIZATION

For years, the issue of international standards of mental health policy and proper implementation of the obligations by the government has been critical. The existing practice of placing a person either forcefully or voluntarily for inpatient psychiatric treatment remains problematic³⁰, as well as access to sexual and reproductive health services for women with psychosocial

27. Ibid see 9

28. Resolution of the Parliament of Georgia of March 5, 2021 on the ratification of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities. Available at: <https://bit.ly/3rSf2cb>.

29. Administrative Procedural Code, Article 21⁵⁷; Civil Procedural Code, Article 423.

30. In many cases, the majority of the patients, when entering the facility, signs the form of the informed consent without awareness or with coercion. See the 2020 Parliamentary report of the Public Defender of Georgia, 2020, 63-65. Available at: <https://bit.ly/3wttcEc>.

needs in psychiatric and state care³¹. Especially important is the lack of community based services, peoples' life-long stay in large residential institutions, permanent isolation from the society, and inappropriate living conditions. All this is reflected on the rights situation of persons with disabilities both psychosocially and intellectually, which became even more evident and problematic during the pandemic.

Nevertheless, the deinstitutionalization process in Georgia is hindered by multiple factors, among them are the following: weakness of legislative framework, absence of relevant strategy and action plan, deficit of services and their regional distribution, lack of human and financial resources etc.³².

LEGAL CAPACITY OF PERSONS WITH DISABILITIES

Separate legal regulations present challenge, imposing blanket restrictions on the possibility to enjoy a number of rights³³ for the persons receiving support. Additionally, absence and/or insufficiency of vision and mechanisms for reform implementation are problematic³⁴. This in turn is reflected in the insufficient strengthening of actors engaged in the support system by the state³⁵, lack of professional support service, absence/deficiency of psychosocial needs assessment, working with and strengthening of support recipients and supporters, instruments for monitoring the support cases³⁶.

-
31. These facilities do not evaluate the sexual and reproductive health of women before starting treatment with psychotropic medication and do not ensure the monitoring of the patients during treatment in this regard. See. „EMC, GYLA and PHR, within the frames of UPR, presented a coalition report on the social rights“, 13.07.2020. Available at: <https://bit.ly/2PtW4eS>.
 32. EMC, „Deinstitutionalization of mental health services, international experience and context of Georgia“, 2021, 23. Available at: <https://bit.ly/3rRw36n>.
 33. For example, the right to participate in the elections, the right to work, healthcare.
 34. Reform based on the 2014 decision of the Constitutional Court of Georgia abolished the existing system of guardianship in the country and instead of it, introduced a new model of decision supporter.
 35. Recipients of Support, Supporters, Guardianship and Custody Body, LEPL-Levan Samkharauli National Forensics Bureau, Judicial System.
 36. EMC, PHR, GASW, GIP-Tbilisi, “Evaluating the reform of capacity, legislation and practice”, 2020, 168-169. Available at: <https://bit.ly/3cOobhd>.

EMPLOYMENT

For persons with disabilities, the situation in terms of starting a job remains unchanged. The programs are scarce in this area and cannot ensure elimination of barriers for persons with disabilities. The problem of physical environment and information availability, discriminatory practices in the labor market, existing challenges in practicing the right to education and low engagement of state agencies determine the ineffective implementation of the right to employment for persons with disabilities³⁷. Additionally, nothing has changed in relation to discriminatory approach towards persons with moderately and significantly pronounced disabilities working (seeking work) in the public sector³⁸.

EDUCATION

Ensuring quality inclusive education is still challenging at stages of early and pre-school education as well as general vocational and higher education. Proper access to school infrastructure and learning materials remains a challenge, also the number and qualification of inclusive education specialists in different directions³⁹.

In the wake of the pandemic additional challenges were the inconsideration⁴⁰ of needs of all persons in distant learning process of school programs, difficulties of appropriately involving persons with disabilities and students with special educational needs in inclusive educational process,

37. „Discussion in the Un Committee on the Rights of persons with disabilities on the right of persons with disabilities to work”, 21.03.2021. Available at: <https://bit.ly/3utflq9>.

38. Under the current legislation, representatives of this status are restricted by law from using the social package during the period of public activity, this puts them in an unequal position compared to persons with severely pronounced disabilities and persons with significantly pronounced disabilities due to visual impairment receiving a social package and employed in the public sector. See. Subparagraph “b” of the first paragraph of Article 12 of the “Rules and Conditions for Issuing a Social Package” approved by the Resolution N279 of the Government of Georgia of July 23, 2012 on the Definition of the Social Package.

39. 2020 Parliamentary report of the Public Defender of Georgia, 2020, 386.

40. „Public Defender’s Statement on World Autism Awareness Day”, 02.04.2020. Available at: <https://bit.ly/3qyDU9j>.

due difficult social background the barriers of having access to the means of communication, internet etc.⁴¹. In parallel with restriction of the right to education the situation further deteriorated for persons with disabilities and for students with special educational needs due to the complication of access to the early development and rehabilitation/habilitation services⁴².

ACCESSIBILITY

On December 4, 2020 the Georgian government approved the technical regulation “national standards of accessibility”⁴³. Despite a number of changes, the problem still remains where the needs on the national level in relation to accessibility are not studied and the statistics on the improved physical environment are not produced⁴⁴.

In the context of the pandemic, persons with disabilities faced additional obstacles regarding access to information. Despite the measures taken, the information for the intellectually impaired, also for ethnic minorities with disabilities was not appropriately accessible and massive in nature⁴⁵. The pandemic further aggravated the problems of access to information when receiving medical services, especially – for those with hearing impairment and the deaf⁴⁶.

Apart from this, during the spread of Covid-19, access to healthcare services was also problematic for persons with disabilities. An important challenge was the lack of preparation of medical staff when receiving the infected persons with disabilities⁴⁷. Additional barrier was created by the limitation of

41. „Day of the rights of persons with disabilities during pandemic”, 14.06.2020. Available at: <https://bit.ly/3lXq6Bz>.

42. *Ibid*, see. 383.

43. Resolution N732 of the Government of Georgia of December 4, 2020.

44. *Ibid*.

45. GYLA, „Covid-19 and the rights of persons with disabilities”, 2020, 8. Available at: <https://bit.ly/3dBean5>.

46. Official appeal by PHR to the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia: <https://phr.ge/search/200>.

47. „Covid-19 and the rights of persons with disabilities”, 2020, 12.

PERSONS WITH DISABILITIES

the public transport, unadjusted medical services, absence of flexible system of priority testing for persons with disabilities⁴⁸. Additionally, the state has failed to provide the abolishment of financial barriers in the direction of healthcare service accessibility⁴⁹.

RECOMMENDATIONS

To the government of Georgia:

- Create a body for the implementation and coordination of the Convention, equipped with appropriate financial and human resources;
- Develop/approve in timely manner unified strategy and action plan for persons with disabilities and ensure their involvement in the process.
- Ensure provision of supportive measure for persons with disabilities during the pandemic, considering their social needs;
- Before switching to the social model of granting the status, ensure the increase of social package for persons with disabilities;
- Elaborate the national plan of physical accessibility in timely manner, with the inclusion of persons with disabilities and organizations working on the issues of these persons.
- Elaborate the necessary standards for access to information, means of communication and access to various services for persons with disabilities.

To the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia

- Elaborate deinstitutionalization strategy and action plan; take efficient steps to ensure this process and introduce family and community services;

48. 2020 Parliamentary reports of the Public Defender of Georgia, 2020, 383.

49. Letter of public organizations to the Prime Minister of Georgia and the Minister of Healthcare, 16.10.2020. Available at: <https://bit.ly/3reUZEY>

- In order to develop the field of mental health, develop community based services;
- Introduce the social model of granting the status in timely manner;
- Elaborate the vision for capacity reform implementation; improve the institutional framework of support policy; strengthen all actors involved in the system;
- Introduce effective mechanisms for the employment of persons with disabilities.
- during the imposed restrictions due to the Coronavirus, ensure the maximal access to medical services for persons with disabilities.

To the Ministry of Education and Science of Georgia

- Ensure development and implementation of inclusion mechanisms in formal education for children with disabilities left beyond school.
- Take appropriate measures to improve access to the infrastructure of educational institutions and study materials for pupils/students with disabilities.
- Take necessary measures to fully include pupils with disabilities in remote educational process
- Considering the measures taken to manage the pandemic, ensure appropriate provision of developmental services

WOMEN

2020 was an important year in terms of women's increased political participation. The Parliament of Georgia approved the obligatory gender quotas, which the women's organizations and movement had been asking for six years. As a result, in the party list for parliamentary elections to be held before 2028 in every four persons at least one has to be a representative of different gender, and in the presented list for the elections to be held from 2028 to 2032 a representative of different gender has to be at least one in three⁵⁰. However, in order for women members of parliament to have real influence on decision making and approach the critical mass, it is necessary to increase and maintain the representation of women at least up to 30 %.

It is noteworthy that in 2020 a temporary measure for protecting the victim came into force, which is electronic monitoring of enforcement of restraining order by the bracelet⁵¹. Accordingly, a police officer can impose electronic monitoring on the perpetrator to ensure temporary security for the victim.

It should be noted that at the end of 2020, Georgia submitted two international reports on the rights situation of women: 1) the Sixth Periodic Report on the Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁵² and 2) the Report on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (GREVIO)⁵³.

The main challenge of 2020 was the Covid-19 pandemic, which severely affected the problem of domestic violence against women and significantly worsened their economic situation. Access to justice for victims of sexual violence also remains a serious challenge.

50. See July 2, 2020 organic law of Georgia №6723. Available at: <https://bit.ly/3cSlPym>

51. See. Law of Georgia N 6758 of July 13, 2020. Available at: <https://bit.ly/3sSl1xR>

52. Report available at: <https://bit.ly/3fl68ei>

53. Report available at: <https://bit.ly/3fFlkfn>

PANDEMIC AND VIOLENCE AGAINST WOMEN

The Interagency Commission on Gender Equality, Violence against Women and Domestic Violence of the Human Rights Council developed a communication strategy on domestic violence and violence against women during the COVID-19 crisis⁵⁴. The Ministry of Internal Affairs disseminated information on notification mechanisms and services for victims of domestic violence in Georgian and ethnic minority languages⁵⁵. However, a large part of the population still does not have information about these services; Sapari's research shows that victims of domestic violence do not have relevant information about 112 mobile application⁵⁶. It should be noted that awareness about the assistance to victims of violence is significantly lower among ethnic minorities and those without higher education⁵⁷.

According to the Ministry of Internal Affairs, the number of appeals and restraining orders issued in relation to domestic conflicts/violence does not significantly exceed the 2019 figures⁵⁸. However, during the same period, appeals about violence increased in NGOs working on issues of violence against women and domestic violence⁵⁹. This may be caused by the fact that due to the restrictions imposed to fight the pandemic, many people found themselves locked in a single space, face to face with the

54. Strategy available at: <https://bit.ly/3sH4Gwf>

55. Human rights protection during the crisis caused by COVID-19: the report on measures taken by the Georgian government, 2020, pp. 23- 24, <https://bit.ly/3mlPHpF>

56. See Urchukhishvili G., "Challenges in providing services by the Ministry of Internal Affairs to women victims of domestic violence during Covid-19 pandemic", Tbilisi, Sapari, 2021.

57. CRRRC Georgia, „Rapid Gender Assessment of Covid-19 Situation in Georgia” (second wave of the survey)“, 2021, pp. 61-62. Assessment available at: <https://bit.ly/39lrYes>

58. „Human rights protection during the crisis caused by COVID-19: the report on measures taken by the Georgian government”, 2020, pp. 24-26. Report available at: <https://bit.ly/3mlPHpF> Statistics on domestic violence, available at: <https://bit.ly/3rQUi7l>; statistics on registered crime is available at: <https://bit.ly/39ltuxf>

59. For example, the number of appeals on such types of crimes has increased approximately three times in the organization “Sapari”. See the appeal of organizations to the state agencies: <https://bit.ly/3rRRowr>

perpetrator and they are unable to call the police, or avoid to do so, although they still contact the NGOs through different means. In some cases, victims prefer to seek qualified advice first and then decide to apply to law enforcement⁶⁰.

In addition, the 112 hotline overload was a problem for some victims of domestic violence. An important challenge is that during the pandemic, the police did not work remotely and the victims had to come to the police station during interrogations and investigative actions. This hindered the investigation of the case, as in the absence of transport and deteriorating economic situation, the victims found it difficult to reach the police departments. In addition to the lack of remote services, the investigation was hindered by the fact that quarantined / self-isolated investigators had no replacement staff⁶¹.

PANDEMIC AND ECONOMIC SITUATION OF WOMEN

As women are more likely to be employed in low-paid, part-time and/or informal jobs with less guarantees, during the crisis they became more economically vulnerable in the context of the pandemic⁶². The Permanent Parliamentary Council for Gender Equality has made recommendations to the Government of Georgia, including the recommendations on the economic needs of women⁶³. However, effective steps to ensure women's economic resilience have not been taken during the pandemic. In 2020, the Government of Georgia did not fully implement the recommendations presented by the Parliamentary Council.

According to the National Statistics Office of Georgia, in all four quarters of

60. See Urchukhishvili G., "Challenges in providing services by the Ministry of Internal Affairs to women victims of domestic violence during Covid-19 pandemic", Tbilisi, Sapari, 2021.

61. Ibid.

62. See. UN women, 'COVID-19 and ending violence against women and girls', 2020, p. 5. Available at: <https://bit.ly/39Fdf3F>

63. Recommendations available at: <https://bit.ly/3hyEge9>

WOMEN

2020, the level of participation (activity) of men in the labor force⁶⁴, as well as the average monthly nominal wage of employed men, was still significantly higher than that of women⁶⁵.

According to the rapid assessment of the Caucasus Research Resource Center Georgia (CRRC-Georgia) in October, 20% of women surveyed lost their jobs due to the pandemic⁶⁶, while income from productive activities was reduced for 39% of the surveyed women⁶⁷.

The economic impact of the coronavirus has had a particularly negative impact on women entrepreneurs, the vast majority of whom had their incomes reduced, half of them - at least halved. The main obstacles were motherhood-related activities, lack of family support, and unpaid care⁶⁸. Consequently, during the pandemic, women, especially in families with children, are more likely to experience the impact of increased family labor⁶⁹.

SEX CRIMES

As in previous years, sexual violence against women remains one of the most serious, covert and unpunished forms of gender-based violence, which is caused by existing legislative, structural and systemic problems⁷⁰.

Firstly, it should be noted that the definitions of rape and other sex crimes⁷¹

64. Male - 62.0%, female - 40.4%. Statistics on employment and unemployment available at: <https://bit.ly/3sFUcgx>

65. Quarter IV of 2020, male - 1581.5 Gel, female - 1022.3. The statistics on salaries available at: <https://bit.ly/3gqhh4m>

66. CRRC-Georgia, „Rapid Gender Assessment of Covid-19 Situation in Georgia (second wave of the survey)“, 2021, p. 27. Available: <https://bit.ly/39lRYes>

67. CRRC-Georgia, „ „Rapid Gender Assessment of Covid-19 Situation in Georgia “, 2020, p. 7. Available at: <https://bit.ly/3avXU5X>

68. For more details, see. CRRC-Georgia, „Impact of Coronavirus pandemic on women entrepreneurs“, 2020. <https://bit.ly/3t5BZcP>

69. See. CRRC-Georgia, „ „Rapid Gender Assessment of Covid-19 Situation in Georgia“, 2020, p. 58. Available at: <https://bit.ly/3avXU5X>

70. GYLA, “GYLA’s assessment of women’s rights”, 08.03.2021. Available at: <https://bit.ly/3sEep6k>

71. Criminal Code of Georgia, Article 137-139.

are still inconsistent with international standards⁷². In particular, according to the current version, the lack of consent of the victim is not sufficient to consider rape as a crime, but it is necessary for the person to assault the victim, threaten them with violence or use the helpless position of the victim⁷³.

Furthermore, regarding the cases of sexual violence, there is a rigid, inadequately high and discriminatory standard of evidence, which virtually precludes the punishment of the perpetrator in most such crimes. For example, in many cases the initiation of criminal proceedings for sexual offenses and the conviction depend on the presence of physical injuries on the victim's body and biological material. Such an approach contradicts international standards and practice⁷⁴.

It is noteworthy that during the reporting period, an alarming number of cases of sexual violence was recorded against juveniles, which highlighted the problem of investigating sexual assault cases and the correct qualification of the crime⁷⁵.

RECOMMENDATIONS

Pandemic and violence against women/girls

- Raise awareness of police officers, prosecutors and judges about the increase in domestic violence and sexual violence against women and girls in the context of Covid-19;

72. See, for example, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"), Article 36; General Recommendation N35 of the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), paragraph 29 (e); The ruling of the European Court of Human Rights in the case of *M.C. v Bulgaria* (No. 39272/98), paragraph 181.

73. See. Online discussion "The article on rape changes – how is "consent" explained?", Sapari, 8.05.2020. Available at: <https://bit.ly/3wtNWe6>

74. See. Tamar Dekanosidze "The administration of justice on sexual violence crimes against women in Georgia" Public Defender of Georgia, 2020, p. 30-32. Available at: <https://rm.coe.int/-/1680a13605https://rm.coe.int/-/1680a13605>

75. For more details, see chapter "children". See also GYLA, „Civil organizations respond to the case of suicide of a 14-year-old teenager in Kobuleti" 12.02.2021. Available at: <https://bit.ly/3fHT1Kx>; "Sapari", "Statement of NGOs on the tragedy in Kobuleti", 16.02.2021. Available at: <https://bit.ly/37zcXdc>

WOMEN

- Enhance public communication about the services available to victims of domestic and sexual violence, including raising awareness on 112 hotline and mobile application;
- Provide remote service delivery and police activities to the victims.

Pandemic and economic situation of women

- Develop a state strategy and action plan for women's economic empowerment;
- Develop a methodology for calculating the wage gap and a strategy to overcome it;
- In order to empower women economically, provide appropriate vocational training programs that will facilitate their employment.

Sex crimes

- Bring the definitions of sex crimes in the Criminal Code in line with the Istanbul Convention and other international standards;
- Increase the number of psychologists and social workers to work intensively and effectively with children victims of sexual violence;
- Create a specialized unit in the Prosecutor's Office, which will provide procedural guidance on the investigation of sexual violence cases;
- Change inadequately high and discriminatory requirements of evidence for cases of sexual violence;
- Train investigators, prosecutors and judges in the technique of obtaining various types of evidence of sexual violence crimes/assessing the evidence obtained.

LGBTQI COMMUNITY

THE SITUATION OF LGBTQI PEOPLE DURING THE PANDEMIC

In the wake of the Coronavirus pandemic in 2020, a wide-scale crisis involving several waves of restrictions, has critically revealed the challenges for LGBTQI people. The economic crisis caused by the pandemic has left many people in the informal or service sector without income or savings. Therefore, it is noteworthy that the demand for services of community organizations (social worker, psychologist, psychiatrist, etc.) has increased two-fold. It is noteworthy that the number of appeals about domestic violence has not increased, which, among other factors can be explained by the fact that due to the experience of domestic violence and conflict, the vast majority of LGBTQI persons have stopped communicating with their family members.

In the wake of the pandemic, the LGBTQI community's concerns about homelessness, unemployment or difficult economic situation have aggravated even more, which was voiced by civil society organizations (including rent subsidizing, alternative housing, or shelter needs), however the mentioned challenges and basic needs were left beyond the state's anti-crisis plans. Assistance provided by the state with the involvement of international organizations proved to be largely of one-time humanitarian nature, and failed to fully address the complex needs of the group⁷⁶.

HOMO/BI/TRANSPHOBIC VIOLENCE

It is important that the issue of community members' vulnerability towards homo/bi/transphobic crimes and law enforcement officials' lack of sensitivity still remains critical. This is manifested in the intrusion of personal life and violation of privacy, which creates a barrier to appealing. In her 2020 report⁷⁷, the ombudsman of Georgia indicates that community's appeals to the

76. The results of the 2020 study by Women's Initiatives Support Group (WISG) on the needs of the community

77. Report available at: <https://bit.ly/3tZURdv>

police are accompanied by a high risk of degrading treatment, homophobic attitudes, insults and/or indifference.

According to the official information, in 2020, criminal prosecution was launched against 17 people on the grounds of intolerance with sexual orientation and gender identity basis⁷⁸. However, despite the institutional measures taken by the state, the scale of violence experienced in the community, is much wider, which is also evidenced by the results of research conducted in 2020 by the Social Justice Center (formerly EMC)⁷⁹. According to the research, 56% of respondents (N = 320) had experienced violence in the last two years. As in previous reporting periods, the latest study also indicates low rate of appeals and barriers, as 70% refused to report violence. 74.1% of the group do not trust law enforcement agencies, which is caused by complex factors, including past negative experiences, hyper-masculinity of this system, and institutional homophobia. Institutional heterosexism and homophobia in the police system essentially undermine the degree of trust in these agencies and lead to its delegitimation⁸⁰.

It is also noteworthy that in 2020 the European Court issued a ruling about the case of Agdgomelashvili and Japaridze v. Georgia⁸¹ and found a violation of essential and procedural aspects of Article 3 in conjunction with Article 14. This decision is especially relevant today, as the LGBTQI community still faces many obstacles when appealing to law enforcement agencies. This is reflected in the homo/bi/transphobic treatment by all levels of the justice - police, prosecutors, and court staff - as well as in the investigation of hate crimes. The issue of illegal processing of data on their sexual orientation and gender identity is still problematic for members of the LGBTQI community.

In 2020, alleged hate crimes against human rights defenders were still actual, as illustrated by the facts of radical groups attacking Tbilisi

78. *Ibid.*

79. Jalagania L., Social Exclusion of LGBTQ Group in Georgia, Social Justice Centre (Former EMC), 2020.

80. *Ibid.*

81. See: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-204815%22%5D%7D>

Pride's office for months⁸². Unfortunately, the incidents were identified as an administrative offense without identifying a homo/bi/transphobic hate motive⁸³.

Additionally, services for victims of hate-motivated violence are defective and inadequate. In 2020, the Office of the Witness and Victim Coordinator Service in the Prosecution system employed 19 coordinators, who continue to refer beneficiaries/victims to the non-governmental sector due to the lack of state-funded services in the system. The resources of the latter are limited, and the state's response to support the victims is insufficient.

TRANS PEOPLE

One of the fundamental challenges facing trans people in 2020 - the issue of access to trans-specific health services - was assessed by the Public Defender of Georgia with a general proposal. She called on the Ministry of Health to set up a working group to develop trans-specific medical guidelines and protocols, the absence of which, among other rights⁸⁴, fundamentally prevents trans people from exercising their constitutional right to receive quality medical service based on informed consent.

It is important that the absence of guidelines and protocols is reviewed in the context of the absence of legal recognition mechanism for gender, and the existence of gender reassignment surgery as a necessary precondition for changing the gender record in official documents is negatively assessed. According to the Public Defender, the state forces trans people to undergo medical procedures related to the change of gender, without defining the standards of these procedures and the quality monitoring mechanism, which is the responsibility of the state.

82. See: <https://www.ombudsman.ge/geo/akhali-ambebi/sakhalkho-damtsvelis-gantskhadeba-uflebadamtsvelta-saertashoriso-dghestan-dakavshirebit>

83. See: <https://www.ilga-europe.org/sites/default/files/2020/georgia.pdf>

84. See: <https://wisg.org/ka/news/detail/287/sakhalkho-damtsvelma-transi-adamianebis-jan-datsvis-sakitkhebeze-zogadi-tsinadadeba-gamostsa>

The state has already received such recommendation from an independent UN expert⁸⁵, as well as from the European Commission against Racism and Intolerance⁸⁶. The issue of trans-healthcare is also defined by the government's Human Rights Action Plan, although the lack of regulation of legal recognition of gender has not yet been recognized as a problem by the state. The above mentioned is added by the transphobic attitudes in the society, which in 2020 was intensified by the exoticization of the issue by the mainstream media and the objectification of group members⁸⁷.

STATE ACTION PLAN ON HUMAN RIGHTS PROTECTION 2018-2020

The Action Plan, which was approved for 2018-2020 during the last two reporting years, left open a special chapter on gender equality, which was approved only in February 2020. It is noteworthy that a number of issues that organizations have been advocating for years have not been included in the proposed chapter, including the issue of legal recognition of gender for trans people.

The current social policy of the state still does not consider homophobia and transphobia as a systemic and structural problem, which is why homophobia is presented only as an individual issue, and therefore the main strategy set by the state to combat homophobia remains a selective punitive response to its individual manifestations. The issue of legal recognition, proactive initiatives to reduce homophobia and transphobia, in the direction of broader education and awareness raising, still remains beyond the action plans of the government, as illustrated in Chapter 15 of the above mentioned plan.

85. A/HRC/41/45/Add.1

86. A/HRC/41/45/Add.1 para 119

87. See, i.e., <https://bit.ly/3uRCw3b>

RECOMMENDATIONS:

To the government of Georgia

- Integrate the research-based root problems of the community in the next state action plan on human rights protection, including the issues related to legal recognition of gender, proactive initiatives for reducing homophobia and transphobia, broader education and awareness-raising.
- Create an administrative mechanism for legal recognition of gender based on person's self-expression, which requires the elimination of demands restricting the rights and the recognition of non-binary identity for both adult and juvenile citizens, as outlined in the recommendations of the UN Independent Expert on Georgia⁸⁸.
- Take appropriate measures to eliminate stigma and negative prejudices in the society, including through a fundamental reform of the education system based on the strengthening of teaching civic education, and the inclusion of sexuality education in formal or non-formal teaching curricula.
- According to the Public Defender's proposal, set up a working group to develop a clinical guideline and protocol for trans-specific medical procedures, which will describe both the medical and ethical issues of such services, as well as a person's psychosocial assistance needs before and after the procedures.

To the Ministry of Internal Affairs

- Establish systemic prevention policies and institutional mechanisms in the fight against discriminatory crimes, based on research and intensive collaboration with community and human rights organizations. In this policy it is essential to link the areas of law enforcement, penitentiary, education and health/social care, and to develop multiple tools for victim protection and empowerment.

88. See: <https://bit.ly/3bqK4m4>, par. 90.

To media outlets

- Avoid encouraging discrimination, the mainstream media should comprehensively cover issues related to the group, without exoticizing and objectifying LGBTQI people.

RELIGIOUS MINORITIES

The pandemic caused by Covid-19 revealed a number of systemic problems in the protection of freedom of belief and religion. The state failed to ensure freedom of religion and belief, neglected equality between religious associations, and the mutual independence of religion and the state. Against the backdrop of the pandemic, hate speech escalated, which was particularly evident towards ethnic Azeri and Muslim populations. The reporting period was also problematic in terms of the anti-Semitic statements by the clergy of the Orthodox Church.

The state religious policy and the role of State Agency for Religious Issues under the Prime Minister, property related obstacles, discriminatory legislation, violation of religious neutrality in public schools, timely investigation of hate crimes, etc., still remain a challenge.

FREEDOM OF RELIGION AND BELIEF DURING COVID-19 PANDEMIC

During the pandemic, the vast majority of religious associations took into account the recommendations made in the field of public health and changed the forms of religious services. The exception was the Georgian Orthodox Church, which immediately refused to suspend large religious gatherings.

On March 21, 2020, a state of emergency was declared and certain constitutional rights and freedoms were restricted for two months. The list of rights defined in the Constitution that may be restricted during a state of emergency does not include freedom of religion or belief⁸⁹. Accordingly, it is unacceptable to restrict the freedom of religion within the state of emergency. Nevertheless, restriction on freedom of belief and religion (its external dimension) are permissible if they are envisaged by law and serve a legitimate goal (e.g., protecting the health of others)⁹⁰.

From April 17 to April 27, driving was also forbidden in Georgia. However, the

89. Constitution of Georgia, Article 71.

90. Constitution of Georgia, Article 16.

RELIGIOUS MINORITIES

Patriarchate of the Orthodox Church stated that all members of the Church had the right to travel by car⁹¹. The government did not allow such benefits for the clergy of other religious organizations. It took them several days of effort to individually obtain a special permit to drive a limited number of vehicles.

LEPL State Agency for Religious Issues has not made any comments during or after the state of emergency, however its mandate is to develop recommendations on religious issues.

From November 28, 2020 to January 31, 2021, the movement of persons and their presence in public space was prohibited from 21:00 to 05:00. However, the exceptions were New Year and Christmas Eve (the night of January 6)⁹². Exemption from this restriction on the occasion of Christmas only for the Orthodox Church is discrimination on religious grounds. This period coincided with the most important holiday of many religious associations, including December 25th - when the vast majority of Christian organizations celebrate Christmas.

The differentiated approach was accompanied by discriminatory statements of high ranking government officials⁹³. The statements of the then Prime Minister⁹⁴ and Vice Prime Minister⁹⁵ reveal the government's preferential attitude towards the Orthodox Church, contradict the constitutional principle of the supremacy of law and equality, and ignore the idea of a secular state.

91. The clergy are not forbidden to travel by car, Netgazeti, April 17, 2020. <https://netgazeti.ge/news/444219/>

92. Two-month action plan of restrictions by the Coordination Committee <https://stopcov.ge/ka/shezgudvebi>

93. See, i.e., the statement of the Prime Minister, 14.04.2020 <https://netgazeti.ge/news/443277/>; Statement of Vice Prime minister, 27.11.2020 <https://bit.ly/2OJRUiA>

94. Assessment of the statement of the Vice Prime Minister, TDI, 15.04.2020 <https://bit.ly/3uMYVP3>

95. Statement by religious organizations, 1.12.2020 <https://bit.ly/3uFY967>
Statement by the Bishop of the Catholic Church, 3.12.2020 <https://bit.ly/325b71i>
Statement by the platform "No to Phobia", 28.11.2020 <https://bit.ly/3wOdnrR>

DISCRIMINATION IN LEGISLATION AND NEW PRIVILEGES FOR THE PATRIARCHATE

The issue of eliminating discriminatory legislation against non-dominant religious associations remained unresolved during the reporting period. Particularly problematic is the inequality established by the tax and state property law, which provides certain rights and privileges only for the Patriarchate of the Georgian Orthodox Church.

In 2020, during the state of emergency declared due to the Covid-19 pandemic, the Parliament passed a law granting a new privilege to the Patriarchate of the Orthodox Church. In particular, amendments were made to the Forest Code and the Law on State Property, which made it possible for the Georgian Orthodox Church to receive ownership of Georgian forests⁹⁶. It should be noted that the privatization of forests is generally prohibited by law, although with the adopted amendments the Patriarchate became the only institution that was granted the right to own the forests adjacent to the churches.

Since 2020, the Constitutional Court has been hearing two lawsuits from religious associations. One of the lawsuits concerns the unconstitutionality of the norms of the law on state property, which provide the right to sell or exchange state property only for the Orthodox Church⁹⁷. In the second lawsuit, religious organizations are appealing against a norm in the Tax Code that sets the tax exemption also only for the Orthodox Church⁹⁸.

96. Statement by TDI on transferring the forests to the Patriarchate. <https://bit.ly/3g2wckP>

97. Review of the constitutional claim of religious organizations regarding the law on state property continues <https://bit.ly/3saJdvf>

98. The Constitutional Court admitted the claim of religious organizations on property tax <https://bit.ly/3a3MaYf>

PROPERTY RIGHTS OF NON-DOMINANT RELIGIOUS GROUPS

During the reporting period, the **issue of restitution of historical-religious property** of non-dominant religious associations, which was confiscated by the Soviet regime, remained unresolved. The illegal practice of transferring the property of other religious associations to the Orthodox Church by the state continued. In 2020, part of the Evangelical Lutheran Church in the village of Asureti, Tetrtskaro Municipality, which is also an immovable object of cultural heritage, was transferred to the Georgian Patriarchate with the right to use it⁹⁹.

In 2020, the Batumi Court of Appeals continued the court hearing on the construction of a new mosque in Batumi. In 2020, two trials were held in the Court of Appeals¹⁰⁰. The completion of the case is still protracted. Violations of the freedom of belief and religion of Muslims are ongoing - they have been unable to build a new mosque since 2017 and are still gathering in the open space to pray.

RELIGION AND SCHOOL ENVIRONMENT

The Law on General Education sets out strict principles for the protection of religious neutrality and the non-discrimination in public schools. Nevertheless, cases of discrimination and indoctrination on religious grounds are common in public schools. There is also a practice of teachers attending lectures on Orthodoxy¹⁰¹.

In 2020, according to the Internal Audit Department of the Ministry of Education of Georgia¹⁰², four cases of discrimination on religious grounds were submitted to the Ministry. The Ministry considered that the information

99. For details see 2020 parliamentary report of the Public Defender of Georgia, p. 215 <https://ombudsman.ge/res/docs/2021040110573948397.pdf>

100. The case of Batumi Mosque continues in the Court of Appeals <https://bit.ly/3a3oLGp>

101. Statement by TDI on June 19, 2019 <https://bit.ly/3tb3Oke>

102. Letter of the Ministry of Education Science Culture and Sport, March 1, 2021. Letter N: MES 1 21 0000172553

provided in the letters regarding possible violations of students' rights was general and the cases described by the school were not confirmed.

The texts of the school textbooks are mostly written from the position of ethnic and religious majority. It should be appreciated that from 2019 the Ministry of Education, in cooperation with the Public Defender of Georgia, has involved human rights experts in the process of reviewing new textbooks. The process of textbook revision continued in 2020 with the involvement of these experts.

Alleged violations of religious neutrality also occurred during the integration of "patriotism (homeland studies)" lessons into the learning process. Schools reportedly offered students to attend Homeland Studies online lessons. The conversation during the lessons was mainly about Orthodoxy¹⁰³. According to the Ministry of Education, information about the mentioned subject has not been submitted to the Ministry¹⁰⁴.

DISCRIMINATION ON RELIGIOUS GROUNDS AT THE UNIFIED NATIONAL EXAMINATIONS

During the reporting period, the rights of university entrants were also violated as they became victims of discrimination on the grounds of religion. The National Assessment and Examinations Center refused to postpone the exam for those entrants who, due to their belief, could not take part in the Unified National Examination scheduled for Saturday. The court ordered the examination center to postpone the examination for some other day. The court noted that a public institution should not allow unlawful interference in the area protected by rights¹⁰⁵.

103. "Homeland studies" for pupils – who conducts it and what is the subject about, December 17, 2020. "Publika": <https://bit.ly/3uCLAbv>

104. Letter of the Ministry of Education Science Culture and Sport, March 1, 2021. Letter N: MES 1 21 0000172553

105. Statement by TDI on June 20, 2020: <https://bit.ly/3uyuu1Y>

RELIGIOUS MINORITIES

On July 29, 2020, the Public Defender addressed the Ministry of Education with a general proposal regarding the consideration of religious needs in the process of organizing the Unified National Examinations¹⁰⁶.

CRIMES MOTIVATED BY RELIGIOUS INTOLERANCE AND RESPONDING TO THEM (RESPONSE TO THEM)

According to the 2020 Parliamentary Report of the Public Defender of Georgia, as in previous years, the efficient investigation of crimes motivated by religion remains a problematic issue. Particularly noteworthy is the issue of violations of the rights of Jehovah's Witnesses, protraction in the investigation of cases of persecution and violence, the recognition of a person as a victim by the Prosecutor's Office, and the filing of charges¹⁰⁷.

According to the Ministry of Internal Affairs of Georgia, in 2020 the Ministry launched a criminal investigation into nine cases motivated by religious grounds¹⁰⁸, and the Prosecutor's Office of Georgia launched criminal prosecution against four people¹⁰⁹.

ANTI-SEMITISM

On December 20, 2020, Ioane Gamrekeli, Metropolitan of Kutaisi-Gaenateli, Head of the Education Center of the Georgian Patriarchate, made anti-Semitic statements while preaching in the Bagrati Temple¹¹⁰. His sermon repeats the dangerous wide-spread religious stereotype about Jews that the entire Jewish nation is collectively responsible for the crucifixion of Christ and appears to be a persecutor of Christians, which has been one of the

106. General Proposal by the Public Defender of Georgia on August 11, available at: <https://bit.ly/3gdZqO7>

107. See. The 2020 Parliamentary report of the Public Defender of Georgia, p. 217 <https://ombudsman.ge/res/docs/2021040110573948397.pdf>

108. Letter of February 1, 2021 of the Ministry of Internal Affairs, letter N: MIA 1 21 00230332

109. Letter of February 2, 2021 of the Prosecutor's Office of Georgia, letter N13/5526

110. The sermon by Metropolitan Ioane Gamrekeli on December 20,2020. <https://www.facebook.com/watch/?v=387021805899586>

strongest foundations of institutional anti-Semitism for centuries. Georgian Ambassador to Israel Lasha Zhvania publicly supported Metropolitan Ioane Gamrekeli. The ambassador publicly wrote¹¹¹, that the anti-Semitic assessment of the Metropolitan's sermon is defamation against the clergyman and the Church.

The Metropolitan's sermon was followed by anti-Semitic statements of other clergy of the Orthodox Church. In parallel, numerous anti-Semitic comments appeared on social networks. Neither the church nor the state has made critical assessment of specific cases of anti-Semitism¹¹².

HATE SPEECH AND XENOPHOBIA

In the wake of the COVID-19 pandemic and in the pre-election period, xenophobic attitudes on ethnic and religious grounds became even stronger. Hate speech and statements inciting discrimination against the ethnic Azerbaijani population, including public figures and politicians, were widely reported in the community, especially on social media¹¹³.

Statements encouraging discrimination were soon followed by the support and aggressive campaign on social media of the so-called Georgian March and other radical groups. On May 30, the State Security Service launched an investigation into the issue under the article on racial discrimination, however, the purpose of the investigation was not clear to the public¹¹⁴. Because of this, a reasonable assumption has been made that the state seeks to put pressure on ethnic and religious minorities.

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111. Statement on December 28, 2020: <https://www.facebook.com/ZhvaniaL/posts/1941813032639497>
 112. See detailed information on church antisemitism and various responses in the document prepared by TDI <https://bit.ly/3aON2wR>
 113. See the statement made by civil platform "No to Phobia" on March 25, 2020: <https://bit.ly/2OETJNJ>; statement made by civil platform "No to Phobia" on May 20, 2020: <https://bit.ly/3mATEHg>; article by Tabula on May 2, 2020: <https://bit.ly/3mzqvwc>; statement by "No to Phobia" on September 8, 2020: <https://bit.ly/3dWCEHo>; the statement by NGOs on the ongoing events in Marneuli, July 17, 2020: <https://bit.ly/3wdXgmm>.
 114. "the case on racial discrimination and inflaming ethnic feud – what and how does the State Security Service investigate", June 16, 2020, Tabula: <https://bit.ly/324CVCO>

RECOMMENDATIONS

To the legislative and executive government

- Develop specific guidelines and recommendations for religious groups in public health crisis situations that address both public health challenges as well as the needs of religious groups;
- Ensure the involvement of all religious associations in decisions related to freedom of religion and religious activity and conduct the process in a transparent manner;
- High ranking government officials make timely and clear statements against discrimination, anti-Semitism, hatred and violence on religious grounds;
- Ensure the protection of freedom of religion and belief in public schools and in the process of organizing unified national examinations;
- Ensure timely and effective investigation of crimes motivated by religious intolerance

ETHNIC MINORITIES

The challenges facing ethnic minorities in Georgia were even more intensely revealed in 2020, which was aided by the Covid-19 pandemic. The systemic problems that ethnic minority groups were concerned with before the pandemic were again left without the response from the state and without the development of sustainable, inclusive policies. In this regard, the main problem remains the weak, formal policy of integration and the existing discriminatory attitudes.

The events in 2020 have led to a hard socio-economic situation of minority groups, information vacuum, language barriers, lack of access to basic services, infrastructure, quality education in the regions, xenophobic and chauvinist attitudes in society and politics, weak and fictitious political participation and the low interest of parties towards the needs of the minorities.

PANDEMIC AND ISOLATION OF MINORITY REGIONS

On March 23, after one case of infection was identified in Marneuli municipality, Marneuli and Bolnisi municipalities were declared quarantine zones. It should be noted that in Marneuli (83%) as well as in Bolnisi (63.4) the majority of the population, 83%, are ethnic Azeris. However, the government made information on pandemic and its prevention available in minority languages after their declaration as quarantine zones. It should also be noted that for minorities living in the regions, who do not have access to the internet, access to information through television channels in a language they can understand is limited and insufficient¹¹⁵.

According to a 2019 research by the Institute of Social Studies and Analysis, only 21% of the Armenian community and only 13% of the Azerbaijani community receive information about current events in Georgia almost daily¹¹⁶.

115. We urge government and media to consider ethnic minority languages in their information policies: <https://bit.ly/3tREBLI>; The needs of ethnic minorities, Public Broadcaster and the pandemic, EMC, July 21, 2020: <https://bit.ly/2SYasgH>.

116. 2019 Research by Institute for Social Studied and Analysis "Political participation of ethnic minority representatives", p 40-43.

Adequate translation resources for minorities are not provided in the territorial bodies of state service providers and online platforms (112, 15 05, etc.). Consequently, the population had difficulty communicating with government bodies in emergency situations. The state later translated relevant online resources (stop.gov.ge) into minority languages and distributed information brochures about the pandemic and ways to prevent it, although, as noted above, access to Internet resources is limited to people living in remote areas¹¹⁷.

At the same time a wave of hate speech, discriminatory and xenophobic comments against ethnic Azerbaijanis began on social media, in response to which the high-ranking government officials did not make appropriate statements in support of equality. Moreover, the xenophobic and aggressive statement of the director of the National Center for Manuscripts towards the Azerbaijanis of Georgia - “they should be locked up in the village and slaughtered” - has not led to a corresponding reaction from the Minister of Education, Science, Culture and Sports and the issue of that person’s political responsibility has not been raised¹¹⁸.

In regions densely populated by minorities, from the very beginning of isolation, severe socio-economic conditions were revealed, as the vast majority of the local population survived on a daily income from agriculture. After the announcement of the isolation, the population was left in the hope of receiving the small amount of humanitarian aid provided by the local governments, which proved to be insufficient in the context of the 2-month quarantines¹¹⁹.

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117. For general language barriers in Azerbaijani community see „Missed needs, interests and history – the problem of teaching Georgian language in the Azerbaijani community of Georgia”. Available at: <https://bit.ly/3fsu0S5>; „Systemic challenges of the educational policy towards the ethnic minorities in Georgia, EMC, 2020. Available at: <https://bit.ly/3frxKmu>
 118. The Solidarity Platform demands the dismissal of Zaza Abashidze due to xenophobic statements <https://bit.ly/3eUnzYA>
 119. EMC responds to the social crisis in Marneuli and Bolnisi: <https://bit.ly/3k85SI4>

It has become clear that at the level of local governments there are no proper mechanisms of social support, information base on vulnerable families, etc. In addition, the underdevelopment of the existing infrastructure in these regions, especially the lack of agricultural support infrastructure and proper water systems, has severely affected the population during the spread of the virus¹²⁰. Isolated people in the villages also did not have access to primary health care services, medicines, as they usually had to go to the city center to buy medicines, which was impossible due to restrictions on freedom of movement.

Following the declaration of the quarantine zone, the police started working in the municipalities populated by minorities to enforce the quarantine rules. Monitoring of fines issued by the police shows that the population was often fined arbitrarily and unfairly¹²¹.

The pandemic has further revealed the existing inequalities in terms of access to quality education. A study of the situation during distance learning in Azerbaijani-language schools showed that a large proportion of students, without computer or Internet access, were unable to engage in the teaching process¹²². According to teachers an average of 20% of the class was able to attend the lessons. The teaching process had obstacles due to the technical problems of the teachers as well. Due to the problems caused by distance learning, teachers fear that the education system in minority groups, which is already problematic, will decrease in quality even more¹²³.

120. EMC call on the authorities to provide supplies to the villages left without water to prevent the virus: <https://bit.ly/3xy6BGs>

121. EMC call on Bolnisi and Marneuli police to strengthen community and human rights oriented work: <https://bit.ly/3i2eltK>

122. <https://bit.ly/3xLCgUQ>

123. Weaknesses of the education policy and non-Georgian language groups, EMC, 2020. <https://bit.ly/3e4ofdq>

THE PROCESSES RELATED TO THE STATUE OF NARIMANOV AND INVESTIGATION OF THE STATE SECURITY SERVICE IN THE FACT OF RACIAL DISCRIMINATION.

On May 24, Bishop Giorgi Jamdeliani criticized the mayor of Marneuli for rehabilitating a statue of Bolshevik writer and revolutionary Nariman Narimanov and demanded in the language of an ultimatum that it be dismantled. In parallel with these processes, a chauvinistic and aggressive campaign was launched on social media against ethnic Azerbaijanis, which was organized with the involvement of the Georgian March and the Kremlin Propaganda Primakov Georgian-Russian Community Center. The State Security Service was the only body to respond to the process - it launched an investigation into racial discrimination, which was problematic from the very onset.

So far, the purpose, content and context of the investigation are vague and problematic, it has not yielded any results, including the prevention of further actions by radical groups¹²⁴. The state has not created the platforms for democratic and expert discussions and inter-community dialogue, and the Office of the State Minister for Reconciliation and Civic Equality has not taken any part. It is noteworthy that the State Security Service actively started interviewing human rights actors and local civil activists during the investigation, which involved the risks of interfering in their activism and human rights work, verifying and controlling their activities¹²⁵. Ultimately this also indicates that the purpose of the intervention by State Security Service was not to respond to the actions of xenophobic and extremist groups and to prevent the threat posed by them.

124. Civil Society Organizations Urge the Government to Pursue a Political Process Related to Narimanov Statue <https://bit.ly/2VvKfaC>

125. EMC responds to the ongoing investigation at State Security Service and examination of Tamta Mikeladze: <https://bit.ly/3i2S0fN>

LOW INTEREST OF POLITICAL PARTIES AND THE CLAN RULE IN MINORITY REGIONS

Mechanisms to support the political participation of ethnic minorities were also not created in 2020, nor were sustainable and regular consultation mechanisms introduced at any level. Low political participation remains a challenge at the level of local governments as well, where the work of mechanisms of democratic participation provided by the local government Code are fictitious and illusory¹²⁶.

Studying the pre-election campaigns and programs of political parties in the 2020 parliamentary elections revealed that parties often do not know the needs, concerns and challenges of non-dominant ethnic groups in depth and therefore do not reflect them in their election plans. Pre-election programs often reveal the superficial views of parties on the protection of the rights, equality and participation of non-dominant ethnic groups in public and political life¹²⁷. The low representation of minorities within the parties was also evident in this parliamentary election, which also showed that the representation of minorities in the Parliament was almost halved compared to the previous Parliament. This clearly indicates the need to create mechanisms to support political participation, although this issue is completely nonexistent in today's political agenda.

In addition, the clan rule practices established in regions densely populated with minorities have detrimental, alienating consequences for political participation in the local community. On the other hand, examples of such rule create a perception of false representation that does not actually reflect the interests and needs of the community. Violent incidents related to the ruling party member Enzel Mikoyan in Samtskhe-Javakheti in 2020 often attracted public attention, but there has been no efficient legal response, indicating political influences on the investigation and signs of political and legal

126. Community General Assembly – Fictitious Democracy Instead of Real Democracy: EMC addresses Marneuli Municipality: <https://bit.ly/2UHqxrl>

127. The rights of ethnic minorities in pre-election visions of parties - 2020 <https://bit.ly/2UDG3oT>

ETHNIC MINORITIES

privilege for an MP with excessive power in the region¹²⁸. A similar clan rule can be observed in Marneuli municipality, where the Naveriani family and their associates have possessed extensive financial resources and enjoyed political influence in the municipality for years¹²⁹.

THE POLICY OF DISCRIMINATORY AND ISOLATING CULTURE

In 2020, the government did not take steps to integrate the culture of minorities, the state does not make adequate efforts to develop and support their culture. For example, in 2020, ethnic Azeri actively demanded that Nowruz Bairam, a cultural holiday, be declared a non-working day, but for years the state has been ignoring this demand of minorities and continuing to counterbalance the dominant policy that views the minority culture as “alien” and “other”¹³⁰.

RECOMMENDATIONS

To the government of Georgia:

- Strengthen the mandate of the State Minister for Reconciliation and Civic Equality and allocate adequate financial resources to pursue effective integration policies;
- Develop special mechanisms and policies aimed at strengthening the political participation of minorities, based on active consultations with political and civic groups, as well as ethnic minority organizations;
- Strengthen coordination with the Council of Ethnic Minorities under the Public Defender, through systematic and regular consultations and recommendations;

128. Coalition for Equality demands the launch of investigation against the member of the Parliament Enzel Mkoian: <https://bit.ly/3e7qDjm>

129. Influences of the “silent” deputy in Marneuli: <https://adobe.ly/3i1DwG>

130. Cultural Domination and the Signs of Minority Culture Erasure in Kvemo Kartli Region: <https://bit.ly/3xzyTk1>

- Create translation resources in minority languages, especially in the agencies responsible for providing state services and their information platforms.
- Ensure the mobilization of financial resources in regions densely populated by ethnic minorities in response to the existing infrastructural, social and educational needs;

To relevant local self-governments:

- Develop a sustainable social support policy in regions populated by minorities;
- Establish minority consultation mechanisms at the level of local government;
- Strengthen the already existing civic engagement mechanisms based on the Code of local governments;
- Provide translation resources in relevant minority languages for the processes of administrative proceedings and public information delivery for citizens who do not speak Georgian;
- Translate websites and other official public platforms into relevant minority languages;
- Ensure the enforcement of multicultural policy based on democratic consultation with minority groups.

To the Ministry of Education, Science and Sport

- Develop a policy document of long-term strategy to support the education of ethnic minorities, that will be based on existing needs, research on policy shortcomings, and active consultations with actors working on these issues and minority representatives;
- Study the problems caused by distance learning, and considering the specifics of minorities, take appropriate measures to compensate for the shortcomings in the field of education and to mobilize emergency support for minorities;
- Study the systemic shortcomings in the process of teaching the state language and take measures to eliminate them;

ETHNIC MINORITIES

- Develop policies to support minority cultures through the introduction of special mechanisms.

To the Office of the State Minister for Reconciliation and Civic Equality

- Approve the new Strategy and Action Plan for Civic Equality and Integration, taking into account the recommendations of human rights actors and minority organizations;
- Establish truly inclusive and democratic platforms for continuous collaboration and communication with minority groups and organizations.

**SHELTER SEEKERS,
REFUGEES, HUMANITARIAN
STATUS HOLDERS AND
MIGRANTS**

In 2020, for migrants in Georgia, the issue of state security remained a problem when granting refugee or humanitarian status, as well as obtaining a residence permit by foreigners. In addition, in 2020, shelter seekers and internationally protected individuals faced a new challenge, which was the issuance of the IDs and limitation of their validity. This has significantly hindered the process of accessing rights and using relevant programs.

In the light of the pandemic, challenges related to access to information and lack of information about state programs were also identified. Additionally, the difficulties associated with crossing the border are noteworthy, which concern the regulations related to both departing and entering Georgia. Foreign students in Georgia, some of whom had to leave the country due to their financial situation, also faced a challenge.

Attitudes towards foreigners in Georgia and the issue of timely and qualified response to alleged crimes committed on the grounds of racial, religious, national or ethnic intolerance in Georgia remain a significant challenge.

STATE SECURITY

One of the grounds for refusing asylum in Georgia is the posing of a threat to state security by a person. According to Articles 17 and 20 of the Law of Georgia on International Protection, one of the grounds for refusal to grant refugee or humanitarian status, if there are sufficient grounds for such assumption, is that the person poses threat to the state security, territorial integrity or public order of Georgia. The information that is processed for the purposes of the law and attached to the case is a state secret. In the process of administrative proceedings, only an authorized official has the opportunity to get acquainted with it, and in case of the court hearing - the judge. As a result, the process of fully exercising the guarantee of the right to protection, stated in the third paragraph of Article 31 of the Constitution of Georgia, is hindered.

This issue remains one of the main challenges for foreign migrants living in

Georgia. Similar to the Law of Georgia on Granting Asylum, under the Law of Georgia on the Legal Status of Aliens and Stateless Persons¹³¹, a residence permit is issued by the Service Development Agency based on the conclusion of an authorized body.

According to the conclusion of the State Security Service, some migrants (especially citizens of Asian-African countries) often receive negative answer to the applications for a residence permit in Georgia, with the motive of state security. However, the conclusion on which this decision is based is classified and is not made available to the applicant at any stage. Refusal of residence permits for state security reasons has been used by the state for years as a leverage to artificially restrict the flow of migrants.

TEMPORARY IDENTIFICATION CARDS/TEMPORARY RESIDENCE PERMITS

In 2020, shelter seekers and internationally protected individuals faced a new challenge, which was the issuance of identity cards and limitation of their validity. It should be noted that this restriction mainly applied to citizens of Iraq and Syria¹³².

Due to the absence of a valid identification document, a person is deprived of the opportunity to use health services, banking services, access to labor and education rights. The discriminatory policy of the state forced many of them to give up international protection and leave Georgia. Despite numerous statements, complaints or lawsuits, it is unknown what was the reason for protracting the issuance of the documents, which continues to this day.

131. Subparagraph "a" of Paragraph 1 of Article 18 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons; Paragraph 5 of Article 13 of the Ordinance of the Government of Georgia N 520 On Approval of the Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits

132. "Rights Georgia" had to work on a number of similar cases during 2020. In this regard, Rights Georgia wrote a letter to the Public Service Development Agency, as well as to the Public Defender, requesting to establish discriminatory fact, however, despite all these letters, in all these cases, the deadline set by law to make a decision regarding the issue was violated.

THE CHALLENGES REVEALED DURING THE PANDEMIC

Access to information for foreigners can be considered as a particularly problematic issue. During the so-called first wave of the pandemic, at a time when multiple questions required immediate answers, both the issues of combating and preventing the virus, and the legal regulations introduced to prevent the spread of the virus were unknown. There were various fears about what would happen to foreigners, how they would be able to stay in Georgia or leave the country, earn an income, access various government services or healthcare, how foreign students would be able to continue their education or provide themselves with accommodation.

Additionally, the migrants did not have information about their rights and the benefits they could enjoy under state programs. The information posted on the official websites of the state did not fully satisfy the accessibility demand, as some of the information was published only in Georgian, which was a challenge for migrants. Uncertainties were also related to movement regulation and the closure and opening of borders. The problem was more or less maintained during the so-called second wave as well.

When most of the public services switched to online mode, access of foreigners to public services significantly deteriorated. Public Service Halls, which foreigners have the most contact with, have been operating with delays due to high demand on services related to physical persons. For example, some foreigners were completely oblivious that they could submit the relevant application remotely. Because of this, some have even missed the deadlines set by law. The foreigners whose residence permits needed to be renewed got affected, as well as those who were interested in extending their legal stay in Georgia. Clearly, this has also had an impact on foreigners' access to social and healthcare services.

THE REVEALED CHALLENGES RELATED TO SUPPORT PROGRAMS OFFERED BY THE STATE

Ordinance 286¹³³ of the Government of Georgia defined state aid programs to mitigate the harm caused by the pandemic. The circle of beneficiaries included Georgian citizens, foreigners with permanent residence permits, stateless persons and individuals with refugee or humanitarian status who held a temporary residence permit¹³⁴. Consequently, access to this program was available only to a certain circle of migrants and did not include foreigners with a temporary residence permit.

DIFFICULTIES RELATED TO THE CROSSING OF GEORGIAN BORDER

During the pandemic, the issue of returning to homeland became crucial for many foreigners. However, in many cases restrictions on international travel and the closure of state borders have made it impossible for them to travel to their countries of origin. At the same time, some foreigners holding a Georgian residence permit, on the contrary, wanted / were interested to return to Georgia. But they encountered obstacles while crossing the border and due to new regulations, they could not return to the territory of Georgia. It was impossible for them to enter Georgia solely on the basis of a residence permit. In this case, the fact that the migrants had a residence permit in Georgia and needed to return to Georgia was not taken into account.

THE SITUATION OF FOREIGN STUDENTS DURING THE PANDEMIC

It is noteworthy that foreign students in Georgia also faced challenges. They encountered a number of problems in the studying process. Part of the stu-

133. Government Ordinance N286 of May 4, 2020 "On Approval of the Targeted State Program for Mitigation of Harm Due to the Infection (COVID-19) caused by the New Coronavirus (SARS-COV-2)"

134. Paragraph 2 of Article 1 of the "Targeted State Program for Mitigation of Harm Due to the Infection (COVID-19) caused by the New Coronavirus (SARS-COV-2)", approved by the Government Ordinance N286 of May 4, 2020.

dents left the country due to economic and financial difficulties and were unable to return. At a certain stage, the universities switched to remote teaching. However, afterwards, they continued in the usual mode, observing the recommendations of the Ministry of Health. But most of the students could not return to Georgia due to the epidemiological situation and financial problems in their countries.

ATTITUDES TOWARDS FOREIGNERS

Discriminatory attitudes on the part of the public towards foreign citizens, on the one hand, and inappropriate attention and response to the issue by the relevant state bodies, on the other, also remain a challenge.

It is noteworthy that in March 2020, two shelter seekers, ethnic Hazaras (Afghanistan), were physically abused because of their ethnicity. Possibly because of the characteristic shape of their eyes, they were called Chinese and told that by staying in Georgia they were spreading the Coronavirus. It should be noted that the investigative bodies have not responded to the case so far¹³⁵.

RECOMMENDATIONS

To the government of Georgia:

- Consider the rights of migrants living in Georgia to maximum extent within the frames of state programs;
- Provide information on state programs in the first language of minorities;
- Ensure timely access to information on prevention of the spread of coronavirus and regulations caused by the pandemic.

135. Despite the active efforts by Rights Georgia to conduct an investigation under two articles, including racially motivated crimes, there has been no proper response to the case. In addition, a year after the launch of the investigation, shelter seekers have not even been acknowledged as victims in the case.

To the Public Service Development Agency

- Eliminate the practice of issuing temporary identification cards for shelter seekers and temporary residence permits for persons with international protection status with violations of time set by law, and issue the relevant documents in a timely manner;
- Raise the standard of substantiation of decisions to deny a residence permit and eliminate possible discriminatory practices on the grounds of nationality/citizenship when issuing a residence permit.

To the State Security Service

- Properly substantiate the information about shelter seekers and persons with international protection, provided in the process of granting/terminating the status.

To the Ministry of Internal Affairs:

- Timely and properly investigate crimes committed on the grounds of racial, national and ethnic belonging;
- Recognize the person as a victim in timely manner and ensure the victim's access to their rights.

To the Ministry of Education

- Consider the interests of foreign students in the education process as much as possible.

**POPULATION
AFFECTED
BY CONFLICT AND
IDPs**

THE IMPACT OF THE PANDEMIC ON CONFLICT REGIONS

The pandemic has further aggravated the social condition in the already isolated regions of Abkhazia and Tskhinvali. Restrictions imposed due to the de facto border closures have complicated the social situation of ethnic Georgians living in these regions and created a humanitarian crisis. The problem of access to health services was particularly pressing in this regard¹³⁶. Several patients died due to their late transfer to a controlled area of Georgia. Due to the closure and the crisis, the Akhgori region is being emptied, which could have even more difficult political consequences in the future¹³⁷.

In the wake of the pandemic, the state did not develop sustainable support mechanisms for students from the occupied territories, who could not return to their families due to restrictions on freedom of movement and also lost their income in the territory controlled by Georgia¹³⁸.

It is noteworthy that during the pandemic, the Georgian government tried to receive and support patients from conflict regions. Nevertheless, the government did not respond to the political signals coming from the new leaders of the de facto government of Abkhazia with appropriate initiatives and new strategies related to the transformation of the conflict.

VISIONS OF POLITICAL PARTIES

The study results¹³⁹ of the programs of political parties in the pre-election period of 2020 are noteworthy. The issue of restoring territorial integrity and resolving the conflict has not been missed in the political parties'

136. Public organizations call on the Georgian government to strengthen humanitarian assistance to the region of Abkhazia, <https://bit.ly/3k908ho>

137. Local population leaves Akhgori, DRI, 2020, available at: <http://www.democracyresearch.org/geo/468>

138. EMC demands special social assistance for students: <https://bit.ly/3e7av1q>

139. Conflict regions and human rights in pre-election views of the parties - 2020. <https://bit.ly/3hxGWZ3>

campaigns, however, they do not offer fundamentally new, transformational approaches. The ruling political team has virtually no new vision of how it intends to pursue a policy of reconciliation and engagement and increase access to public services for the population living in the occupied territories. The visions of other political parties also did not reflect new approaches and visions of conflict transformation, and they still rely on outdated methods of de-occupation, non-recognition, and involvement.

PRACTICES OF RIGHTS VIOLATIONS IN CONFLICT REGIONS

The practice of systemic human rights violations in and around the conflict regions continued in 2020, and this has not become the subject of elaboration of radical changes by the state. It is noteworthy that Irakli Bebuia was arrested and tried in Gali on September 30, 2020 for burning the Abkhazian flag. He was found guilty by the de facto court of Abkhazia on December 7 and sentenced to 9 years in prison¹⁴⁰.

On July 11, 2020, the occupation forces of Tskhinvali detained a Georgian citizen Zaza Gakheladze, who was sentenced to 12 years in prison by the de-facto government on charges of illegal border crossing and assault on a “border officer”. Zaza Gakheladze’s illegal imprisonment is a continuation of the arbitrary and harmful practices that the de facto government has been using for years to increase political pressure on the Georgian central government, thus continuing the administrative practice of violating rights. In response, the government does not take efficient measures to address the issue of freedom of movement with de facto regimes, even when it is in the interests of the population on both sides of the border line, due to common social, healthcare and economic issues¹⁴¹.

140. Rights Georgia and EMC release a new appeal regarding the case of Irakli Bebuia, who was convicted in Abkhazia: <https://bit.ly/3e7A961>

141. De-facto court sentenced Zaza Gakheladze 50 12.5 years of imprisonment, radio Tavisupleba, <https://www.radiotavisupleba.ge/a/31087530.html>

The issue of persecution and harassment of Akhlagori activist Tamar Mearakishvili is still unresolved. The de-facto government has been protracting the criminal cases against Tamar and putting them on hold for a year. However, she is still not allowed to move and the de facto government has been keeping her under house arrest for almost 4 years.

The information spread about the facts of inhuman treatment and torture in the Tskhinvali region requires special attention. Information and video footage of inhuman treatment and beatings in Tskhinvali penitentiaries by the law enforcers had been circulating before as well, and in August 2020, the information was spread that a local, Inal Jabaev was reportedly beaten to death by law enforcement officers in the pre-trial isolator in occupied Tskhinvali, which was followed by a mass protest against de-facto government in Tskhikvali¹⁴². Monitoring of such facts and imposing appropriate legal/political responsibilities, as well as the use of legal means to protect human rights in the occupied territories is limited and information is made public only fragmentarily, in critical situations.

Access by the representatives of the media, civil society and political parties to the villages of the occupied Tskhinvali region/South Ossetia is still under blanket restriction by the Security Service of the Georgian government. Restrictions of access also apply to villages located in the territory controlled by Georgia. Blanket restriction on freedom of movement and expression for security purposes is unacceptable, the issue of its legality and proportionality is unclear¹⁴³.

IDPS

People affected by humanitarian crises, IDPs, especially those living in collective settlements, often face challenges, including vulnerability that is different from general population, which increased due to the impact of

142. In the isolator of occupied Tskhinvali, the defendant was allegedly beaten to death, 2020, Guria News: <https://bit.ly/3e6jmR5>

143. <https://bit.ly/2UHRrH>

Covid-19 on health and socioeconomic situation. Without proper measures, IDPs who already experience inequality, face even more problems¹⁴⁴.

According to the report by the Georgian government¹⁴⁵, following the wide spread of Covid-19 around the world, in April 2020, the government presented an anti-crisis plan to combat the pandemic and its results¹⁴⁶. The government has not developed a specific IDP assistance program¹⁴⁷. In 2020, the lack of adequate housing¹⁴⁸, access to adequate healthcare, and socio-economic problems are still problematic for IDPs.

According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, during 2020, new housing was provided to more than 2,000 IDP families¹⁴⁹. People who have not yet been included in the list of those provided with housing are living in rather tough conditions. The living conditions of IDPs in collective settlements are especially alarming. Half of the houses in the settlements need urgent repairs, and in some houses it is virtually impossible to live due to their unsuitability for living. According to the report of the Public Defender, in 2020 the number of facilities with increased risk to life and health is still high¹⁵⁰.

The difficult socio-economic background is another challenge facing the IDPs. Lack of jobs is a serious problem in all IDP settlements. The research found that only 14% of IDPs are employed and 6% are self-employed, while

144. Dan Jezreel A. Orendain & Riyanti Djalante, Article „Ignored and invisible: internally displaced persons (IDPs) in the face of COVID-19 pandemic“, 2020. Available at: <https://bit.ly/3qogwLK> [last seen: 05.04.2021].

145. Report of the government of Georgia, May 2020, p. 5. Available at: <https://bit.ly/2loabyA> [last seen: 05.04.2021].

146. Statement of the Administration of the Government of Georgia “Giorgi Gakharia presented an anti-crisis economic plan“, 2020. Available at: <https://bit.ly/3ovnbZ5> [last seen: 05.04.2021].

147. Report of GYLA „IDP-s in the face of Covid-19“, 2021.

148. Report of the Public Defender “The situation in human rights and freedoms in Georgia, 2019“, 2020. Available at: <https://bit.ly/3rRAw8M> [last seen: 05.04.2021].

149. The Ministry of IDPs, labor health and social protection “the government report to citizens“, 2020. Available at: <https://bit.ly/3wrYZoW> [last seen: 05.04.2021].

150. Report of the Public Defender “The situation in human rights and freedoms in Georgia, 2020“, 2021. Available at: <https://bit.ly/3cPyTEw> [last seen: 05.04.2021].

77% are unemployed, including 35% - housewives¹⁵¹. The monthly household income of the majority of IDPs surveyed (72%) ranged up to GEL 300, including 14% of households earning up to GEL 100¹⁵². The current situation possibly worsened during the 2020 pandemic.

One of the challenges for the IDPs is the lack of proper access to health services. The lack of medical centers and pharmacies in collective settlements, the scarcity of medical staff in some settlements, lack of proper equipment and medication in medical centers is the small list of problems leading to inaccessibility to proper services for IDPs¹⁵³.

In the absence to meet the needs of IDPs, and a plan to reduce the damage caused to them by the pandemic, the vulnerability of IDPs may further increase and the threat of new risks may emerge.

RECOMMENDATIONS

To the government of Georgia; to the Office of the State Minister of Georgia for Reconciliation and Civic Equality:

- Develop new visions, approaches and mechanisms to promote the protection of human rights in the occupied territories through intensive consultations with human rights actors and circles of experts;
- Develop a new strategy for trust-building and conflict transformation through democratic consultations and intensive public discussions, that will take into account the political realities in the de facto regions and will be elaborated together with actors working there.
- Strengthen cooperation with international humanitarian organizations, such as the International Committee of the Red Cross, to efficiently overcome the humanitarian crisis in and around the occupied territories;

151. Joint report of non-governmental organizations “10 years since the August War”, 2019. Available at: <https://bit.ly/3urcH9x> [last seen: 05.04.2021].

152. *ibid.*

153. GYIA, “IDP-s in the face of Covid-19”, 2021. Available at: <https://bit.ly/3fzhuAc> [last seen 20.05.2021]

POPULATION AFFECTED BY CONFLICT AND IDPS

- Develop special humanitarian assistance programs, which in case of arbitrary border closure will reduce the damage to the population to minimum (by providing food, basic products and medicines with the support of relevant international organizations);
- Provide solutions to social and economic problems for people living in Georgian-controlled areas as a result of illegal borderization, including providing them with drinking and irrigation water, increasing access to outpatient medical services, and using effective social assistance measures.
- Lift the blanket ban on access for the media, civil society and politicians in and around the occupation line.

To the Ministry of Justice of Georgia and Ministry of Foreign Affairs of Georgia

- Use international legal human rights instruments proactively during human rights violations in the occupied regions;
- In response to the facts of human rights violations in the occupied territories of Georgia, strengthen international advocacy and the interest of international organizations to work in these regions.

To the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia and relevant agencies

- Speed up the accommodation of IDPs in adequate housing; (especially from buildings dangerous for living in collective settlements);
- Provide access to healthcare services for IDPs living in collective settlements;
- Develop targeted programs for IDPs to improve the hard socio-economic situation caused by Covid-19;
- Include IDPs in the list of citizens in need of periodic testing and vaccination as persons at special risk (poor hygienic conditions, dense settlement).

HUMAN RIGHTS DEFENDERS AND ACTIVISTS

Despite the special role of human rights defenders and activists in a democratic society, the trend of threats, harassment and political persecution against them, which became even more widespread in 2020, remains a crucial problem today. In addition to numerous attempts by the authorities to restrict the rights of human rights defenders and activists, their rights situation was particularly affected by the COVID-19 pandemic, which significantly hindered the work of human rights defenders. At the same time, the disproportionate measures taken by the government have repeatedly restricted the freedom of gathering of activists. For example, there were cases of illegal detention of activists, disproportionate dispersal of the rally or interfering with the rally in any other way.

RIGHTS SITUATION OF CIVIL ACTIVISTS

■ rallies of November 9 and November 28

Protesting the steps taken by the government have repeatedly led to restrictions on the freedom of expression and gathering of civil society activists. This was an actual problem also in 2020. On November 9, 2020, during the rally against the so-called curfew, the members of the movement “Shame (Sirtkhvilia)” were confiscated firewood, intended for spending the night and were not allowed to take it to the territory of the Parliament¹⁵⁴. According to the Patrol Police Department, the reason for preventing the delivery of firewood to the territory of the Parliament was to prevent the imminent danger to the life and health of the citizens¹⁵⁵. This argument is considered unacceptable by non-governmental organizations because firewood is not a substance prohibited by law that could be used to cause harm during gathering, such as gasoline¹⁵⁶.

154. See: <https://mtavari.tv/news/22342-sirtskhvili-as-cevrebs-ghamis-gasatevad-gamzadebul>

155. See: <https://droa.ge/?p=91114>

156. 2020 report by the Georgian Democracy Initiative „Human rights in Georgia“, 4. See: <https://gdi.ge/uploads/other/1/1277.pdf>

HUMAN RIGHTS DEFENDERS AND ACTIVISTS

It should be noted that the activists of “Shame” movement needed firewood to warm themselves and did not cause a reasonable doubt of harm to people during the peaceful protest, which possibly would have been a legitimate basis for confiscating firewood¹⁵⁷. Nevertheless, civil activists were detained under Article 166 and 173 of the Code of Administrative Offenses during the protest¹⁵⁸.

An example of an unjustifiable administrative imprisonment is the detention of two civil activists during a rally on November 28¹⁵⁹. Activists at the rally were detained while other protesters were making the protest writings (writings of Soviet symbols) on an iron wall at the back of the Parliament building. It is noteworthy that during that time, the detainees, Natia Letodiani and Shushana Matsaberidze, were not participating in the process of making the writings on the wall and were not committing any other illegal actions¹⁶⁰.

■ Practice of reviewing activists' cases in court

The above examples provide sufficient grounds to establish that the rights of activists are, in many cases, unjustifiably and inefficiently violated even when they act within the frames of the law¹⁶¹. An additional problem is the stage of court hearing. While hearing the case of the activists arrested during the rally on November 9, the court fined two of them and sentenced one to three days in administrative detention without evidence of a violation¹⁶². It should be noted that the standard of evidence during the review of such cases, insufficient procedural guarantees and the court process con-

157. Ibid.

158. See: <https://www.radiotavisupleba.ge/a/30943142.html>

159. See: <https://bit.ly/2PXaPGA>

160. See: <https://mtavari.tv/news/24330-karasini-abashidzis-pormati-aktivistebi-aktsiebis>

161. Georgian Democracy Initiative, Freedom of expression in Georgia, 2020, 35, see. <https://www.gdi.ge/uploads/other/1/1078.pdf>

162. Georgian Democracy Initiative, Court system, 2020, 48, see. <https://gdi.ge/uploads/other/1/1334.pdf>

ducted with multiple violations, essentially insult and violate the interests and rights of activists.

It should be noted that the Public Defender also pointed out the existing judicial and legislative gaps during the discussion of administrative offenses in her 2020 report, calling on the Georgian Parliament to adopt a new Code of Administrative Offenses in line with international and constitutional human rights standards¹⁶³.

■ Impact of the pandemic restrictions on activists

Restrictions during 2020 have had a significant impact on the rights situation of activists. This is especially true of restrictions on freedom of movement during the night, which limits the possibility for the activists to hold rallies and demonstrations after 9 p.m. During the rallies held in 2020, a number of activists were fined for violating the so-called curfew. However, even more alarming is the fact that the repeated violations of the imposed restrictions result in criminal liability¹⁶⁴ under current law, which the government uses as a means to fight activists¹⁶⁵.

RIGHTS SITUATION OF HUMAN RIGHTS DEFENDERS

■ Restricting the rights of lawyers

During 2020, there were a number of violations of the right to defense, which hindered the investigation of criminal cases.

An example of this is the restriction of the right of access to case materials for human rights defenders in the case of cartographers. Prior to the first

163. Report of the Public Defender of Georgia on the Situation in Human Rights and Freedoms in Georgia, Tbilisi, 2020, 146, see: <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

164. Article 2481 of Criminal Code

165. See: <https://gdi.ge/ge/news/statement-22-03-2021.page>

HUMAN RIGHTS DEFENDERS AND ACTIVISTS

court hearing of Iveri Melashvili's case, the Prosecutor's Office did not provide copies of the criminal case files to the defense in a timely manner¹⁶⁶. It is noteworthy that despite numerous written requests from the defense, the Prosecutor's office did not provide such key evidence, as copies of the 1: 200 000 scale maps¹⁶⁷. This essentially violates the right of the defendant and their lawyer to see the evidence of the prosecution.

In the same case, the lawyers were restricted face-to-face communication with the defendant during their pre-trial detention. Moreover, the prison administration did not provide Iveri Melashvili's lawyer with a written document prepared by the defendant, presumably because of its content. It should be noted that in relation to this fact, the Public Defender found a violation of the right to confidential communication with a lawyer and addressed the Minister of Justice with a proposal to impose disciplinary liability on the employees of N8 penitentiary institution¹⁶⁸.

Another example is the statement made by the Prosecutor's Office of Georgia on September 22, 2020 during the ongoing investigation into the death of Tamar Bachaliashvili, regarding the launch of investigation related to the falsehood of the photo materials published by the victim's family lawyer, Mikheil Ramishvili¹⁶⁹. The Prosecutor's Office also carried out various investigative and procedural actions, including the retrieval of important information related to the communication with Davit Purtskhvanidze from the phone belonging to Mikheil Ramishvili, based on the decision of court. As a result, on September 25, the information provider Davit Purtskhvanidze was arrested¹⁷⁰.

According to the NGOs, within the frames of investigation into the falsification of evidence launched by the Prosecutor's office, the interrogation of Tamar Bachaliashvili's family lawyers in front of a magistrate judge and the

166. See: <https://www.gdi.ge/ge/news/advokatebis-gancxadeba-kartografebis-saqmeze.page>

167. Ibid.

168. See: <https://bit.ly/3k6imjy>

169. See: <https://pog.gov.ge/news/saqarTvelos-pr-1>

170. Ibid.

seizure of Mikheil Ramishvili's personal mobile phone may be considered as an attempt to influence the position of Bachaliashvili's family and her defenders¹⁷¹ and the seizure of a lawyer's telephone during a criminal case - gross interference in the rights of lawyers by the prosecution, which could substantially obstruct the lawyer's work¹⁷².

■ Attacks on human rights defenders

Harassment and prosecution of human rights defenders by members of the public is one of the most pressing problems identified multiple times in 2020. Among them, women human rights activists are under particular pressure for "talking about taboo topics, breaking the culture of silence and working to change stereotypes in the society"¹⁷³. Additionally, the rights situation of LGBT + human rights defenders and the challenges in this regard remain a pressing issue for 2020¹⁷⁴.

An example of this is the discussion on social media about the widely known trial of Georgian tennis player Nikoloz Basilashvili in 2020¹⁷⁵. In particular, the human rights defenders of the victim - Ana Arganashvili and Ana Abashidze became the targets of public aggression. Numerous facts of abuse and pressure on both the victim and her lawyers were reported on social media¹⁷⁶.

The wave of attacks on human rights defenders was particularly contributed by statements of high-ranking political officials aimed at discrediting the non-governmental sector, undermining trust in them and provoking public aggression¹⁷⁷. In this regard, the discrediting statements made against the non-governmental organization Transparency International Georgia are noteworthy, which sought to cast doubt on the report published by the or-

171. See. <https://www.gdi.ge/ge/news/ngos-statement-26-09-2020.page>

172. Ibid.

173. Office of the Public Defender of Georgia, „Handbook for Working on issues of Human Rights Defenders” 7, see. < <https://www.ombudsman.ge/res/docs/2020111419462856301.pdf> >

174. See. chapter „LGBTQI people”.

175. See. <https://www.radiotavisupleba.ge/a/30904999.html>

176. See. <https://phr.ge/publication/news/221?lang=geo>

177. Ibid.

HUMAN RIGHTS DEFENDERS AND ACTIVISTS

ganization¹⁷⁸, as well as discreditation of work of International Society for Fair Elections and Democracy (ISFED) and their assessments related to 2020 parliamentary elections due to the organization's mistake made during parallel counting process of the votes.

In this regard, in her 2020 report the Public Defender indicated that it is important for officials to “be guided by internationally recognized democratic standards in order to maximally support the work of human rights defenders. “Among them, refrain from engaging in a campaign to discredit human rights defenders”¹⁷⁹.

■ The impact of COVID-19 pandemic on the work of human rights defenders

The measures taken by the government to manage the epidemic situation prevented human rights defenders from carrying out their activities, as all the restrictions imposed were equally applied to them. In this regard, the main problem remains the so-called curfew, which prohibits the movement of persons from 21:00 to 06:00, both on foot and by vehicle. Although this restriction does not apply to lawyers whose movement is necessary to perform official duties during an emergency, this arrangement still hinders the activities of human rights defenders for the following reasons: (1) to be allowed to move freely during the so-called curfew, a lawyer must have a warrant with them¹⁸⁰. This regulation is problematic if the lawyer does not know in advance who the defendant is; (2) activities of human rights defenders without the status of a lawyer became complicated, consequently, they cannot enjoy the freedom of movement during the curfew.

178. See. <https://mtavari.tv/news/9260-kapitani-gigauris-organizatsiis-daskvnas-ar> ; < <https://bit.ly/2PAhzKV> >

179. Report of the Public Defender of Georgia on the Situation in Human Rights and Freedoms in Georgia, Tbilisi, 2020, 260, see. <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

180. See. <https://bit.ly/39OwU1c>

RECOMMENDATIONS

To the Ministry of Internal Affairs and the General Prosecutor's Office:

- Ensure timely and effective investigation of possible criminal acts against human rights defenders and punishment of those responsible;
- Ensure unified approaches and prevent the use of administrative and criminal measures to put pressure on individuals and groups critical of the government;
- Fulfill their negative obligations and not prevent peaceful protesters from exercising their freedom of gathering;
- Respect the principle of competition and equality of the parties and not hinder the defense in exercising its procedural rights.

To the Government of Georgia:

- Take into account the specifics of the activities of human rights defenders when establishing the rules of isolation and quarantine. Among them give them the possibility to exercise freedom of movement during the so-called curfew.

To Common Courts:

- When reviewing administrative offense cases, take into account constitutional and international standards and make decisions based on a useful human rights approach.

To political officials:

- Stop discrediting human rights defenders and openly support them to emphasize the importance of human rights protection.

MEDIA

An important aspect of freedom of expression is the freedom of the media and the creation of a free and safe political environment for journalistic activities. Ensuring this in the state depends largely on the government's adherence to the principle of equality, which precludes a selective approach to the media and unequal treatment of critical media.

Events of 2020 have shown that the state of media safety in the country is problematic. The government also continued to discriminate against certain media outlets / representatives, which manifested itself in tax policy, attempts to change editorial policy, and different approaches to different types of media.

SAFETY SITUATION OF MEDIA REPRESENTATIVES

The trend of illegal interference in the professional activities of journalists continued over the past year. Numerous cases of assault and threats against members of the media have been reported¹⁸¹. Facts of obstruction of journalistic activities and injury of journalists were also revealed during the dispersal of the ongoing rally in front of the Election Administration building on November 8, 2020. As a result of the use of

181. On August 29, a rally was held in the village of Duisi in the Pankisi Gorge, where the participants threatened to raid the community radio studio, urging the journalist Gela Mtvlishvili, the radio's founder, to refuse to carry out professional activities in Pankisi. See. "Campaign against Pankisi Radio includes signs of crime - Coalition", 02.09.2020. Available at: <https://bit.ly/37Gc1n3>; According to the information released by the Mtavari Channel on January 30, 2020, the director of the same channel, Nika Gvaramia, was attacked by several people in the yard of the Tbilisi City Court. See. Statement of the Media Coalition "The attack on Nika Gvaramia", 01.30.2020. Available at: <https://bit.ly/37OnEsg>; On June 12, 2020, a Russian citizen arrested during a special operation in Tbilisi planned to liquidate the journalist of a TV company, Giorgi Gabunia. See. "Coalition: We appeal to the government to publish timely and substantiated information regarding the preparation of the liquidation of Giorgi Gabunia", 16.06.2020. Available at: <https://bit.ly/3gtxsfi>; Attacks on journalists took place both during the pre-election period and on election day. See. "Coalition for Media Advocacy Calls on Government to Protect Journalists", 29.09.2020. Available at: <https://bit.ly/3mSfAwN>; "GYLA Demands Response to Violence Against Media", 31.10.2020. Available at: <https://bit.ly/33QXFiU>.

illegitimate and disproportionate¹⁸² force by the police, journalists were injured and their equipment was damaged¹⁸³. It is noteworthy that no investigation has been launched into the facts of unlawful interference with the activities of journalists at this rally¹⁸⁴. The cases of journalists injured during the dispersal of the June 20-21 protest rally are still uninvestigated.

PROBLEMATIC APPROACHES TO THE MEDIA

Change of editorial policy in Adjara TV - Following the impeachment process of the director of the Adjara Public Broadcaster, concrete steps were taken to change the editorial policy¹⁸⁵, which was reflected in the change of management of the editorial office, harassment¹⁸⁶ and dismissal¹⁸⁷ of critical journalists. It should be noted that even almost two years after the lawsuit was filed, the court has not started hearing the dispute over the impeachment process against the former director of the broadcaster, Natia Kapanadze. The investigation into the alleged harassment of Natia Zoidze, the former Deputy Director, is ineffective, regarding which the

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182. „The police force used during the rally of November 8 was unlawful and disproportionate”, 10.11.2020. Available at: <https://bit.ly/3gn7UAg>.
183. „During the coverage of the rally in front of the Election Administration, shooting crews were injured and equipment was damaged”, 09.11.2020. Available at: <https://bit.ly/3gnBrty>.
184. The organization “Rights Georgia” addressed the General Prosecutor’s Office for the facts of illegal interference in the activities of journalists at the November 8 rally. See. “Rights Georgia calls on the Prosecutor’s Office to launch an investigation under the article of illegal obstruction of journalistic activities”, 09.11.2020. Available at: <https://bit.ly/3wjBLE1>. The Prosecutor’s office did not launch an investigation and forwarded the statement to the General Inspection of the Ministry of Internal Affairs. According to the decision of the latter, there was no official misconduct while injuring the journalists.
185. “Coalition for Media Advocacy once again appeals to international organizations regarding the ongoing processes in the Adjara Public Broadcaster”, 14.02.2020. Available at: <https://bit.ly/3mUp0rE>; “The editorial independence of Adjara TV and Radio is still in danger”, 14.02.2020. Available at: <https://bit.ly/36PGrUD>; “Public organizations collectively address international organizations regarding the ongoing alarming processes in Adjara Broadcaster”, 17.03.2020. Available at: <https://bit.ly/3oA9phh>.
186. «Coalition for Media Advocacy believes that Adjara Broadcaster avoids performing its function imposed by law». 24.03.2020. Available at: <https://bit.ly/2JzkB8t>.
187. GYLA, CEJ, „What happened in Adjara broadcaster”, 10.04.2019-10.04.2020, 15-18, available at: <https://bit.ly/2VKN5p7>.

Public Defender addressed the investigative bodies with a recommendation¹⁸⁸.

Collection order Presented to Broadcasters - The government continues to treat broadcasters unequally and uses selective tax policies against critical media¹⁸⁹. The situation is aggravated by the reduced income in the context of the pandemic, and the government does not take measures to alleviate the tax burden¹⁹⁰.

Criminal Mechanisms against critical media - In this regard, it is noteworthy that the State Security Service launched an investigation into a report prepared by the Mtavari Channel under the article of sabotage, which is a disproportionate response and a dangerous precedent for attempting to interfere in the freedom of the media¹⁹¹.

Risks of Encouraging Discrimination against the Media - On May 18, 2020, a TV 25 journalist made a public statement that the Adjara government had switched to a boycott mode with the journalists. An investigation by the same journalist revealed that the Adjara government had significant shortcomings in its relations with the media and the suspicions about the different treatment of TV 25 were confirmed¹⁹².

Approaches of the Georgian National Communications Commission

On July 17, 2020, the Parliament of Georgia amended the Law of Georgia on Electronic Communications. Under the amendments, the National Communications Commission was given the authority to appoint a special manager

188. „Public Defender found a violation in the case of Natia Zoidze and called on the Prosecutor’s Office to launch an investigation“, 23.10.2020. Available at: <https://bit.ly/2VQ89u8>.

189. „the government uses selective tax policy approaches against the independent media“, 26.12.2019. Available at: <https://bit.ly/3quOsGq>.

190. „Coalition for Media Advocacy once again calls on the government to support the media“, 27.03.2020. Available at: <https://bit.ly/3otkdxO>.

191. «The launch of a criminal investigation into a report prepared by Mtvari TV, is a harsh, most severe disproportionate response and a very dangerous precedent for interfering with the freedom of the media,» 26.06.2020. Available at: <https://bit.ly/3lTqEIE>.

192. „Coalition for Media Advocacy responds to the risks of encouraging discrimination against TV 25“, 19.05.2020. Available at: <https://bit.ly/3mph5Da>.

for authorized companies in cases envisaged by law. It should be noted that this initiative was criticized by the civil sector even before its adoption, as it saw serious risks in terms of interfering in the company's editorial policy and influencing the company's activities¹⁹³. Later, the Venice Commission issued a report on the same issue, evaluating that the changes violate the right to a fair trial and property, and at the same time create risks of restricting the media freedom¹⁹⁴. It should be noted that shortly after adopting the amendments, the Communications Commission used the mentioned leverage against Caucasus Online and appointed a temporary manager in the company. However, the litigation is ongoing both at the national level and in the International Court of Arbitration.

In addition, the draft resolution prepared by the National Communications Commission on the conditions of competitions for obtaining private radio broadcasting licenses is noteworthy¹⁹⁵. This document was developed without the involvement of radio broadcasters and other relevant agencies and creates significant financial obligations for broadcasters in case of obtaining a license¹⁹⁶.

The statement of the Commission regarding obscenity is especially noteworthy¹⁹⁷. The regulating body urged broadcasters not to broadcast obscene programs, otherwise it would use its statutory powers. The Commission notes in a statement that a program containing obscenity may be subject to judicial review, and since its decision is subject to judicial review, it also

193. «The draft law prepared by the National Communications Commission contains the threat of restriction of freedom of expression», 08.07.2020. Available at: <https://bit.ly/3295C1k>; “Two draft laws in the field of broadcasting are being protested in front of the Parliament [video]”, 10.07.2020. Available at: <https://netgazeti.ge/news/466614/>

194. Venice Commission, *Georgia - Joint Opinion on the Recent Amendments to the Law on Electronic Communications and the Law on Broadcasting*, CDL-AD(2021)011-e ((Strasbourg: Council of Europe, 2020). Available at: <https://bit.ly/2OGhRQ1>.

195. “Project - Commission Strategy on Announcing Competitions for obtaining Private Radio Broadcasting Licenses”, 16.05.2020. Available at: <https://bit.ly/3lMkgDe>.

196. “Coalition for Media Advocacy Releases Statement on the Needs of Radio Broadcasters”, 11.06.2020. Available at: <https://bit.ly/36RBHxM>.

197. “Communications Commission: We call on broadcasters not to broadcast programs containing obscenity in order not to violate basic human rights and law”, 07.12.2020. Available at: <https://bit.ly/2R9KohM>.

has the authority to regulate the content of such a program. It is noteworthy that the Commission's judgement does not stem from either the Broadcasting Law or the Constitutional Court's decision to allow the court to control a program containing obscenity¹⁹⁸. Nevertheless, soon afterwards, on December 12, 2020, the regulatory body used this approach to the story aired in the program "Mtavari on Saturday" by the Mtavari Channel¹⁹⁹.

It is also important to note the norms on the Protection of Minors from Harmful Information to Children in the Law of Georgia on Broadcasting²⁰⁰, and the Code of the Rights of the Child²⁰¹, which entered into force on September 1, 2020. These norms are problematic, as they go beyond the frames of wide discretion and give the Commission the authority to decide, according to its subjective viewpoint, what content may be disseminated by the broadcaster²⁰².

RECOMMENDATIONS

To the Ministry of Internal Affairs and the Prosecutor's Office:

- Investigate in a timely and effective manner the facts of unlawful interference in professional activities of members of the media and excessive use of force (especially - cases reported on June 20-21, 2019).

To LEPL Revenue Service / Ministry of Finance:

- Tax policy towards the media should not be selective and should not be used as a means to put pressure on the media.

198. "Communications Commission seeks to regulate broadcasters and exceeds the authority envisaged by law", 08.12.2020. Available at: <https://bit.ly/3rRfzuY>.

199. „Communications commission violates the law by reviewing, the content of the program, 28.01.2021. Available at: <https://bit.ly/2PHfcpz>.

200. Articles 56¹ and 56² of the Law on Broadcasting.

201. Article 66-of the Code of the Rights of the Child.

202. «Legislative norms in force for broadcasters today are censorship and must be declared unconstitutional», 01.09.2020. Available at: <https://bit.ly/3a0o4xE>.

MEDIA

To the government of Adjara:

- Review the policy of relations with the media and give journalists and media outlets the possibility to fulfill their responsibilities.

To the Communications Commission:

- Act within its mandate and legislation, no longer make unlawful interpretations and respect the recognized standards of media freedom and public information.

HOMELESS PEOPLE

Despite the importance of the right to adequate housing, the severity of the problems in this area, and the need for immediate action by the state, the government has not taken relevant measures to improve the situation over the years, even at a minimal level. In particular, legislation, policies and services based on international human rights standards have not yet been developed. The policy and practice of household eviction, which put hundreds of people at risk of homelessness without the minimum support of the state, remains a critical challenge.

SYSTEMIC CHALLENGES IN THE POLICY ON HOMELESSNESS

One of the major challenges is the deficient legislation that does not provide internationally recognized guarantees of adequate housing. The notion of a homeless person²⁰³ is particularly problematic, which given its narrow and vague wording, excludes multiple groups²⁰⁴ of persons in need of housing from the scope of legal regulation and fails to play a role in defining uniform standards of housing nationwide.

The most critical problem is the lack of a unified policy on guaranteed housing and the fight against homelessness, which is reflected also in the lack of an appropriate strategy and action plan. The Interagency Commission set up in 2019 failed to meet the deadline set for the Open Government Partnership 2018-2019 Action Plan for the Development of the Housing Strategy and Action Plan - December 2020. It is currently unclear to what extent the executive government will fulfill its obligations. Due to the extreme shortcomings of the unified policy, the lack of state-owned housing and the absence of long-term housing services, the scarce and deficient services available only

203. Law of Georgia on Social Assistance, M. 4 (p) „a homeless person - a person with no specific and permanent place of residence, and registered as homeless by a local self-government body”

204. Due to the vagueness of the notion of homeless person, it is not possible to identify which homeless groups (e.g., persons living in an institution, persons living in unsuitable housing and / or with relatives, evicted persons, etc.) are regulated under this notion; See. Social Justice Center (formerly EMC), Combating Homelessness: The notion of Homelessness and the Criteria for determining the status of Homeless, 2020.

in some municipalities (mainly available in three forms - emergency shelter, apartment rental services, and social housing) aim to solve the problem temporarily - and only for a small number of people in need of housing.

The lack of a unified housing policy is the basis of one of the greatest challenges in the country - extremely deficient preventive and responsive policies in the area of eviction (including eviction during the demolition of a building). The legislative and institutional framework does not meet international human rights standards even at the minimum level and puts hundreds of people at risk of being left homeless²⁰⁵. The current situation is aggravated by the formal and informal predatory monetary-credit systems, which are one of the main causes of eviction²⁰⁶.

Systemic problems in the area of legislation and policy are even more crucial in the absence of relevant statistics, which in itself precludes the implementation of policies tailored to the needs of homeless groups, even at the minimal level. So far, the state has not studied the scale²⁰⁷, of homelessness, its causes, forms of homelessness or the challenges facing homeless groups. On the other hand, separate studies identify a *variety of causes* of homelessness, such as unemployment, failure to cover debts, monetary policy, poor access to health services, domestic violence, forced relocation, gambling addiction²⁰⁸, also, *forms of homelessness*, including

205. See. Social Justice Center (former EMC), *The right to adequate housing – the analysis of basic challenges*. 2018, pp. 82 – 93.

206. See. Social Justice Center (former EMC), *Population in the face of money-lending: predatory crediting and its social outcomes*, 2020; Social Justice Center (former EMC), *Credit boom, excessive debts and the National Bank*, 2020.

207. Existing regulations impose an obligation on municipalities to provide information on the number of registered homeless persons to the LEPL - Social Service Agency. On its part, the agency's responsibilities include maintaining a unified database of homeless people. Unfortunately, the obligations defined by law are not fulfilled in practice. According to 2020 data, the LEPL Social Service Agency had statistical information in only three municipalities - Tbilisi, Signaghi and Samtredia; However, the number of appeals to the Tbilisi Homelessness Commission alone (since 2015, 15,453 people have applied for registration as homeless, although only 1,775 of them have been granted status) is possibly an indicator of the large scale of homelessness in the country; Correspondence N 15-01210361522 of Tbilisi City Hall, 5.02.2021.

208. See. Social Justice Center (former EMC), *Homelessness – analysis of state policies*, 2016; Open Society Georgia Foundation (OSGF), *Living in a social housing - reasons, needs, environment*, 2020.

living on the streets, receiving municipal housing services, living in a specialized facility / institution, living in overcrowded housing or in unconventional buildings²⁰⁹.

MANIFESTATIONS OF UNEQUAL APPROACHES TO THE HOMELESS

In addition to the systemic barriers described above, which themselves lead to extreme vulnerability of the homeless and their exclusion from public life, there are specific shortcomings that unreasonably restrict the rights of individual homeless groups and discriminate against them. The following areas are noteworthy in this regard:

- **Discriminatory treatment of people living on the streets** - Under existing regulations²¹⁰, people living on the streets, who are the most vulnerable among the homeless, are deprived of the opportunity to obtain socially vulnerable status and on the one hand use social assistance and, on the other, a range of social and health services available at central and local levels. The Social Justice Center appealed to the Constitutional Court of Georgia in 2016 to declare the mentioned regulation unconstitutional, however, the court has not yet made a decision²¹¹.
- **Rules for registering a person as homeless** - the lack of unified policy, standards and concepts at the central level lead to inconsistencies in the rules for determining a person homeless at the municipal level. Municipalities arbitrarily regulate these issues or ignore them altogether. For example, according to 2020 data, throughout Georgia, only 14 municipalities²¹² had approved the rules for registering a person as

209. See. Social Justice Center (former EMC), analysis of state policies, 2016.

210. Ordinance of the government of Georgia N 126, 2010, on "On Measures to Reduce Poverty in the Country and Improve Social Protection of the Population."

211. See. Citizen of Georgia Vladimer Chitaia v. the Parliament of Georgia, the Government of Georgia and the Minister of Labor, Health and Social Affairs of Georgia, constitutional lawsuit N 854, <https://bit.ly/3mJHRqe>.

212. The municipalities of Sagarejo, Kutaisi, Senaki, Samtredia, Tetrtskaro, Gori, Zugdidi, Rustavi, Vani, Tbilisi, Ambrolauri, Kharagauli, Mestia and Khoni

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homeless. Even among the municipalities that make registrations, the criteria for determining a person homeless are different and inconsistent, which in itself puts homeless individuals / groups who have similar needs, but live in different areas, in an unequal position.

- **Rules for providing housing for the homeless** - Procedures for providing housing services for the homeless are also problematic. Such services are extremely scarce, only available in individual municipalities. As in the case of registration, the practice of establishing and developing services varies by municipality²¹³ and creates an unequal practice of providing housing to groups with similar needs. In addition, regarding the issue of providing housing services, the existing practice of the so-called Lilo shelter in Tbilisi Municipality is especially noteworthy - while this service should serve the most vulnerable, homeless individuals in the city, it discriminatorily excludes from the list of its beneficiaries those that are most in need of support - people without skills of self-care, as well as people addicted to alcohol or other substances.

HOMELESS PEOPLE DURING COVID-19 PANDEMIC

The lack of priority in the fight against homelessness has become even more apparent in the wake of the COVID-19 pandemic. Despite international standards and the situation in the country, the government's anti-crisis plan did not provide even a minimum level of financial support for homeless groups. It is noteworthy that the government has also not taken appropriate measures to efficiently and proactively identify homeless groups, provide them with safe housing and relevant, minimal services²¹⁴.

Furthermore, despite the imposition of a moratorium on forced evictions

213. Some municipalities provide only one service, some do not have the housing services, in large cities there are more than one service.

214. Open Society Georgia Foundation (OSGF), Assessing the state policy towards the homeless during the pandemic, 2021.

during the pandemic, other types of enforcement actions have not been suspended, such as auctioning housing and deduction of funds from bank accounts, putting thousands of people at imminent risk of losing their homes after the moratorium is lifted.

Additionally, in parallel with inaction and neglect of the issue, the government also carried out repressive measures against the homeless during the pandemic. Among them, fining of the homeless people during the so-called curfew is noteworthy²¹⁵, also the dismantling of illegally constructed buildings by the Tbilisi Municipality for self-help purposes, in the Samgori district and the settlement of Africa.

RECOMMENDATIONS

To the government of Georgia and Parliament of Georgia:

- Review in-depth the existing legislation and policies in the field of housing (including eviction) and harmonize them with international human rights instruments. The revision process should include the development of uniform standards for the provision of housing services, as well as elaboration of the uniform, wide notion of homeless persons in line with international standards, which will become one of the main preconditions for the implementation of state policy in this area;
- Impose a moratorium on eviction from the last residence (including eviction during demolition) before bringing the legislation and practice in line with international human rights law;
- Cancel regulations that discriminatorily deprive the homeless people of the opportunity to register in the database of socially vulnerable families and receive social benefits and a range of health and social care services;

215. „EMC urges the Ministry of Internal Affairs to stop fining the homeless persons living on the streets during the curfew”, 2020, <https://bit.ly/2OWDsTO>; See also, <https://bit.ly/2PSrfQD>, <https://bit.ly/2OTDRX8>.

- In order to prevent extreme social vulnerability and homelessness of individuals and households, at least during the pandemic, suspend the enforcement actions (e.g., auctions, freezing of bank accounts, deduction of funds from bank accounts) related to potential loss of housing and income.

To the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia:

- With the active participation of various agencies and homeless groups, develop a State Housing Strategy and Action Plan within a reasonable time, based on the results of a nation-wide research to identify the extent, forms, causes and barriers to homelessness, that will include short-term/long-term vision of overcoming all existing systemic challenges in this area and take into account its own relevant human and financial resources;
- Develop a unified methodology for collecting and processing statistical information through active communication with the Government of Georgia and municipalities.

To the Ministry of Internal Affairs of Georgia and municipalities:

- Stop repressive measures against homeless groups (e.g. cases of fining during curfew, practice of demolition of housing) and take all measures to ensure the safety of those in need of housing.

To the municipalities:

- Within the frames of the COVID-19 pandemic, in close coordination with the central government, proactively identify various homeless groups and provide them with housing, monetary or non-monetary services tailored to their needs;
- Revise the rules for registration and provision of housing for the homeless at the municipal level and abolish all discriminatory regulations (including the regulations related to the beneficiaries of the so-called Lilo Shelter);

- In close communication with the central government, review local housing policies and bring them closer to international standards, which will focus, among other things, on the development of the housing fund and long-term housing services.

