



ANNUAL

REPORT

**STATE OF
HUMAN RIGHTS
IN GEORGIA, 2023**



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2024

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The Report was prepared with the financial support of the US National Endowment for Democracy (NED). The views expressed in the Report are those of HRC and do not necessarily reflect the views of the donor. Therefore, NED is not responsible for the content of the text laid here.

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ABOUT THE REPORT

This Report reviews the state of human rights in Georgia in 2023. The report covers all significant legal and political developments, which influenced the human rights protection standards in the country. The report is based on reports and assessments of the Human Rights Center, the Public Defender of Georgia and various local and international organizations.

The purpose of the report is to evaluate the steps taken towards the protection of human rights in the country and to include the necessary legislative and systemic changes to achieve the effectiveness of judicial mechanisms. The report reviews the aspirations expressed by Georgia in the international arena, the activities of various state agencies and the compliance of local legislation and practice with international standards.

The report paid special attention to Georgia's developing relations with the European Union and the relevant conditions arising as a result of granting Georgia the status of a candidate for EU membership. The report also focuses on the challenges faced by the representatives of civil public organizations, the population living near the occupation line and the people affected by natural disasters during the year. The report covers key directions of human rights in areas such as: freedom of assembly and demonstration, freedom of expression, judicial system, right to equality, etc. The report reviews the legal situation of children, women, persons with disabilities, representatives of the LGBT+ community, internally displaced persons, homeless and elderly persons, national and religious minorities. Also, the report refers to cases of high public interest.

INTRODUCTION

December 14, 2023 was a historic day for Georgia, as Georgia was granted the candidate status for the EU membership, on the understanding that Georgia takes the relevant steps as set out in the Commission's recommendation. At this stage, it is important to carry out the relevant reforms quickly so that Georgia receives the status of a member state of the European Union.

There were cases of ill-treatment, illegal detentions and violations of the right to life by the Russian occupation regime in the occupied territories of Georgia and near the occupation lines in 2023. The crimes committed by the Russian occupation forces near the occupation lines are cause for concern. At the same time, under the creeping occupation of the Russian Federation, the population living in the territories adjacent to the occupation line is facing severe socio-economic challenges.

In order to assess the freedom of assembly and demonstration, the Human Rights Center actively monitored various assemblies in 2023. During the year, in some cases, the freedom of assembly was protected, but disturbing and conspicuous violations were also revealed at several protest demonstrations.

Initiation of the bills on "transparency of foreign influence" and on "registry of foreign agents" in the Parliament of Georgia were cause of the significant civil protest. However, large-scale protests were followed by the "rejection" of one bill and the "withdrawal" of another by the parliamentary majority.

In 2023, the citizens of Georgia became victims of a number of natural disasters. In connection with the events that took place in Racha, an investigation was started regarding the negligent homicide and the violation of safety rules during mining, construction or other works. Despite this, according to civil organizations, for certain reasons, doubts arose regarding the results of the investigation.

Media representatives face great challenges due to attempts to hinder their professional activities and restrict freedom of expression. To improve the media environment, it is important to condemn cases of violence and to protect freedom of expression.

With the beginning of the impeachment procedure of the fifth president of Georgia, Salome Zurbishvili, the relationship between the Georgian government and the president became even more strained.

In the context of the protection of the right to equality, progress was observed for some groups in 2023, while the legal situation of others deteriorated. It can be said that improving the rights of children, women, persons with disabilities, representatives of the LGBT+ community, internally displaced persons, homeless and elderly persons, national and religious minorities require significant attention.

Criminal subculture and informal governance remain a problem in penitentiary institutions, as in previous years. Therefore, it is important to change this type of management model.

During the year, civil society organizations made a significant contribution to the protection of women's rights, freedom of expression, the rights of minorities and other groups. However, the bill on "Agents of Foreign Influence" has raised fears of adoption of other forms of similar legislation and it also created a fear of hostility towards civil society organizations.

1. EU MEMBERSHIP CANDIDATE STATUS

On March 3, 2022, Georgia applied for EU membership.¹ In June of the same year, by the decision of the European Commission, Ukraine and Moldova were granted the status of candidates for EU membership, while Georgia was tasked to fulfill 12 recommendations for further progress on the way to the European Union, and it was granted a European perspective. By December 2023, the fulfillment of 12 conditions should have included: Overcoming the existing polarization in Georgia; electoral, judicial and institutional reforms; taking anti-corruption measures; fight against organized crime; strengthening the protection of the rights of vulnerable groups; election of an independent public defender; Proactive use of case law of the European Court of Human Rights; de-oligarchization; strengthening efforts against violence against women; Ensuring a free media environment and strengthening civil involvement in the decision-making process at all levels.²

¹ Radio Liberty - The path to candidacy and what will the status bring? 15.12.2023 (last seen: 18.12.2023); see. <https://shorturl.at/nptJQ>

²HRC, EU MEMBERSHIP PERSPECTIVE AND 12 CONDITIONS FOR GEORGIA TO RECEIVE CANDIDATE STATUS: WHAT WILL BE NEXT?- 2022 2022; p 9; see <https://shorturl.at/mGQY1> ; Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission; The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's

On November 2, 2023, during the waiting period for the candidate status, Georgian non-governmental organizations made a joint request to the European Commission that, despite the remaining problems in Georgia, parallel to the objective assessment of the fulfillment of 12 priorities, Georgia should be granted the status of a candidate for EU membership.³ On November 8, 2023, the European Commission issued a recommendation to grant the EU candidate status to Georgia on certain conditions. According to the European Commission, Georgia has made some progress in relation to 12 priorities, but only 3 priorities have been fully implemented. Namely: The 9th priority - on gender equality and violence against women, the 11th priority - on proactive consideration of the decisions of the European Court of Human Rights and the 12th priority - on the election of the public defender. Taking into account the achieved results, it remained important to work more on some recommendations and to consider new recommendations in a wider context. All this was combined in the form of 9 steps and additionally covered the approximation of Georgia's foreign security policy to the European Union and the fight against disinformation about the European Union and its values.⁴

On December 14, 2023, the leaders of the European Union granted Georgia candidate status on the understanding that the steps recommended by the Commission on November 8, 2023 would be fulfilled.⁵

The ambassador of the European Union called the day of granting the candidate status to Georgia historic. According to him, the voice of the population of Georgia is clearly heard in the European Union, therefore it is time for the political leaders to implement the will of the people and quickly carry out reforms to obtain the membership of the European Union.⁶

Georgia has clearly demonstrated that it has the ability to consistently realize European aspirations. A good example of this is the signing of the Association Agreement and the Deep and Comprehensive Free Trade Agreement with the European Union; Introduction of visa-free travel regime for Georgian citizens in the Schengen area, etc. All this is a solid foundation for further progress on the European path. In addition, the support of the majority of the population of Georgia in relation to joining the European Union will further strengthen the country's European aspirations.⁷ Therefore, although granting Georgia the status of a candidate for EU membership is a step forward on the path of European integration, it is important in the future to develop the country within the framework of proactive and constructive cooperation and, therefore, to become a member of the European Union.

perspective to become members of the EU and provides its opinion on granting them candidate status, 17.06.2022 (last seen: 18.12.2023); see. <https://shorturl.at/vOZ23>

³APPEAL OF GEORGIAN NON-GOVERNMENTAL ORGANIZATIONS TO THE EUROPEAN COMMISSION 02.11.2023 (last seen: 18.12.2023); see. <https://shorturl.at/iyFH6>

⁴ Delegation of the European Union to Georgia - 2023 Communication on EU Enlargement Policy (extract about Georgia), Brussels, 08.11.2023 (last seen: 18.12.2023); see. <https://shorturl.at/gxy79>

⁵ European Commission - European Neighbourhood Policy and Enlargement Negotiations (DG NEAR); Membership status: candidate country Georgia's EU path (last seen: 18.12.2023); see. <https://shorturl.at/pHLN7>

⁶ Interpressnews. EU Ambassador: Congratulations - go Georgia, go! 15.12.2023 (last seen: 18.12.2023); see. <https://shorturl.at/bhoxz>

⁷HRC, EU MEMBERSHIP PERSPECTIVE AND 12 CONDITIONS FOR GEORGIA TO RECEIVE CANDIDATE STATUS: WHAT WILL BE NEXT?- 2022 2022; p 31; see <https://shorturl.at/mGQY1>

2. HUMAN RIGHTS IN THE OCCUPIED TERRITORIES AND ADJACENT TO THE OCCUPATION LINE

In 2023, the facts of improper treatment of citizens, illegal detentions and violations of the right to life continued in the Georgia's territories occupied by Russia. Furthermore, for the ethnically Georgian population, the opportunity to receive education in their native language was limited.⁸

The President of Georgia, Salome Zurbishvili, said that Russia violates human rights in occupied Abkhazia. One of the tragic reminders of this is the information spread by the movement "For Abkhazia" in occupied Gali on December 9, 2023, according to which the beating of a Georgian citizen by the so-called militia led to his death.⁹ Residents of Gali district note that such illegality against locals is not so rare.¹⁰

On February 19, 2023, some public organizations of Abkhazia protested the information about the alleged entry of the de facto republic into Russia. According to them, spreading speculations and statements of officials on this topic is irresponsible.¹¹

In 2023, near the occupation lines of the Tskhinvali region, various facts of human rights violations by the representatives of the occupation regime of the Russian Federation were observed: illegal "borderization", restriction of local population's access to natural resources and violations of property rights. Also, the socio-economic conditions of the local population have deteriorated further.¹²

2023 marks 15 years since the representatives of the Russian Federation and the forces controlled by them committed war crimes and crimes against humanity on the territory of Georgia in the so-called August War. About 150,000 people had to leave their homes due to the war, of which 30,000 people still remain displaced. It was after the 2008 August war that Russia recognized the independence of two regions of Georgia.¹³

The killing of a Georgian citizen by the Russian occupation forces on the territory of the village of Kirbali on November 6, 2023 was disturbing.¹⁴ According to the Public Defender of Georgia, the killing of Tamaz Ginturi is an echo of the inaction demonstrated in the murders of Georgian citizens in the past, and the responsibility lies with the Russian Federation.¹⁵

Human Rights Center representatives visited 18 villages near the occupation line in Gori, Kareli and Kaspi municipalities from April to September 2023 to study the legal situation of the population. As a result, it

⁸ Public Defender's Statement on International Human Rights Day. ombudsman.ge, 10.12.2023; (last seen: 12.12.2023); see: <https://shorturl.at/ftAD7>

⁹ formulaneews.ge; 10.12.2023 (last seen: 12.12.2023) see: <https://shorturl.at/wFHU1>

¹⁰ Radio Liberty- what do they say about the death of Temur Karbaya in Sukhumi? 11.12.2023; (last seen: 17.12.2023); see: <https://shorturl.at/nKWx8>

¹¹ Radio Liberty- Abkhazian public organizations: "The status of the republic is not subject to discussion"; 19.02.2023; (last seen: 18.12.2023); see: <https://shorturl.at/fpuLV>

¹² Human Rights Center, Giorgi Kakubava - Human rights situation in the villages near the occupation line of Tskhinvali region, 2023, p. 5-6; 12-13. Please <https://shorturl.at/cjQRS>

¹³ Radio Liberty - 15 years since the beginning of the August War 2008, 07.08.2023, see: <https://shorturl.at/dehiy>

¹⁴ Interpressnews information - 06.11.2023; (Last seen: 13.12.2023); see: <https://shorturl.at/aqUW5>

¹⁵ Public Defender's Statement on International Human Rights Day. ombudsman.ge, 10.12.2023 (last seen: 12.12.2023) see: <https://shorturl.at/ftAD7>

was revealed that under the creeping occupation regime, the population's access to agricultural land is essentially limited. This prevents the development of agriculture and the economic stability of the local population. Therefore, in order to solve existing economic problems, local people, especially young people, are forced to emigrate. The lack of irrigation and drinking water is a persisting issue. It is important for the Ministry of Labor, Health and Social Protection of Georgia to provide decent and adequate living conditions to the population living along the occupation line.¹⁶

On April 28, 2023, the Grand Chamber of the European Court of Human Rights in Strasbourg ordered the Russian Federation to pay up to 130 million Euros to Georgia in connection with the August War case. Among them, 115 million Euros were determined to compensate the non-pecuniary damages of those citizens of Georgia who, based on established administrative practices, are prevented from returning to the Tskhinvali region and Abkhazia.¹⁷

The discussion on “just satisfaction” stems from the decision made by the European Court on January 21, 2021 in favor of Georgia in an interstate dispute.¹⁸ It should be noted that from September 2022, the Russian Federation is excluded from the Council of Europe. Despite this, the European Court prioritized the interstate disputes between Georgia and Russia and considered the review of the cases dated before September 16, 2022 as its jurisdiction.¹⁹

Moreover, on April 20, 2023, the European Court recognized Georgia's fourth interstate complaint against the Russian Federation as admissible. The complaint concerns the illegal administrative practice of harassment, illegal detention, attack, torture, murder, intimidation and refraining from investigating these crimes in the occupied territories of Georgia and along the occupation line.²⁰

3. FREEDOM OF ASSEMBLY AND DEMONSTRATION

Freedom of assembly is protected by the Constitution of Georgia. Authorities may terminate an assembly only if it assumes an unlawful character.²¹ According to the Law of Georgia "On Police", the police shall ensure safety of the participants of meetings, demonstrations, and other mass events;²²

On December 14, 2023, the Constitutional Court of Georgia recognized as unconstitutional the normative content of Article 8 of the Law of Georgia "On Assemblies and Demonstrations", which provided for the obligation to notify the executive body of the municipality no later than 5 days before the

¹⁶Human Rights Center, Giorgi Kakubava, Human rights situation in the villages near the occupation line of Tskhinvali region, 2023, p. 5-6; 12-13. Please <https://shorturl.at/ciQRS>

¹⁷ Georgia v. Russia (II) (just satisfaction) [GC], no. 38263/08, 28 April 2023 see: <https://shorturl.at/fAIT4>

¹⁸ Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021 see: <https://shorturl.at/mBHMP>

Further see: "Strasbourg court: Georgia won the case against Russia regarding the 2008 war ",21.01.2021; see <https://shorturl.at/dvFW6>

¹⁹ Future processing of applications against the Russian Federation ob. <https://shorturl.at/ksFT9>

²⁰ Joint statement of civil society organizations: 15 YEARS AFTER THE AUGUST WAR - THE CONTINUING DAMAGE OF THE TERRORIST REGIME AND ITS CONSEQUENCES IN INTERNATIONAL COURTS, 07.08.2023 (last seen: 13.12.2023); <https://www.hrc.ge/538/geo/>

²¹ Constitution of Georgia, Art. 21

²² the Law of Georgia "On Police" Article 17(1)(d)

assembly/demonstration. In some cases, when taking into account the spontaneity of the assembly, it is not possible to fulfill the obligation of prior notification within this period, the legislative record should not become the basis for limiting the freedom of expression.²³

In 2023, a number of assemblies organized by civil activists, political parties and civil movements were held in Tbilisi. Several notable violations of freedom of assembly and expression were also observed. The Human Rights Center monitored a number of assemblies, which was later reflected in the interim report on the monitoring of assemblies.²⁴

Wide-scale demonstration of March 7 - "No to the Russian Law" and the protest demonstration of 8-9 March - "No to the Russian Law, Come to Protect Your Dignity" should be noted; During these demonstrations, on the one hand, the Ministry of Internal Affairs employees used special means against the peaceful participants of the rally without prior warning, in violation of the principles of necessity and proportionality, and on the other hand, some participants of the rally went beyond the sphere protected by the right of peaceful assembly and demonstration.²⁵

Also, on June 2, a protest demonstration was held in Tbilisi, which was aimed at criticizing the Georgian government and calling for the protection of freedom of expression. At the demonstration, the police arbitrarily arrested seven participants of the protest, four of whom were human rights defenders. One of the human rights defenders was holding an empty banner during the arrest. Arresting peaceful activists holding paper banners is an unjustified interference with freedom of expression and assembly.²⁶

The European Court of Human Rights explained that setting up a tent as a "temporary installation" may be a form of political expression that is guaranteed by Article 10 of the European Convention on Human Rights (freedom of expression).²⁷ According to the Public Defender of Georgia "placing a tent is an integral part of the exercise of freedom of assembly."²⁸ Despite this, on May 28, during the protest, there was an unjustified obstruction of the placement of the tent.²⁹

On October 5, 2023, the Parliament of Georgia adopted an amendment to the Law "On Assemblies and Demonstrations" in an accelerated manner. The amendment aims to prohibit the use of temporary structures, including tents, during assemblies and demonstrations in cases where it poses a threat to the participants of the assembly or demonstration or other persons, when it hinders the protection of public

²³Constitutional Court of Georgia -The Public Defender of Georgia v. the Parliament of Georgia; 14.12.2023; (last seen:28.12.2023); see <https://shorturl.at/ouUX4>

²⁴HRC, Gia Chkhaidze -INTERIM REPORT ON MONITORING PUBLIC ASSEMBLIES; 2023, p. 4; see <https://shorturl.at/bgrPS>

²⁵ Ibid, pp.7 -10

²⁶ General statement of civil public organizations; Georgia: End Arbitrary Prosecution and Protect Freedom of Expression; 22.06.2023 (last seen: 19.12.2023); see: <https://shorturl.at/efnB5>

²⁷see Frumkin v. Russia, no. 74568/12, §107 6 June 2016; see: <https://shorturl.at/kvw24>

²⁸Public Defender Echoes Events Developed Near Parliament on June 1, 2023, 02.06.2023; (last seen:19.12.2023); see: <https://shorturl.at/xSY23>

²⁹ HRC, Gia Chkhaidze -INTERIM REPORT ON MONITORING PUBLIC ASSEMBLIES; 2023, p. 16. See, <https://shorturl.at/bgrPS>Monitoring Report regarding the Protest Demonstration of Beka Grigoriadis; 2023 See: <https://shorturl.at/flsIR>Also, the general statement of civil public organizations; The police illegally restrict freedom of assembly and expression, 31.05.2023 (last seen: 19.12.2023); see: <https://www.hrc.ge/509/geo/>

order and security by the police, disrupts the normal functioning of an enterprise, institution or organization or is not related to the holding of an assembly or demonstration.³⁰

The President vetoed the legislative amendment³¹, and it was criticized by the Public Defender of Georgia.³² According to the Human Rights Center, the ban on setting up a tent on the basis of the new edition of the law is against the freedom of expression and assembly.³³ Also, based on the appeal of the Public Defender, the Office of Democratic Institutions and Human Rights of the OSCE negatively assessed the legislative amendment and noted that it does not clearly define the grounds for restricting the freedom of assembly. Therefore, the amendments do not meet the principles of necessity and proportionality.³⁴

According to the Human Rights Center monitors, compared to the number of participants in the assemblies, the trend of mobilizing a disproportionate number of police officers was observed. In some cases, the number of policemen significantly exceeded the number of participants of the demonstration. Sometimes, on the contrary, due to the low number of officers, the police could not ensure public order and the safety of the participants of the demonstration. For example, at the demonstration of Beka Grigoriadis, on the night of June 3, the number of police officers was 3 times greater than the number of participants of the demonstration. In contrast, according to the Human Rights Center, an inappropriate number of police officers were mobilized during the July 8, 2023 "Pride Festival". Also, in some cases, it was observed that the police officers were represented at the demonstration without official uniforms and appropriate identification marks.³⁵

A report by the HRC explained³⁶ that deploying large numbers of police officers unnecessarily could incite fear.³⁷ Moreover, excessive intervention by the police may lead to an intensification of the conflict instead of a de-escalation.³⁸ Also, it is important that the police officers involved in the organization of peaceful

³⁰Explanatory note on the draft law on amendments to the law of Georgia "On assemblies and demonstrations"; see: <https://shorturl.at/fgDHI>

³¹ Interpressnews - the President vetoed the amendments to the law "On Assemblies and Manifestations"; 17.10.2023; (Last seen: 19.12.2023); see: <https://shorturl.at/dowH8>

³² Public Defender's Statement on Amendments Planned to be Made to the Law of Georgia on Assemblies and Demonstrations, 04.10.2023 (last seen: 19.12.2023); see: <https://shorturl.at/bkyKL>

³³HRC - A Brief Monitoring Report regarding the Practice of Preventing the Placement of Tents in Public Spaces to Exercise the Freedom of Assembly, 2023; p. see 5. <https://www.hrc.ge/581/geo/>

³⁴ OSCE/ODIHR, Urgent Opinion On Proposed Amendments To The Law Of Georgia On Assemblies And Demonstrations And To The Administrative Offences Code, Warsaw, 6 November 2023, p. 34; see <https://shorturl.at/dzQY2>

³⁵ Monitoring Report regarding the Amount of Police Force and Unidentifiable Law Enforcement Officers Mobilized at Protest Demonstrations, 2023, p.1-2; see: <https://www.hrc.ge/554/geo/> .

³⁶ Ibid Page. 4

³⁷ European Commission for Democracy through Law (Venice Commission)/ OSCE Office for Democratic Institutions and Human Rights, Guidelines On Freedom Of Peaceful Assembly, 2nd edition, Strasbourg-Warsaw, 09.07.2010; Study no. 581/2010, para. 187, See <https://shorturl.at/ilFQV>

³⁸OSCE Office for Democratic Institutions and Human Rights, Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012), 9 November 2012, para. 201, See <https://shorturl.at/crv56>

protests are easily identifiable with the appropriate uniform or other signs³⁹, which will contribute to increasing their responsibility and accountability.⁴⁰

- **The draft law "On transparency of foreign influence" and the following protest demonstration**

Two bills registered in the Parliament of Georgia on February 14 and 27, 2023 caused significant indignation of the population of Georgia: 1. "On transparency of foreign influence"; 2. "On registry of foreign agents". On March 7, 2023, the Parliament of Georgia supported the adoption of the draft law "On transparency of foreign influence" in the first reading. According to the legislative initiative supported by the representatives of the parliamentary majority of Georgia, non-governmental organizations and media outlets that receive part of their funding from abroad should be registered as "agents of foreign influence".⁴¹ According to civil society organizations, the bill was a response to the hundreds of facts of violence, corruption, illegality and selective law that public organizations and independent media study and publicize.⁴² Also, international human rights organizations called on the Parliament of Georgia not to adopt the so-called Law on Agents.⁴³

The processes related to the adoption of the draft law took place in parallel with the public protest. It is worth noting that on March 6, the parliamentary majority announced March 9 as the date of review of the draft law, but suddenly, during the plenary session of March 7 they started to review the bill.⁴⁴ Changing the agenda in such a way caused even more dissatisfaction in the society, which turned into a large-scale protest demonstration. Before the passing of the bill in the first reading, the civil protest had a peaceful form, and law enforcement officers also acted within the law and helped to block the Rustaveli Avenue in time. However, after the passing of the draft law in the first reading, it was necessary to evacuate the members of the parliamentary majority from the side entrance of the parliament, special forces were mobilized, they cordoned off the area and the demonstrators were restricted from moving.⁴⁵ The police used pepper spray without prior warning, which was soon followed by the use of water cannon.⁴⁶ After that, some participants of the protest threw various objects and several so-called Molotov

³⁹ European Commission For Democracy Through Law (Venice Commission)/OSCE Office for Democratic Institutions and Human Rights, Guidelines on Freedom of Peaceful Assembly, CDL (2008)062, 4 June 2008, p. 35; see <https://shorturl.at/boI56>

⁴⁰ Boyle M., Vullierme J., A Brief Introduction to Policing Public Gatherings: A guide for Practitioners, Council of Europe, 2021, p. 39; see <https://shorturl.at/dAHN4>

⁴¹ Radio Liberty -The draft law "On Transparency of Foreign Influence" was adopted by the Parliament in the first reading; 07.03.2023; (Last seen: 18.12.2023); see. <https://shorturl.at/eACKV>

⁴²Joint statement of civil society organizations; Russian Law is not the will of Georgia 21.02.2023; (Last seen: 18.12.2023); see. <https://www.hrc.ge/470/geo/>

⁴³ Joint statement of international organizations; Repel proposed "foreign agents" law in Georgia; 17.02.2023; (Last seen: 18.12.2023); see. <https://www.hrc.ge/469/geo/>

⁴⁴ The police used illegal and disproportionate force against the peaceful civil protest. 08.03.2023 (last seen: 18.12.2023); see. <https://www.hrc.ge/479/geo/>

⁴⁵Assessment of the Events Occurring at the Protest Rallies of March 7-8; 09.03.2023; (last seen: 18.12.2023); <https://www.hrc.ge/481/geo/>

⁴⁶ Brief report of the Human Rights Center regarding the use of special means by the police, 2023 see <https://www.hrc.ge/567/geo/>

cocktails at the policemen.⁴⁷ Also, the participants of the demonstration damaged the barriers at the entrances of the parliament - solid metal plates. Therefore, the actions of some participants exceeded the scope of the right to peaceful assembly and demonstration.⁴⁸

According to the assessment of the Human Rights Center, during the protests of March 7- 8-9, there were cases of violation of national and international legislation by law enforcement officers, which was manifested in the use of special means without prior warning and without the existence of a legitimate basis. It is important that representatives authorized to use special means give prior warning and give protesters reasonable time to disperse. Also, it is important that special means are used only in cases of extreme necessity.⁴⁹ It is necessary to take into account the guiding principles of the OSCE, according to which, in cases of inappropriate behavior by an individual participant or participants of the assembly it does not automatically acquire the character of a violent assembly.⁵⁰ **Therefore, it is important that law enforcement officers distinguish peaceful and non-peaceful participants of the assembly.**⁵¹ The Public Defender also noted that in case of violent actions of individual participants of the assembly, necessary and proportionate measures should be taken individually.⁵²

The steps taken by the government after large-scale protests are commendable. In particular, on March 10, the Parliament rejected the bill on "Transparency of Foreign Influence" in the second reading. Also, the parliamentary majority withdrew the bill "on registry of foreign agents". The Parliament withdrew both documents from the Venice Commission as well.⁵³

A total of 134 people were arrested during the March 7-9 protests. Among them, 133 persons were arrested under Articles 166 and 173 of the Administrative Offenses Code of Georgia (disorderly conduct and non-compliance with a lawful order or demand of a law-enforcement officer), and one person was arrested under Article 353¹ of the Criminal Code of Georgia for assaulting the police officers.⁵⁴ According to the information of the Ministry of Internal Affairs, on March 9, all persons arrested in accordance with the Administrative Offenses Code at the demonstration were released.⁵⁵

⁴⁷Ministry of Internal Affairs - Facts of violations committed in the territory adjacent to the Parliament, 09.03.2023 (last seen: 19.12.2023); see. Video - <https://shorturl.at/elmJW>. Facebook page post of the Ministry of Internal Affairs; 07.03.2023; (Last seen: 19.12.2023); see. Video - <https://shorturl.at/air35>

⁴⁸HRC, Gia Chkhaidze -INTERIM REPORT ON MONITORING PUBLIC ASSEMBLIES; 2023, p. 7,-8; see <https://shorturl.at/bgrPS>

⁴⁹ Brief report of the Human Rights Center regarding the use of special means by the police, 2023 see <https://www.hrc.ge/567/geo/>

⁵⁰ Human Rights Handbook on Policing Assemblies, OSCE/ODIHR, 2016, p. 103; see <https://shorturl.at/eno18>

⁵¹The police used illegal and disproportionate force against the peaceful civil protest 2023; 08.03.2023; (last seen: 18.12.2023); see. <https://www.hrc.ge/479/geo/>

⁵²Public Defender of Georgia Echoes March 7-9 Developments on Rustaveli Avenue; 13.03.2023; see: <https://shorturl.at/zQSU1>

⁵³ Interpressnews - Parliament rejected the bill "On transparency of foreign influence" in the second reading, 10.03.2023 (last seen: 18.12.2023); see. <https://shorturl.at/tDIQ1>

⁵⁴ Civil.ge - Updated: During the March 7-9 protests, 134 people were arrested, 09.03.2023 (last seen: 18.12.2023); see. <https://shorturl.at/mtuvP>

⁵⁵ Statement of the Ministry of Internal Affairs, 09.03.2023 (last seen: 18.12.2023); see. <https://shorturl.at/ev356>

4. NATURAL DISASTERS AND HUMAN RIGHTS

Natural cataclysms have become more frequent in Georgia, which is a concomitant process of climate change. The natural disasters of Shovi and Guria in 2023 are an example of this.⁵⁶ About 40 people lost their lives in only two large-scale natural disasters in Racha and Guria. According to civil organizations, there is an ineffective system for dealing with natural disasters in the country, which threatens human health, life and development.⁵⁷ On August 8, 2023, the National Environment Agency published a preliminary report on the events that took place in Racha, in particular, in Shovi. The report states that the fact that the intense melting of the glacier, the rockslide, atmospheric precipitation, landslide-erosive processes and glacial runoff led to catastrophic events is only related to the natural factors.⁵⁸

According to Article 2 of the European Convention on Human Rights, every person's right to life is protected by law.⁵⁹ The European Court of Human Rights explained that the state has a positive obligation to protect the right to life.⁶⁰ Therefore, the authorities should take care of the implementation of effective preventive measures and adequate emergency response in order to protect people's right to life.⁶¹

The Ministry of Internal Affairs has launched an investigation into the events in Racha under Articles 116 and 240 of the Criminal Code of Georgia, which refers to negligent killing and breach of safety regulations during mining, construction or other works.⁶² According to the statement of the district prosecutor, more than 1600 investigative and procedural actions were conducted in the case, an ecological examination was appointed, the close relatives of all the deceased were identified as victims. The investigation will study the causes of the disaster, the measures taken by the agencies in connection with the search and rescue operation, the legality of the existing infrastructure in the disaster zone, etc. However, it should be noted that the investigation did not raise the question of the accountability of the mayor of Oni municipality and the leadership of the emergency management service. Also, despite the obligation established by the Law of Georgia on Public Safety, the municipality of Oni did not have a security passport of the municipality in 2022-2023, nor does Georgia have a disaster risk reduction strategy and action plan.⁶³

According to the civil organizations, some doubts arose regarding the results of the investigation, because the government officials declared that there were no signs of crime at the very beginning of the

⁵⁶Interpresnews - natural cataclysms have become more frequent, which affects the climate...; 20.11.2023; (Last seen: 20.12.2023); see: <https://shorturl.at/qzU14>

⁵⁷ Civil society organizations demand an effective investigation on the natural disasters that took place in Shovi and Guria; 02.10.2023; (Last seen: 20.12.2023); see: <https://www.hrc.ge/557/geo/>

⁵⁸National Environment Agency - Preliminary Report on the Racha disaster of August 3; 2023. See: <https://shorturl.at/DHOPZ>

⁵⁹European Convention on Human Rights; Art. 2 (1)

⁶⁰ Paul and Audrey Edwards v. the United Kingdom, no. 46477/99, ECHR 2002-II; see: <https://shorturl.at/vDRSX>

⁶¹ Öneriyıldız v. Turkey [GC], no. 48939/99, ECHR 2004-XII; see: <https://shorturl.at/cfgFK>

⁶²Netgazeti - The investigation of Shovi tragedy has started under two charges; 07.08.2023; (last seen: 20.12.2023); see : <https://shorturl.at/osH05>

⁶³ Article by Mtis Ambebi - Marita Gutashvili, whose 9 family members died in Shovi, ransacked Oni's town hall; 17.12.2023; (last seen: 20.12.2023); see: <https://shorturl.at/quAT8>

investigation. Government officials questioned the narrative of the victims and "attacked" them.⁶⁴ Also, a slanderous campaign was conducted against the head of the National Seismic Monitoring Center of the Institute of Earth Sciences, Tea Godoladze, who criticized the authorities for neglecting environmental issues in connection with the Shovi tragedy.⁶⁵ According to the Human Rights Center, if the government's response to a natural disaster was not effective, or if the state agencies had the opportunity to anticipate the development of events and implement appropriate preventive measures, it is important to hold all relevant agencies and officials accountable.⁶⁶

The willingness expressed⁶⁷ by the Ministry of Health of Georgia to provide psychological assistance to people affected by natural disasters and the allocation of 10 million GEL by the Government of Georgia to support the affected families in Shovi, Lanchkhuti and Chokhatauri municipalities is commendable,⁶⁸ as well as the promise of building new houses or providing appropriate compensation.⁶⁹

The progress achieved so far by Georgia in the field of environment and climate change and the need for steps to be taken in the future are discussed in the report on enlargement published by the European Commission on November 8, 2023. According to the European Commission, Georgia is at the initial stage of development in this field. However, there is progress. For example, Georgia's approval of a low-emission development strategy, which fully complies with the main principles of the Paris Agreement⁷⁰ and aims to transform the country into a climate-neutral one by 2050 is noteworthy. This implies that human activity cannot have a negative impact on the climate.⁷¹ As for the plans for next year, according to the European Commission, it is important for Georgia to carry out structural reforms in the environment and climate protection sector, to bring the Georgian water law into line with EU standards, to adopt a climate law that will be effectively enforced in order to mitigate climate change, etc.⁷²

⁶⁴ Civil society organizations demand an effective investigation on the natural disasters that took place in Shovi and Guria; 02.10.2023; (Last seen: 20.12.2023); see: <https://www.hrc.ge/557/geo/>

⁶⁵ Joint statement of civil organizations - the ruling party's non-acceptance of dissenting opinion and forms of response to criticism have reached an alarming limit; 23.08.2023; (Last seen: 20.12.2023); see: <https://www.hrc.ge/542/geo/>

⁶⁶ Protection of people's right to life - statement of the Human Rights Center regarding the Shovi disaster 09.08.2023; (last seen: 20.12.2023); see: <https://shorturl.at/myO36>

⁶⁷ Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs - psychological assistance for victims of Shovi natural disaster, families of deceased and missing persons, 30.08.2023 (last seen: 20.12.2023); see: <https://shorturl.at/ozA34>

⁶⁸ 2023 report of the Prime Minister of Georgia Irakli Gharibashvili, 18.12.2023 (last seen: 20.12.2023); see: <https://shorturl.at/kmoDL>

⁶⁹ 1tv.ge - Irakli Gharibashvili - for those who lost houses in Guria ...; 15.09.2023; (last seen: 20.12.2023); see: <https://shorturl.at/nrzNO>

⁷⁰ UNDP Georgia; Georgia's Long-Term Low Emission Development Strategy 2050; 13.07.2023; (last seen: 20.12.2023); see: <https://shorturl.at/djoAO>

⁷¹ Government of Georgia; 2030 Climate Change Strategy of Georgia; 2021; p. 6; see <https://shorturl.at/kBLNW>

⁷² European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 99,-100; see <https://shorturl.at/gjjqE>

5. MEDIA ENVIRONMENT AND RESTRICTION OF FREEDOM OF EXPRESSION

Freedom of the media is a special part of the freedom of expression, which is protected by the European Convention on Human Rights. This right shall include freedom to hold opinions and to receive and impart information and ideas.⁷³

In 2023, attempts to interfere with the professional activities of media representatives and limit their freedom of expression were concerning.

Although it is punishable to illegally obstruct a journalist in his/her professional activity⁷⁴, there have been a number of cases related to the obstruction of a journalist's professional activity. For example, on July 13, information was published about the robbery of the car of the head of the TV "Pirveli" news department. Only those items that are necessary for journalistic activities were taken from the car.⁷⁵ Cases of attacks on media representatives have also become more frequent. Attack on one of the founders of TV Formula was a clear example of this.⁷⁶ Violent incidents can have a chilling effect and negatively impact freedom of expression.⁷⁷ As a result, there may be even more cases of outflow of media representatives from the profession and the country.⁷⁸

According to the European Commission, the media environment in Georgia is polarized, which is demonstrated by the fact that the majority of television stations are affiliated with certain political parties. Although Georgian citizens and civil society representatives enjoy freedom of speech, continuous attacks on journalists and media representatives by the government and opposition political representatives on the one hand, and on the other by far-right groups, have created a hostile media environment. Also, **the frequent tendencies of public agencies or government representatives to make delayed decisions or to refuse to provide information upon request are problematic.**⁷⁹ Moreover, there are court proceedings against the owners of critical media. Meanwhile, the recent decisions of the Supreme Court have a negative impact on the freedom of expression of critical media.⁸⁰

According to the assessment of the Human Rights Center, in order to ensure a safe media environment, it is important for the authorities to act quickly and have an adequate response to the each case.

⁷³European Convention on Human Rights; Art. 10

⁷⁴Criminal Code of Georgia. Art. 154

⁷⁵"Formula" information on the robbery of Nodar Meladze's car, 18.07.2023 (last seen 20.12.2023); see <https://shorturl.at/cepBL>

⁷⁶Interpressnews - the prosecutor's office indicted one person for the violence committed against Misha Mshvildadze, 29.06.2023 (last seen 20.12.2023); see <https://shorturl.at/sV025>

⁷⁷Statement of the Human Rights Center - the tendency to interfere with the professional activities of media representatives, 11.08.2023 (last seen 20.12.2023); see <https://www.hrc.ge/540/geo/>

⁷⁸Radio "Freedom" - I arrived and applied for asylum- why do Georgian journalists emigrate? 03.05.2023 (last seen 20.12.2023); see <https://shorturl.at/BLZ14>

⁷⁹European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023, p. 33. See <https://shorturl.at/gijqE>

⁸⁰Ibid, p. 6

Government's representatives should publicly condemn all cases of violence and make clear statements in support of freedom of expression and professional freedom of journalists.⁸¹

- Law on Broadcasting

On October 19, 2023, the Parliament adopted the bill on the amendments to the Law of Georgia on "Broadcasting" in the third reading in an accelerated manner⁸². The bill was signed into law by the President of Georgia on November 3.⁸³ According to the legislative amendment, in cases of broadcasting of programs and advertisements containing obscenity, hate speech and calls to terrorism, it is possible to appeal the decisions made by the broadcasting self-regulatory body to the commission.

As a result of legislative changes, the powers of the Communications Commission have increased. However, **according to the 2023 Legal Opinion of the Directorate General for Human Rights and the Rule of Law of the Council of Europe, the Communications Commission is not an independent body**⁸⁴, which in itself increases the potential for misuse and abuse of power by the Commission as well as for the illegal restriction of freedom of expression.

Georgian legislation must align with the EU Audiovisual Media Services Directive (AVMSD).⁸⁵ However, according to the representation of the European Union in Georgia, the concept of "obscenity" is not part of this directive and, therefore, there was no need to regulate it.⁸⁶ Furthermore, it is mentioned in the decision of the Constitutional Court of Georgia, that the norms that limit the freedom of expression should be clear and predictable. And the judgment of moral norms has a freezing effect on the freedom of the broadcaster and, on the freedom of expression in general.⁸⁷ All this is exacerbated by the fact that, based on past experience, the Communications Commission may have selective attitude towards various media outlets.⁸⁸

It should be noted here that the attempt to bring the Law on Broadcasting into compliance with the European Directive is commendable. However, first of all, it is important for the Communications Commission of Georgia to become an independent body, for which a number of changes are needed, including changing the rules for electing and dismissing members of the commission in such a way that the decisions do not have a political character. Legal norms should become more predictable so that the

⁸¹ Human Rights Center's statement - The tendency to interfere with the professional activities of media representatives; 11.08.2023; (last seen 20.12.2023); see <https://www.hrc.ge/540/geo/>

⁸² Parliament of Georgia - the Parliament adopted the bill on the amendments to the Law of Georgia on "Broadcasting" in the third reading, 19.10.2023 (last seen: 20.12.2023); see. <https://shorturl.at/girL4>

⁸³ Interpressnews - President signed the amendments to the Law on Broadcasting, 03.11.2023; (last seen 20.12.2023) see <https://shorturl.at/avzFN>

⁸⁴ Council of Europe - Opinion of the General Directorate of Human Rights and Rule of Law on Law of Georgia on Broadcasting: "The Directorate of Information Society and Action against Crime; Strasbourg (2023), p. : 10; (last seen: 20.12.2023); see. <https://shorturl.at/dvxDH>

⁸⁵ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018; see. <https://shorturl.at/otPZ2>

⁸⁶ Radio Liberty - the EU representation states that the regulation of "obscenity" is not part of the European directive, 27.10.2023 (last seen: 20.12.2023); see. <https://shorturl.at/lqAC3>

⁸⁷ Judgment N 1/3/421,422 of November 10, 2009 of the Constitutional Court of Georgia in the case *Georgian Citizens Giorgi Kipiani and Avtandil Ungiadze against the Parliament of Georgia, II.P.7*; see <https://shorturl.at/jptDK>

⁸⁸ Gnomon Wise, Kutidze Davit , Malkhaz Rekhviashvili ; Financially and content-damaging regulations for broadcast media and their alternatives; 2023; p. 17-18. (see: <https://shorturl.at/jqwQX> ; Also, GDI's statement regarding increasing the mandate for the Communications Commission; 19.10.2023; (last seen 20.12.2023); see <https://shorturl.at/sFY59> (last seen 20.12.2023)

media itself is aware of the limits set for it. As for media management, in the case of Georgia, as stated in the opinion of the Directorate of the Council of Europe, it is better to include the regulations related to obscenity and hate speech within the framework of the co-regulation mechanism, and in this process, decision-making should be based on the principle of cooperation.⁸⁹

6. THE FIFTH PRESIDENT OF GEORGIA

Among the 12 priorities defined for Georgia by the European Commission in June 2022, the first priority was overcoming the existing polarization in Georgia. However, political polarization deepened further with the initiation of the impeachment procedure against Salome Zurbishvili, the fifth president of Georgia.

The relationship between the president and the government is getting worse. The President has vetoed various laws several times, which in some cases was overridden by the Parliament.⁹⁰ Raising the issue of the president's impeachment was the logical end of the existing tension between the government and Salome Zurbishvili. It should be noted that this was not the first case of a constitutional dispute against the president. The Government of Georgia appealed to the Constitutional Court against the President on June 7, 2022, requesting clarification of the issue of separation of powers between the President of Georgia and the Government of Georgia regarding the appointment and dismissal of Georgian ambassadors and heads of diplomatic missions.⁹¹ On January 11, 2023, the government withdrew⁹² the submitted constitutional lawsuit, but did not make any additional clarifications about it.⁹³

The issue of Salome Zurbishvili's impeachment became relevant after she made work visits abroad on August 31, September 1 and 6, 2023 without the government's consent. On September 14, 80 MPs of the parliamentary majority submitted a constitutional submission to the court regarding impeachment of the president, it was based on the violation of Article 52(1)(a) of the Constitution of Georgia.⁹⁴

From January 2019 to August 16, 2023, as a result of the study of the practice of the application of Article 52, Paragraph 1, Sub-Paragraph "a" of the Constitution of Georgia, it can be seen that the President of Georgia addressed the Government of Georgia with the request to make a foreign visit 79 times. Before April 28, 2023, all but one request had been satisfied.. However, after that date, all requests of the

⁸⁹ Council of Europe - Opinion of the General Directorate of Human Rights and Rule of Law on Law of Georgia on Broadcasting: "The Directorate of Information Society and Action against Crime; Strasbourg ;(2023); p. 31; (last seen: 20.12.2023); see: <https://shorturl.at/dvxDH>

⁹⁰ European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 5; see <https://shorturl.at/gijqE>

⁹¹ Radio Liberty - The government applied to the Constitutional Court to separate the rights on the appointment of ambassadors with the president, 07.06.2022 (last seen: 24.12.2023); see: <https://shorturl.at/rzPQ8>

⁹² Constitutional Court of Georgia - Government of Georgia against the President of Georgia, the judgment: 06.02.2023 (last seen: 24.12.2023); see: <https://shorturl.at/osAY6>

⁹³ Netgazeti - The government withdrew the constitutional lawsuit against the president, 07.02.2023 (last seen: 24.12.2023); see: <https://shorturl.at/bdGUW>

⁹⁴ Radio Liberty - The Court found that Salome Zurbishvili violated the constitution 16.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/rvRU1>

president, namely eleven out of eleven requests got rejected.⁹⁵ Therefore, it can be said in favor of the president that she was practically forced to continue and plan visits to different countries without the government's consent. In addition, the president's representative noted that "Article 52 of the Constitution obliges the president to have the government's consent only in those foreign relations in which she changes or expresses the government's position." In this case, the president's visits were related to the European Union, therefore, in this process, she supported the declared policy of the government and did not change the position already expressed by the government.⁹⁶

According to the civil organizations, the impeachment of the president started because, in the framework of her international visits, she was convincing the leaders of the European Union of the need for Georgia to receive candidate status. This shows that the government is obstructing the implementation of Article 78 of the Constitution of Georgia by the President as a constitutional body.⁹⁷ In particular, the Constitution of Georgia envisages integration into European and Euro-Atlantic structures, for which the constitutional bodies must take all measures within their powers to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization.⁹⁸

On October 16, the Constitutional Court of Georgia determined with a relevant decision that the President of Georgia violated the constitution by traveling to EU countries without the government's consent. This decision was supported by six out of nine members of the plenum. In the statement issued by the court, it was explained that "violation of the provision established by one norm of the Constitution could not be justified under the pretext of observing the second norm of the Constitution, including based on the motivation of good intentions... The Constitutional Court also emphasized that the oath of the President, which Mrs. Salome Zurbashvili took, required to protect the Constitution of Georgia. The court explained that the president was well aware of the need for the government's consent in the exercise of representative powers in the field of foreign relations, which was proved by a number of circumstances and, at the same time, was based on a reasonable presumption that she was/should have been aware of the scope of authority.⁹⁹

3 judges of the Constitutional Court disagreed with the conclusion of the Constitutional Court and submitted a different opinion, which reads that "neither the authors of the submissions nor the judges who authored the opinion of the Constitutional Court indicate that the controversial visits by the President and/or the opinions expressed within them have in any way harmed or hindered the implementation of foreign policy by the Georgian government. .. **There is no evidence presented in the case that would confirm the fact that the President of Georgia obstructed the implementation of foreign policy for the government.** Therefore, according to their position, the explanation of the 6 judges of the Plenum of the

⁹⁵ IDFI - The historical and unsubstantiated process of the impeachment of the President of Georgia (legal evaluation), 03.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/aghmD>

⁹⁶ Radio Liberty - did the president violate the constitution? - What arguments were used to discuss the issue of impeachment in the Constitutional Court, 03.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/tUWYZ>

⁹⁷ Open Society Foundation -Georgian Dream Harms the European Integration Process by Initiating Impeachment (last seen: 04.09.2023 (last seen: 24.12.2023); see: <https://shorturl.at/bhqt3>

⁹⁸ Constitution of Georgia, Art. 78

⁹⁹ Constitutional Court of Georgia - The Constitutional Court of Georgia confirmed the violation of the Constitution of Georgia by the President of Georgia, 16.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/qrxw0>

Constitutional Court regarding the constitutional role and purpose of the President is fundamentally wrong.¹⁰⁰

On October 18, a vote on the issue of impeachment of the president was held, but 100 deputies, which was the minimum number for the vote, could not be gathered in the parliament. Accordingly, Salome Zurabishvili was not impeached.¹⁰¹

7. JUDICIARY

One of the 12 recommendations of the European Commission was related to the systemic reform of judiciary and ensuring its independence. Also, in the 2021-2027 agenda of the association between the European Union and Georgia, the emphasis is on judicial reform.

On April 5, 2023, the State Department of the United States of America imposed personal sanctions on the entry into the country of 4 current and former judges of Georgia due to their involvement in a corrupt dealings: Mikheil Chinchaladze, Levan Murusidze, Valerian Tsertsvadze and Irakli Shengelia. According to the statement, they "abused their positions as court chairpersons and members of the High Council of Justice, thus harming the rule of law and public trust in the Georgian judicial system." The sanction affected not only the judges, but also their family members. According to the US Ambassador to Georgia, the decision on sanctions was made based on reliable information.¹⁰² The Coalition for Independent and Transparent Judiciary responded positively to this decision and noted that the main challenge of the Georgian judiciary is the clan system. The clan makes decisions on cases with political interests to achieve narrow political goals and not based on the interests of justice. As for imposing sanctions on influential judges, this fact confirms how acute the problems of informal influence and clan system are in Georgian judiciary.¹⁰³

On March 14, 2023, the Venice Commission published its opinion on the planned amendments to the Organic Law of Georgia "On Common Courts". A number of issues were critically evaluated in the opinion, including: qualification of Supreme Court judges; nomination of candidates for the position of Supreme Court judge; secondment of judges; the grounds for disciplinary liability; initiation of disciplinary proceedings and others.¹⁰⁴ The Commission shared the position of the civil sector that the idea of pluralism in the High Council of Justice implies not only the presence of non-judicial members in the group, but also giving them an important role in the decision-making process of the Council. For this, it is

¹⁰⁰ Transparency International - Georgia - Failed impeachment of the president, 25.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/npwFl>

¹⁰¹ Radio "Liberty" - the impeachment of the President failed, 18.10.2023 (last seen: 24.12.2023); see: <https://shorturl.at/bpAP4>;

¹⁰² Radio Liberty - The US imposed sanctions on 4 judges of Georgia, 05.04.2023 (last seen: 23.12.2023); see: <https://shorturl.at/agsB2>

¹⁰³ THE COALITION REACTS TO THE IMPOSITION OF SANCTIONS ON JUDGE; 07.04.2023 (last seen: 23.12.2023); see: <https://www.hrc.ge/492/geo/>

¹⁰⁴ European Commission For Democracy Through Law; Follow-up Opinion to Four Previous Opinions Concerning The Organic Law on Common Court; Strasbourg, 14 March 2023; see: <https://shorturl.at/ajyX0>

important to create guarantees of effective participation of non-judicial members in the Council.¹⁰⁵ In the context of the judicial reform, the recommendations of the Coalition for Independent and Transparent Judiciary were related to the reform of the High Council of Justice, the adoption of decisions by the Council by the rule of double ⅔; incompatibility of administrative positions and council membership; Reform of the rules for secondment and disciplinary liability of judges etc.¹⁰⁶ After the legislative changes made by the parliament, the coalition stated in October that "both the law of June 2023 and the amendments of September of the same year do not fully respond to the recommendations of the commission regarding the secondment of judges, disciplinary measures, the bindingness of the decisions of the qualification chamber of the Supreme Court and other issues."¹⁰⁷

In the November 2023 report of the European Commission, it is noted that the reforms of the judicial system affected the accessibility of the courts, the introduction of appropriate justifications for the appointment of judges, and introduction of the requirement of at least ten years of professional experience for the position of supreme judges during the selection process. In June 2023, the Parliament of Georgia adopted amendments to the Law on General Courts, and in September 2023, it developed additional amendments that took into account some of the recommendations of the Venice Commission, for example, regarding the limitation of the grounds of disciplinary responsibility of judges and the part of suspending their powers.¹⁰⁸

However, the Parliament did not take into account the important recommendations issued by the Venice Commission in March and October 2023. More specifically, recommendations regarding the need for reform of the Supreme Court and the High Council of Justice were not implemented. **It is important to carry out more extensive reforms to ensure the complete independence, accountability and impartiality of the court and the prosecutor's office, especially of the High Council of Justice, taking into account European standards and the recommendations of the Venice Commission.** Also, it is important that the reform of the High Council of Justice addresses the mandate of the members of the Council, the secondment of judges without their consent and the provision of an effective right of appeal in the process of selecting judges of the Supreme Court.¹⁰⁹

In November 2023, the Coalition For Independent and Transparent Judiciary responded to the decision made by the High Council of Justice in November 2023, by which Bolnisi District Court Judge Nino Giorgadze was refused to be given a life tenure as a judge. According to the coalition, the judge criticized the December 30, 2021 amendments to the "Law on General Courts" which was tailored to the interests of influential judges. Also, Nino Giorgadze was distinguished by making progressive decisions. All this

¹⁰⁵ the Coalition for Independent and Transparent Judiciary - evaluation of the opinion of the Venice Commission , 23.03.2023 (last seen: 23.12.2023); see: <https://www.hrc.ge/490/geo/>

¹⁰⁶ The coalition reacts to the amendments made to the Organic Law on General Courts, 23.06.2023 (last seen: 23.12.2023); see: <https://www.hrc.ge/516/geo/>

¹⁰⁷ The Coalition Reacts to Another Facade Draft Law Initiated by Georgian Dream and to the Venice Commission's Opinion; 17.10.2023 (last seen: 23.12.2023); see: <https://www.hrc.ge/565/geo/>

¹⁰⁸ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 5; see <https://shorturl.at/gijqE>

¹⁰⁹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 10, 20, 21; see: <https://shorturl.at/gijqE>

creates "a basis for reasonable doubt that Nino Giorgadze demonstrated a high degree of independence during her activities, which ultimately led to her punishment and expulsion from the system." ¹¹⁰

8. RIGHT TO EQUALITY

In order to protect the right to equality, first of all, it is important to have an appropriate legal framework. Georgia has a Law of Georgia on "Elimination of All Forms of Discrimination", which fully complies with international standards and EU Acquis. However, it is important to substantially improve its implementation.¹¹¹

In 2023, there was some progress in the protection of equality rights for some groups in Georgia, but the general background remains critical. In the context of protecting the right to equality, it is important to discuss the legal status of women, persons with disabilities, representatives of the LGBT+ community, and representatives of non-dominant religious and ethnic groups. It should be noted that the needs and interests of some groups were not reflected in the state programs. Also, there was a reluctance by the authorities to fulfill positive obligations, which contributed to the incitement of discrimination.

In the context of discrimination, it is important that according to the Criminal Code of Georgia, the aggravating circumstances of responsibility include committing a crime based on race, skin color, language, sex, sexual orientation, gender identity, age, religion, political or other opinion, disability, citizenship, national, ethnic or social affiliation, origin, property status or rank or any other signs of discrimination.¹¹² It is important that all aggravating circumstances are not only theoretically reflected in the Georgian legislation, but also effectively used by the court in practice.¹¹³ According to the assessment of the European Court of Human Rights, the authorities are obliged to find out at the investigation stage whether the crime was motivated by hatred.¹¹⁴ Otherwise, the article prohibiting discrimination in the European Convention on Human Rights will be violated.¹¹⁵

- Violence against women and domestic violence

In order to obtain the status of a candidate country of the European Union, as the 9th priority of the 12 recommendations of the European Commission, Georgia was responsible for increasing gender equality and strengthening efforts against violence against women. The steps taken by the Georgian authorities for this purpose are commendable in particular, the Parliament of Georgia adopted amendments to the Law on Gender Equality; **The Government of Georgia adopted a resolution on compensation for victims of violence**; It became mandatory to check the impact of draft laws on gender, the previously existing

¹¹⁰The Coalition for Independent and Transparent Judiciary - The Removal of Judges from the Justice System Continues 06.11.2023 (last seen: 23.12.2023); see: <https://www.hrc.ge/571/geo/>

¹¹¹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 37; see <https://shorturl.at/gijqE>

¹¹²Criminal Code of Georgia. Article 53¹(1)

¹¹³Council of Europe - GREVIO Evaluation Report, 2022, p. see 69. <https://shorturl.at/atWY7>

¹¹⁴ Nachova and Others v. Bulgaria [GC], nos. 43577/98 and 43579/98, § 160, ECHR 2005-VII see. <https://shorturl.at/zNQX5>

¹¹⁵European Convention on Human Rights, Article 14.

"victim status" prerequisite for using state services was abolished, etc. The changes were supported by the representatives of the civil society.¹¹⁶

Despite positive legislative changes, execution of the legislation and statistics of crimes committed against women remain as a challenge. According to the 6-month data of 2023, 13 cases of murder of women were recorded in Georgia, 7 of which showed signs of domestic violence.¹¹⁷ Therefore, it is important to establish socio-psychological approaches to deal with the problems along with the legislative regulation and to take care of raising the awareness of the citizens.¹¹⁸ It is also important to increase the role of women in society, including in making political decisions and fighting violence against women.¹¹⁹

According to the Convention of the Council of Europe "On combating and preventing violence against women and domestic violence" (the so-called Istanbul Convention), an act of a sexual nature with a person without his/her consent may qualify as rape. "Consent must be given voluntarily, as a result of the free expression of a person's will, taking into account the surrounding conditions."¹²⁰ Therefore, it is important to reflect the concept of voluntarily given consent in the Criminal Code of Georgia, taking into account the requirement of Article 36 of the Convention, thus the legislation will be in line with internationally recognized standards.¹²¹ Especially since, according to the 2020 United Nations Development Program study, 42% of women and 50% of men interviewed in Georgia do not call it a rape when the victim does not show physical resistance through a fight.¹²²

It should be noted that the rate of digital violence is very high and it specifically affects women¹²³. Along with technological development, crimes committed using electronic means have increased in Georgia, especially cases of psychological violence against women. For example, in one case filed by the HRC, a man blackmailed a woman with electronically edited "defaming" images.¹²⁴ Online violence demonstrates gender inequality. In the report of the UN Secretary General, it is mentioned that the authorities of each country should make more efforts to prevent new and growing forms of online violence.¹²⁵

Although forced marriage is punishable under Georgian law, and committing the same act with a minor is an aggravating circumstance, in some communities it is still acceptable to commit this crime. For example, in one of the Human Rights Center's cases, an eleventh-grade school girl was abducted by three adults in

¹¹⁶Joint survey of civil organizations "Candidate Status Meter" - the State of Fulfillment of the 12 conditions of the European Union, 2023, p. 35; see <https://shorturl.at/cnIPQ>

¹¹⁷Public Defender's Statement on International Human Rights Day. 10.12.2023; (last seen: 21.12.2023); see. <https://shorturl.at/gAT19>

¹¹⁸Human Rights Center, Nino Chaladze -Social and Legal Aspects of the Violence against Women and Domestic Violence, 2023 p. 6; see <https://www.hrc.ge/572/geo/>

¹¹⁹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 38; see <https://shorturl.at/gijqE>

¹²⁰ International treaty and agreement of Georgia - The Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 36

¹²¹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 7; see <https://shorturl.at/gijqE>; Also, Council of Europe - GREVIO (baseline) evaluation report; 2022, p. see 8. <https://shorturl.at/ezLRZ>

¹²² UN WOMEN. (2020). VIOLENCE AGAINST WOMEN IN GEORGIA, p3 ; see <https://shorturl.at/hHOT4>

¹²³UN Women; Innovation and Prevention of Violence Against Women, practice brief, 2023, see <https://shorturl.at/djvzY>

¹²⁴Human Rights Center, Nino Chaladze -Social and Legal Aspects of the Violence against Women and Domestic Violence, 2023 p. 8; see <https://www.hrc.ge/572/geo/>

¹²⁵UN Women; Innovation and Prevention of Violence Against Women, practice brief, 2023, see <https://shorturl.at/djvzY>

the hope that the community would force her to marry a man.¹²⁶ In 2023, a worrying example of ineffective legislation was the case of 14-year-old Aitaji, who was kidnapped and killed.¹²⁷ In order to effectively enforce the existing legislation, it is important to take care of raising public awareness in this direction. Also, it is necessary to bring Georgia's Criminal Code into compliance with Article 37, Paragraph 2 of the Istanbul Convention, which refers to criminalization of the intentional conduct of luring a person to the territory of a State other than the one she or he resides in with the purpose of forcing this person to enter into a marriage.¹²⁸

In 2023, the European Court of Human Rights made a decision against Georgia in the case of violence against women. According to the European Court of Human Rights, it is important to organize the legal framework in the country in such a way that the government is authorized to investigate the crime on its own initiative in cases of domestic violence and not to be interfered with the initiation of criminal prosecution even if the victim withdraws the complaint.¹²⁹

The report of the public defender mentions that in some cases there is a problem of proper assessment of risks by the court, when the court uses a lighter preventive measure than imprisonment in relation to the perpetrator. In this way, the accused may be given the opportunity to commit an even more serious crime against the victim.¹³⁰ This is a dangerous trend.¹³¹ The authorities should support the victims in their rehabilitation as much as possible, which shall be manifested in the provision of psychological, material and social assistance to the victims.¹³²

- State the Rights of the Child

Georgia has complex legislation to protect children's rights. Georgia is a contracting party to the "Convention on the Rights of the Child" adopted by the United Nations General Assembly, according to which states shall take all necessary legislative, administrative, social and educational measures to protect children from all forms of physical or psychological violence, abuse and maltreatment by their parents, legal guardians or any other person caring for the child.¹³³

The Code on the Rights of the Child of Georgia complies with "Convention on the Rights of the Child" and aims at the well-being of children.¹³⁴ Also, Georgia is a signatory of an international agreement - the

¹²⁶Human Rights Center, Nino Chaladze -Social and Legal Aspects of the Violence against Women and Domestic Violence, 2023 p. 12; see <https://www.hrc.ge/572/geo/>

¹²⁷Radio Liberty - Murder of Aitaji - 14 year-old girl from Dmanisi (last seen: 21.12.2023); see. <https://shorturl.at/fnrQ1>

¹²⁸Council of Europe - GREVIO Evaluation Report, 2022, p. see 63. <https://shorturl.at/tVZ14>

¹²⁹[Gaidukevich v.Georgia](https://www.echr.europa.eu/en/cases-and-decisions/number/38650/18), no. 38650/18, § 62,71, 15 June 2023

¹³⁰Public Defender of Georgia - "Analysis of cases of femicide and attempted femicide in 2021", 2023. p. 30. see. <https://shorturl.at/demtw>

¹³¹Statement by Human Rights Center regarding Shortcomings in Judicial Proceedings on the Cases of Domestic Violence, 13.09.2022 (last seen: 21.12.2023); see. <http://www.hrc.ge/424/geo/>

¹³² Council of Europe Committee of Ministers - Recommendation Rec(2006) 8[1] of the Committee of Ministers to member states on assistance to crime victims;14 June 2006; para 1.3; 3.; see. <https://shorturl.at/ntzQ7>

¹³³Georgia's international treaty and agreement "Convention on the Rights of the Child", Article 19 (1)

¹³⁴The Code on the Rights of the Child of Georgia, Article 1 (1), (2)

Lanzarote Convention, which obliges states to protect children from sexual violence.¹³⁵ Although child abuse is prohibited by international and national legislation, it is still a common challenge in practice.

Physical, psychological and sexual violence against children is often carried out in the family or at school. The situation is exacerbated by the current socio-economic situation in the country, as well as the unpreparedness of society for the post-traumatic stress of minors developed as a result of violence. In the analysis of juvenile cases conducted by the Human Rights Center, the problems of judiciary were also identified, for example, in relation to the selection of an environment inconsistent with international standards for interviewing juvenile witnesses or the use of mechanisms of diversion from criminal liability as a lower priority.¹³⁶

According to the 2023 research of the United Nations Children's Fund, 37.8% of Georgian children are considered to have material and social deficits.¹³⁷ In some cases, due to financial problems, the family has to live with the abuser. Furthermore, despite the fact that the social services should respond accordingly to the facts of violation of children's rights, in practice, in some cases, the lack of qualification of social workers is also evident.¹³⁸

According to the 2023 assessment of the European Commission, violence against children, including methods of physical punishment, remains a problem. Quick and effective investigation is a challenge as well.¹³⁹

For example, in one of the cases of the Human Rights Center, a head teacher slapped a 7-year-old child in front of the class, in order to demonstrate the physical punishment; Despite the fact that the case was investigated, the head teacher was just dismissed from the position, which means that this teacher continued to work in the same class. Unfortunately, such cases are quite common.¹⁴⁰ Therefore, it is important to explicitly prohibit the use of physical or other humiliating punishments against children, including in teachers' codes of conduct, so that "slapping" a child is considered as illegal as it would be in the case of an adult.¹⁴¹

The European Court of Human Rights explained that all forms of violence, including those expressed in a light form, shall be considered completely unacceptable.¹⁴² Therefore, it is necessary to retrain teachers, and monitor the teachers who have been noticed in violence. On the one hand, the relevant agencies shall

¹³⁵International treaty and agreement of Georgia; "The Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse; Article 10

¹³⁶Human Rights Center, Nino Chaladze - Challenges in the Protection of the Rights of the Child; 2023, p. 13; see <https://www.hrc.ge/532/geo/>

¹³⁷Geostat, United Nations Children's Fund; Child Welfare Survey; 2023; see <https://shorturl.at/iyAIZ>

¹³⁸Human Rights Center, Nino Chaladze - Challenges in the Protection of the Rights of the Child; 2023, p. 7, 17; see: <https://www.hrc.ge/532/geo/>

¹³⁹ European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 39; see <https://shorturl.at/giiqE>

¹⁴⁰Human Rights Center, Nino Chaladze - Challenges in the Protection of the Rights of the Child; 2023, p. 10; see <https://www.hrc.ge/532/geo/>

¹⁴¹Committee on the Rights of the Child - General Comment #8 (2006) - "The right of the child to be protected from physical punishment and other cruel or degrading punishment". Also, the United Nations Children's Fund - Child-Friendly Justice, Legislation Research; 2017; p. 71. see. <https://shorturl.at/aefPR>

¹⁴² F.O. v. Croatia - 29555/13; (ECtHR) Judgment 22.4.2021 [Section I]; see <https://shorturl.at/bknuS>

ensure the study, response and monitoring of cases of violence, and on the other hand, take care of raising public awareness, including through encouraging measures to report information about violence.¹⁴³

- **Rights of persons with disabilities**

The adoption of the strategy and action plan for independent living and deinstitutionalization of persons with disabilities by the Government of Georgia in February 2023 is commendable.¹⁴⁴ After ratifying the Convention on the Rights of Persons with Disabilities, Georgia shall implement reforms in the system of granting the status of persons with disabilities. For this purpose, a new methodology is being introduced in Georgia, which involves the development of a biopsychosocial assessment model, and it has been developed in consultation with the World Health Organization.¹⁴⁵

According to the data of September 2022, there are 125,467 persons with disabilities in Georgia, but the real number is much higher and probably amounts to 558,000 persons with disabilities. In granting the disability status, it is important for the government to shift from a medical assessment model to a biopsychosocial assessment model in 2023.¹⁴⁶

In 2023, the parents of children diagnosed with Achondroplasia, amid continuous protests, demanded the allocation of funds from the budget for the treatment of their children.¹⁴⁷ Before the protest demonstration, the parents had been asking the Ministry of Health to purchase this medicine for several months.¹⁴⁸ After protests, the government added Achondroplasia to the national program of rare diseases, and the Minister of Health signed a national protocol for Achondroplasia into force.¹⁴⁹

People with disabilities still face barriers in the context of access to buildings, transport or services.¹⁵⁰

According to the assessment of the Public Defender of Georgia, there is still a lot of work to be done to protect the rights of people with disabilities. It is especially important to ensure the quality and continuity of inclusive education for persons with disabilities. It is problematic that people with disabilities are not involved in the decision-making process at different levels. It is also problematic that the government has not yet approved standards for ensuring accessibility of information, communication tools, websites or mobile applications for persons with disabilities.¹⁵¹

¹⁴³Human Rights Center, Nino Chaladze - Challenges in the Protection of the Rights of the Child; 2023, p. 23; see

<https://www.hrc.ge/532/geo/>

¹⁴⁴Information of the Ministry of IDPs from the occupied territories, Labour, Health and Social Affairs (last seen: 22.12.2023);

see: <https://shorturl.at/enEG3>

¹⁴⁵Information of the Ministry of IDPs from the occupied territories, Ministry of Labor, Health and Social Protection (last seen:

22.12.2023); <https://shorturl.at/ivKL1>

¹⁴⁶ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p.40;

See: <https://shorturl.at/gijqE>

¹⁴⁷ Statement by Human Rights Center regarding the Need to Purchase the Medical Drug for the Children Diagnosed with

Achondroplasia; 02.05.2023 (last seen: 21.12.2023); see: <https://www.hrc.ge/496/geo/>

¹⁴⁸Radio Liberty - "Fund medicine for children", 21.04.2023 (last seen: 21.12.2023); see: <https://shorturl.at/dtCIK>

¹⁴⁹formulanews.ge - Achondroplasia National protocol enters into force 03.08.2023 (last seen: 21.12.2023); see:

<https://shorturl.at/wJMQ8>

¹⁵⁰ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 39;

see <https://shorturl.at/gijqE>

¹⁵¹Public Defender's Statement on International Human Rights Day. 10.12.2023; (last seen: 21.12.2023); see:

<https://shorturl.at/gAT19>

- Freedom of religion

Religious minorities face a number of challenges. They do not have the necessary funds for the restoration of the places of worship. In some cases, crimes committed on the basis of religious intolerance are prosecuted ineffectively. Also, for example, in Batumi, there is pressure on students representing the religious minority in public schools. In addition to all this, the State Agency on Religious Issues, does not have the full trust of the public.¹⁵² Its mandate is problematic and ambiguous, as the agency's strategy for the development of religious policy published in 2015 aimed to strengthen the mechanisms of control over religious organizations instead of promoting freedom of religion.¹⁵³

According to the assessment of the European Commission, there is a lack of religious equality in Georgia, in particular - the Orthodox Church enjoys unequal privileges in terms of owning or purchasing state property and as regards taxes. Furthermore, the Defense Code of 11 July 2023 provides for an exemption to military service for clergy in the Orthodox church, but not in other confessions.¹⁵⁴

- National Minorities

Representatives of national minorities face various challenges; their civic integration, participation in the country's political life and access to education are especially problematic. In terms of access to education, the introduction of a bilingual teaching model, along with the development of textbooks for Armenian and Azerbaijani schools, and training/retraining of bilingual teachers remain problematic in Georgia.¹⁵⁵ The representatives of the minority do not know the state language and compared to other Georgian students, they have low scores in the international student evaluation program, which indicates educational inequality.

Representation of ethnic minorities in public administration is limited. Statistically, the national minority is represented by 6 deputies of the Parliament. At the municipal level, the ethnic minority is represented as a majority in some councils. For example, 35 out of 42 persons in Akhalkalaki and 29 out of 30 persons in Ninotsminda are representatives of ethnic minorities.¹⁵⁶ It is also a challenge to promote the activities of cultural centers or restore houses in the regions inhabited by national minorities. The culture of national minorities is hardly promoted.¹⁵⁷ In this context, the Constitution of Georgia should be taken into account, according to which the citizens of Georgia, regardless of their ethnic affiliation, have the right to preserve

¹⁵² European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 33; see <https://shorturl.at/gijqE>

¹⁵³Institute of Tolerance and Diversity - Freedom of Religion and Belief in Georgia, 2023, p. 2023, p. 10; see <https://shorturl.at/uDEZ8>

¹⁵⁴ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 41; see <https://shorturl.at/gijqE> ; Also - Institute of Tolerance and Diversity - Freedom of Religion and Belief in Georgia, 2023, p. 2023, p. 16; see <https://shorturl.at/uDEZ8>

¹⁵⁵Public Defender's Statement on International Human Rights Day. 10.12.2023; (last seen: 21.12.2023); see. <https://shorturl.at/gAT19>

¹⁵⁶ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 40; see <https://shorturl.at/gijqE>

¹⁵⁷Public Defender's Statement on International Human Rights Day. 10.12.2023; (last seen: 21.12.2023); see. <https://shorturl.at/gAT19>

and develop their culture, to use their mother tongue in their private life or in public, without any discrimination.¹⁵⁸

According to the decision of the Tbilisi Court of Appeals of February 16, 2023, the issue of the correct qualification of the crime committed with the motive of ethnic intolerance and antisemitism remains a problem.¹⁵⁹

The Human Rights Center protects the interests of Vitaly Safarov, the successor of the brutally murdered human rights defender on September 30, 2018. Despite the fact that there is a lot of evidence in the case, which indicates that the murder was committed due to intolerance, according to the judge, the religious beliefs and views of the defendants were not the subject of judicial review. A combination of evidence obtained by the state prosecution confirms the attackers' antisemitic and xenophobic language and ideological affiliation with neo-Nazi groups. Also, the victim's disclosure of his ethnic identity was the reason for the perpetrators to be particularly cruel, causing numerous injuries and crimes. The European Court has noted in a number of decisions that the state's disregard for discriminatory motives during investigation or sentencing may constitute indirect discrimination. Therefore, the correct qualification of the case by the court is important, on the one hand, to achieve justice in the case, and, on the other hand, for the prevention of similar crimes motivated by hatred and the development of correct practice by the court.¹⁶⁰

It is commendable that the minorities, in particular, Romani people, were considered in the 2021-2030 state strategy of civil equality and integration and the accompanying action plan in order to support their cultural identity and increase their involvement in social life, as the Roma are one of the most discriminated ethnic groups. They have limited access to housing and government services, and Romani people living or working on the streets are unfortunately mostly children.¹⁶¹

- **Rights of representatives of the LGBT+ community**

The legal situation of LGBT+ persons has not improved even in 2023. Although Georgia has a law on the elimination of all forms of discrimination, the community representatives continued to be victims of discrimination, violence and stigma, as appropriate steps were not taken to enforce existing legislation and eliminate discriminatory practices.

On March 23, 2023, the Parliament approved the National Strategy of Human Rights of Georgia for 2022-2030. Despite the fact that the strategy includes a paragraph on the reflection of the constitutional guarantees of equality and the rights of various vulnerable groups are separated into separate subsections, the rights of LGBTQI+ persons are not even mentioned in it. The neglect of this group and the absence of their rights from the strategy were criticized by non-governmental organizations, according to

¹⁵⁸ Constitution of Georgia, Art. 11 (2)

¹⁵⁹Institute of Tolerance and Diversity - Freedom of Religion and Belief in Georgia, 2023, p. 2023, p. 25; see <https://shorturl.at/uDEZ8>

¹⁶⁰Human Rights Center - Details and Legal Assessment of the Case of the Murder of Human Rights Defender Vitaly Safarov, 2019, pp. 1-2, 10, 12, 14; see <https://shorturl.at/btJY4>

Also - Angelova and Iliev v. Bulgaria, No. 55523/00, § 107, 26 July 2007 see: <https://shorturl.at/mnzEF>

¹⁶¹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 40; see <https://shorturl.at/gjiqE>

which the authorities do not want to recognize the equality of the LGBT+ community at the political level.¹⁶²

On July 8, 2023, the Pride Festival was planned to be held in the closed event format near the Lisi Lake. On July 7, the Ministry of Internal Affairs issued a statement regarding the announced event, that the relevant police units would maintain law and order and security at this event. However, on July 8, hate groups broke through the police cordon and ransacked the surrounding area.¹⁶³ The actions were preceded by the announcement of a counter-demonstration by various groups and calls to go to the counter-demonstration through social networks. As a result, it can be said that the state's positive obligation to protect the festival participants from the aggressive actions of the counter-demonstrators was not fulfilled.¹⁶⁴

According to the European Commission, it is important to consider LGBT+ persons in the human rights action plan, to protect their freedom of expression and assembly. The use of hate speech by politicians and public figures is inadmissible, as it reinforces discriminatory attitudes towards LGBT+ people in society. Refraining from effective and timely investigations of alleged hate crimes in 2022 has the same effect. As for the development of the action plan of the National Human Rights Strategy, it is commendable that on September 1, 2023, the Human Rights Department was established in the government administration and consultations were held with civil organizations, however it is important for the consultation process to be inclusive and include international partners.¹⁶⁵

- Internally Displaced Persons

The displaced population from Abkhazia and Tskhinvali regions living in Georgia have been dealing with the consequences of the occupation for years. Despite the fact that a multi-year resettlement process is underway in the country and improved procedures have been developed in this direction, according to the Public Defender's assessment, there are also shortcomings, including - the lack of justification for the refusal of resettlement and the dilapidated condition of the transferred resettlement facilities.¹⁶⁶

In the context of the protection of the rights of internally displaced persons, the successful cases of the Human Rights Center in 2023 are worth noting. In particular, with the help of the Human Rights Center, according to the ruling of the Supreme Court of Georgia on March 16, 2023, the lawsuit of E.Z., a displaced person from Tskhinvali, was fully satisfied, and the administrative act of the Agency of IDPs, Eco-Migrants and Social Welfare regarding the refusal to provide him with housing was annulled. Also, the Chamber of

¹⁶²Civil Platform "No to Phobia! Reacts to the International Day against Homophobia, Transphobia and Biphobia", 17.05.2023 (last seen 22.12.2023); see <https://www.hrc.ge/501/geo/>

¹⁶³ Statement of civil organizations - the Ministry of Internal Affairs continues to have a tolerant policy towards hate groups, 07.08.2023 (last seen: 22.12.2023); see: <https://www.hrc.ge/526/geo/>; Also, Radio Liberty - Possible Damages as a result of ransacking the Pride Festival.... 09.07.2023 (last seen: 22.12.2023); see: <https://shorturl.at/iwRT6>

¹⁶⁴Monitoring Report regarding the Amount of Police Force and Unidentifiable Law Enforcement Officers Mobilized at Protest Demonstrations, 2023; p.13; See. <https://www.hrc.ge/554/geo/>

¹⁶⁵ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 40; see <https://shorturl.at/gijqE>

¹⁶⁶Public Defender's Statement on International Human Rights Day. 10.12.2023; (last seen: 21.12.2023); see. <https://shorturl.at/gAT19>

Administrative Cases of the Supreme Court of Georgia, by its ruling of March 9, 2023, satisfied the claimant's request to grant the status of an internally displaced person -IDP.¹⁶⁷

There are approximately 92,000 displaced families in Georgia. It is important that resources are provided to them not only because of their IDP status, but also based on their needs. According to the amendments adopted by the Parliament of Georgia in December 2022, " IDPs who are minor as of January 1, 2023 shall be provided with long-term accommodation with the ascending line family members and will have no right to require individual accommodation in future. Those born after January 1, 2023, whose both parents have died before the accommodation, shall be provided with the same housing as their parents should have received."¹⁶⁸These changes were positively evaluated by the European Commission.¹⁶⁹

- Homeless Persons

The lack of a complete definition of a homeless person remains a problem. Georgia has made a reservation on Article 31 of the European Social Charter, therefore, the obligation of the contracting parties to reduce homelessness, provide adequate housing standards for the poor, and affordability of housing prices does not apply to Georgia. The right to adequate housing is broader than the right to property and includes the provision of a safe place to live in dignity.¹⁷⁰ The existing definition in the legislation of Georgia is focused on the physical dimension of a person's residence, therefore, it does not include the right to proper residence from a social and legal point of view.¹⁷¹ As a result, when considering the right to adequate housing, the following are not taken into account: Persons temporarily sheltered by relatives, persons in penitentiary institutions, persons awaiting release from orphanages, and persons at risk of resettlement.¹⁷²

It is important, on the one hand, to formulate the definition of the concept of homeless person in a more extensive way and to include the principles stipulated by international standards at the legislative level, and on the other hand, municipalities should develop mechanisms for the identification, registration and statistical registry of homeless persons in coordination with the central government, as well as programs aimed at the long-term resettlement of homeless people.¹⁷³

- Elderly Persons

Similar to the previous years, during 2023, various problems were identified in the context of social protection of the elderly. Unfortunately, more than **36% of the elderly** are registered in the unified data

¹⁶⁷Successfully Advocated Cases of Human Rights Center (2022 November, December -2023, January, February)

<https://shorturl.at/ovKQ4>

¹⁶⁸Parliament of Georgia -THE ACCOMMODATION OF IDPS SUPPORTED BY 80 MPS; 14.12.2022; (Last seen: 23.12.2023); see:

<https://shorturl.at/sBPRY>

¹⁶⁹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 41;

see <https://shorturl.at/gjjqE>

¹⁷⁰ OHCHR, The Right to Adequate Housing, Fact Sheet No. 21/Rev.1, 2014, 83.8; See: <https://shorturl.at/eAPV8>

¹⁷¹ Center for Social Justice - The Notion of a Homeless Person and the Criteria for Determining the Status of the Homeless;

2020, p. 12; (last seen: 23.12.2023); See: <https://shorturl.at/qvFK9>

¹⁷² Report of the Public Defender of Georgia "On the State of Protection of Human Rights and Freedoms in Georgia", 2022. p.

244 (last seen 23.12.2023); ob. <https://shorturl.at/eyBK9>

¹⁷³ Equality Coalition - Homeless Persons 2023, 83. 148,-160; see <https://shorturl.at/cpGSU>

base of socially vulnerable families, but there is no enforceable action plan to solve this problem, nor are appropriate measures taken to create guarantees of dignified aging of the elderly.¹⁷⁴ It is worth noting that harmful practices are maintained in the banking institutions selected by the state, which are manifested in arbitrary withholding or deduction of pension. As a result, pensioners have to litigate in court to get their money.¹⁷⁵

According to the previous year's report of the Public Defender of Georgia, there are frequent violations in institutions for the elderly, as well as cases of domestic violence against the elderly. Therefore, it is important for the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia to ensure the supervision of institutions for the elderly. Also, local governments should assess the needs of the elderly in order to raise funds to develop appropriate programs for them.¹⁷⁶

9. PENITENTIARY INSTITUTIONS

As in previous years, **the presence of criminal subculture and informal governance in penitentiary institutions remains a problem.** When communicating with the Human Rights Center lawyers, prisoners often point to the informal governance in the prison.¹⁷⁷

According to the Public Defender of Georgia there are challenges in the penitentiary system.¹⁷⁸

According to the European Commission, it is important for Georgia to focus on reducing the number of prisoners, because the country remains among the top five in Europe in terms of the rate of imprisonment (265 per 100,000 people). However, in terms of capacity, the number of detainees is 82% of the maximum possible number of detainees (capacity - 11,656; prisoners - 9,542). It should be noted here that there is no deterioration of the conditions/capacities in police detention centers, in pre-trial detention/prison facilities managed by the Special Penitentiary Service.¹⁷⁹

¹⁷⁴ Report of the Public Defender of Georgia "On the State of Protection of Human Rights and Freedoms in Georgia", 2022. p. 244; (last seen 23.12.2023); See: <https://shorturl.at/evBK9>

¹⁷⁵see GYLA JOINS THE CELEBRATION OF INTERNATIONAL HUMAN RIGHTS DAY, 10.12.2023 (last seen: 23.12.2023); See:<https://shorturl.at/dgrl6>

¹⁷⁶the Public Defender of Georgia "on the Situation of Protection of Human Rights and Freedoms in Georgia", 2022. p. 279,-283; see <https://shorturl.at/jIAHQ>

¹⁷⁷Human Rights Center's Report on the State of Human Rights (2022); p. 35; see <https://shorturl.at/isHX0>

¹⁷⁸Public Defender's Statement on International Human Rights Day. ombudsman.ge, 10.12.2023 (last seen: 12.12.2023); see: <https://shorturl.at/ftAD7>

¹⁷⁹ European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 32; see <https://shorturl.at/giiqE>

10. CASES OF PUBLIC INTEREST

- The case of Mikheil Saakashvili

The third president of Georgia has been imprisoned since October 1, 2021.¹⁸⁰ During 2023, three cases were reviewed against the third president of Georgia Mikheil Saakashvili: The case of dispersal of the November 7 demonstration, embezzlement of budget property and crossing the border. It should be noted that the court hearings were postponed several times during the year due to the deterioration of the ex-president's health. On February 6, 2023, the Tbilisi City Court did not approve the motion to release the former president from the sentence or postpone the sentence due to the deterioration of his health. On March 2, 2023, the decision made by the City Court was upheld by the Court of Appeals.¹⁸¹

The review of the so called "Jackets Case" is at the stage of the examination of evidence, where Mikheil Saakashvili and the former head of the State Security Service, Temur Janashia, have been charged with embezzlement of a large amount of budget funds as a group under Article 182 of the Criminal Code of Georgia.¹⁸² On November 20, 2023, the process of examining the evidence of the defense side was held in the city court.¹⁸³

The case of Mikheil Saakashvili, Ivane Merabishvili, Zurab Adeishvili, Davit Kezerashvili and Gigi Ugulava is reviewed by the composition of the board of the Tbilisi City Court due to its complexity. The case includes the charges presented in the episodes of November 7, 2007 mass dispersal of protesters, invasion of "Imedi" TV station, confiscation of Mtatsminda Park and Rustavi metallurgical factory from the Patarkatsishvili family. The trial of the case is at the stage of evidence review and it has been postponed several times due to the complications of the former president's health condition.¹⁸⁴ According to the statement released by Saakashvili's lawyer on December 20, the questioning of the witnesses in this case confirmed the political motive behind the trial.¹⁸⁵

As for the so called "border crossing case", where he has been charged under the first part of Article 344 of the Criminal Code of Georgia, according to the prosecutor's office, it was established within the framework of the investigation that the former president crossed the border of the country illegally. The

¹⁸⁰Radio Liberty - Saakashvili addressed the people from the court: We don't need to marry each other, 27.10.2023 (last seen: 25.12.2023); see: <https://shorturl.at/iyC59>

¹⁸¹The Human Rights Center monitors judicial proceedings of 27 cases with alleged political motives, 21.04.2023; (Last seen: 25.12.2023); see: <https://www.hrc.ge/495/geo/>

¹⁸² Ibid

¹⁸³Interpressnews - the trial of Mikheil Saakashvili in the case of group embezzlement of a large amount of budget funds is underway - the former president is attending the trial remotely; 20.11.2023; (Last seen: 25.12.2023); see: <https://shorturl.at/akswV>

¹⁸⁴The Human Rights Center monitors judicial proceedings of 27 cases with alleged political motives, 21.04.2023; (Last seen: 25.12.2023); see: <https://www.hrc.ge/495/geo/>

¹⁸⁵Interpressnews information - 20.12.2023; (Last seen: 25.12.2023); see: <https://shorturl.at/mCG39>

case is being reviewed in the Tbilisi City Court. The evidence of the parties has been fully investigated, but the accused was unable to testify due to his health condition.¹⁸⁶

In April 2023, Saakashvili's lawyers applied to the European Court of Human Rights to request the use of a temporary measure mechanism, arguing that Georgian medical facilities are not suitable for Saakashvili's treatment. According to the decision of the European Court of Human Rights on May 11, 2023, Saakashvili was denied of the transfer to Warsaw for treatment, and therefore, the Georgian authorities were not instructed to transfer the former president for treatment abroad. Despite this, the Georgian authorities have a legal responsibility, in accordance with Georgia's international obligations, to protect the health of all detainees, provide adequate medical treatment and respect their fundamental rights.¹⁸⁷

- **The Case of Nika Gvaramia**

On May 16, 2022, the Tbilisi City Court sentenced Nika Gvaramia to 3 years and 6 months in prison for abusing the power while being a director of Rustavi 2.¹⁸⁸ The Court of Appeals upheld the sentence. The Supreme Court did not even accept the case for review. The US ambassador to Georgia expressed concern about the content of the accusation.¹⁸⁹ The embassy's statement explained that democracy is based on protection of media freedom, and selective and politicized perception of justice undermines democracy.¹⁹⁰

On June 21, 2023, the European Commission focused on raising the level of protection of media owners' rights. On June 22, the President of Georgia made a decision to pardon Nika Gvaramia. According to her explanation, she made the decision after all legal means at the national level were exhausted after the decision of the Supreme Court of June 19.¹⁹¹ The decision made by the President of Georgia to pardon Gvaramia was

commend by the international partners, as it was assessed, on the one hand, as a way to bring the country closer to the European Union, and on the other hand, as a way to reduce polarization.¹⁹²

Upon the president's pardon, the director of the opposition television was released from prison on the same day. Now it is important that the government of Georgia establishes trust with the media sector and ensures the independence of the National Communications Commission.¹⁹³

¹⁸⁶The Human Rights Center monitors judicial proceedings of 27 cases with alleged political motives, 21.04.2023; (Last seen: 25.12.2023); see: <https://www.hrc.ge/495/geo/>

¹⁸⁷ European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 32; see <https://shorturl.at/gijqE>

¹⁸⁸MONITORING OF COURT PROCEEDINGS OF CASES WITH ALLEGED POLITICAL MOTIVES - (Summary Report), 2023; p. 12; see <https://shorturl.at/aqFM3>

¹⁸⁹U.S. EMBASSY STATEMENT ON NIKA GVARAMIA'S IMPRISONMENT; 20.06.2023 (last seen: 25.12.2023); see: <https://shorturl.at/ijkPU>

¹⁹⁰Netgazeti - "Politically motivated justice puts Georgia's European future at risk" - US Ambassador on Gvaramia; see <https://shorturl.at/cHOTZ>

¹⁹¹Radio Liberty - President pardoned Nika Gvaramia; 22.06.2023; (last seen: 25.12.2023); see: <https://shorturl.at/bloCV>

¹⁹²Radio Liberty -Gvaramia's pardon - (In)sufficient step towards Europe? 23.06.2023; (last seen: 25.12.2023); see: <https://shorturl.at/BIM28>; Also - Michel welcomed Zurabishvili's decision and the confirmation received from Garibashvili. 23.06.2023 (last seen: 25.12.2023); see: <https://shorturl.at/kpDP4>

¹⁹³ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 11, 34; see: <https://shorturl.at/gijqE>

- The Case of Lazare Grigoriadis

One of the highest public interest cases of the year was the case of Lazare Grigoriadis. 21-year-old Lazare Grigoriadis was arrested by the police on March 29, 2023, on the charges of attacking a policeman and destroying other people's property during demonstrations against the so called law on "agents".¹⁹⁴

According to the prosecutor's office, on March 7, the accused threw a so-called Molotov cocktail twice in the direction of the employees of the Special Tasks Department and set fire to a car belonging to the Ministry of Internal Affairs. Accordingly, on March 30, Lazar was charged with Article 187 (2)(a) and the second part of Article 353¹ of the Criminal Code of Georgia which refer to the destruction of someone else's property by setting fire and harming the health of a police officer in connection with their official activities. In case of a guilty verdict by the court, the accused faces imprisonment from 7 to 11 years.¹⁹⁵ The arrest of Lazare Grigoriadis was followed by critical statements and protest demonstrations, where Lazare's father was arrested twice.¹⁹⁶

It took 9 months for the court to investigate the evidence of the prosecutor's office, and the process is still ongoing in the Tbilisi City Court.¹⁹⁷ According to the former public defender, the publicly presented evidence does not show that Lazare threw a "Molotov cocktail".¹⁹⁸ The Human Rights Center shares this position. The lawyer of the center protected the legal interests of Lazare Grigoriadis during 2023.

Opinions were also expressed about Lazare's selection as a victim for "various signs", as the leader of the ruling party said that he "has all kinds of orientations mixed up" and called him a "man who has lost his way". Also, in the statement of the Prime Minister, the young people participating in the protest demonstration were characterized as "extremist group, anarchists, provocateurs, Satan's uniformed minions."¹⁹⁹ These types of statements additionally contributed to creating negative attitudes towards Lazare in the society.²⁰⁰ The defendant Lazare Grigoriadis says in the letter that he was protecting the European path during the protest demonstration.²⁰¹

¹⁹⁴Radio Liberty - Who is Lazare Grigoriadis - arrested on the charge of throwing a "Molotov cocktail"; 30.03.2023; (Last seen: 25.12.2023); see: <https://shorturl.at/dvHW3>

¹⁹⁵formulanews.ge - The case of Lazare Grigoriadis - retaliation of the authorities, 31.03.2023 (last seen: 25.12.2023); see: <https://shorturl.at/bqFRT>

¹⁹⁶Radio Liberty- Beka Grigoriadis and his brother were arrested at the assembly near the Parliament, 05.10.2023 (last seen: 25.12.2023); see: <https://shorturl.at/gBR45>

¹⁹⁷Radio Liberty - In the case of Lazare Grigoriadis, the court will no longer question 12 prosecution witnesses, 21.12.2023 (last seen: 25.12.2023); see: <https://www.radiotavisupleba.ge/a/32741952.html>

¹⁹⁸Interpresnews - Nino Lomjaria: The fact that Lazare threw a "Molotov cocktail" does not appear in publicly presented evidence; 02.04.2023; (Last seen: 25.12.2023); see: <https://shorturl.at/rwKLV>

¹⁹⁹Radio Liberty -Why is Lazare a "perfect criminal"; რატომ არის ლაზარე „იდეალური დამნაშავე“, 31.03.2023 (last seen: 25.12.2023); see: <https://shorturl.at/uA047>

²⁰⁰Human Rights Center press conference, 26.06.2023 (last seen: 25.12.2023); see: <https://www.hrc.ge/517/geo/>

²⁰¹RFE/RL - In the case of Lazare Grigoriadis, the court will no longer question 12 witnesses of prosecution, 21.12.2023 (last seen: 25.12.2023); see: <https://shorturl.at/eqA38>

11. PROTECTION OF PERSONAL DATA

On June 14, 2023, the Parliament adopted a new law on personal data protection.²⁰² The adopted amendments aim to bring Georgian legislation into compliance with European standards.²⁰³

According to the legislative amendments adopted on June 14, 2023: Commercial text messages will not be sent without consent obtained beforehand; All public institutions and certain private companies will be required to appoint a personal data protection officer; The regulations and terms regarding audio recording (audio monitoring) in public or private spaces are established; The regulations regarding video recording (video monitoring) through cameras installed in public or private spaces are further defined; Legal guarantees for the protection of minor's personal data are established; The obligation to notify the inspector in case of data protection violation is established; The grounds for data processing are enhancing;²⁰⁴

The new law "On Personal Data Protection" substantially changed existing regulations concerning the processing of personal data and expanded the grounds for data processing.²⁰⁵

During the period from January 1 to September 1, 2023, criminal prosecution was initiated against 24 persons for the facts of illegal acquisition, storage, use and distribution of private information, 14 of them were arrested.²⁰⁶ However, in many cases, it is problematic to conduct an effective investigation into the facts of personal data breaches. For example, the investigation into wiretapping and illegal surveillance of politicians, journalists, civil society activists and the diplomatic community, which began in September 2021, has not yet been completed. To this end, it is important to improve accountability and effective institutional supervision, which has not yet been implemented despite numerous calls made by the Public Defender.²⁰⁷

It is worth noting that the Personal Data Protection Service confirmed the guilt of one of the ministries, because their special technical support software collected detailed information on the actions taken by persons employed in the ministry's system.²⁰⁸

²⁰²Parliament of Georgia - "On Personal Data Protection"; (Last seen: 25.12.2023); see: <https://shorturl.at/zBCW3>

²⁰³ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 32; see <https://shorturl.at/gijqE>

²⁰⁴Transparency International- Georgia: 8 Amendments that the New Law on the Personal Data Protection Envisage, 05.07.2023 (last seen: 26.12.2023); see: <https://shorturl.at/coDQ7>

²⁰⁵Transparency International - Georgia: New Law on "Personal Data Protection" and Standards of Transparency 19.06.2023 (last seen: 26.12.2023); see: <https://shorturl.at/ofZ04>

²⁰⁶Interpressnews information - 26.09.2023; (Last seen: 26.12.2023); see: <https://shorturl.at/ioEJU>

²⁰⁷ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 33, See <https://shorturl.at/gijqE>

²⁰⁸The Decision Of The Personal Data Protection Service Of Georgia Regarding The Data Processing Lawfulness Of The Employees' Computer Activities By One Of The Ministries; 05.04.2023 (last seen: 26.12.2023); see: <https://shorturl.at/bceM5>

12. FIGHT AGAINST CORRUPTION

The Law of Georgia "On Fight Against Corruption" is approximated to the EU standards.²⁰⁹ Georgia has made some progress in the fight against corruption; For example an Anti-corruption Bureau was established, combining several anti-corruption functions in a single body, among them submits relevant proposals against corruption to the parliament.²¹⁰

However, in September 2023, the Speaker of the Parliament requested the opinion of the Venice Commission on the anti-corruption bureau related provisions of the Law of Georgia "On Fight Against Corruption" According to the Venice Commission, the law does not provide for the appropriate degree of independence of the Anti-Corruption Bureau. The bureau's competences require additional guarantees in the law, as it is tasked with supervising the financing of political parties and monitoring the declarations of assets and interests of high-level officials.²¹¹

According to the European Commission, Georgia has not yet developed a new national anti-corruption strategy or action plan. Additional efforts are needed to defeat corruption in order to eliminate the corrupting influence on the political, legal and economic spheres. In order to achieve these goals, Georgia should take a number of steps in the context of the fight against corruption next year.²¹²

13. INTERNATIONAL ORGANIZATIONS ON HUMAN RIGHTS IN GEORGIA

On November 23, 2023, the European Parliament published a document titled "Human rights breaches in Iran, Niger and Georgia". The European Parliament calls on the Russian Federation to implement the 2008 ceasefire agreement, withdraw the occupying forces and release all citizens of Georgia who are illegally detained by the occupation regime. The European Parliament expressed its support for the sovereignty and territorial integrity of Georgia.²¹³

The international organization - Amesty International called the pardon of Nika Gvaramia by the President of Georgia a positive step towards freedom of expression and freedom of the media. The organization

²⁰⁹ European Commission - Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 5; See <https://shorturl.at/gjiqE>

²¹⁰ Radio Liberty - The government held a presentation of the Anti-Corruption Bureau, 31.03.2023 (last seen: 25.12.2023); see: <https://shorturl.at/bmIJ7>

²¹¹Interpressnews - Venice Commission - the existing institutional project does not provide for the sufficient degree of independence of the anti-corruption bureau; 19.12.2023; (Last seen: 25.12.2023); see: <https://shorturl.at/tuyGO>

²¹²Transparency International -Georgia:Georgia's stalling anti-corruption reforms: unfulfilled recommendations of the Istanbul Action Plan 09.08.2019 (last seen: 25.12.2023); see: <https://shorturl.at/houAL>

²¹³ European Parliament; Human rights breaches in Iran, Niger and Georgia; 23.11.2023; (last seen: 20.12.2023); see: <https://shorturl.at/bhsU1>

also noted that attempts to disrupt peaceful protests have become more frequent in Georgia. One example of this is the arrest of human rights defenders during a peaceful protest.²¹⁴

Human rights organizations operating internationally and in different countries have jointly expressed their concern about the initiation of the draft law on Transparency of Foreign Influence" in Georgia. According to them, recently, in the countries of the former Soviet Union, regulations have been initiated in order to control the funding received from a foreign country. Such laws serve to restrict the work of non-governmental organizations and the freedom of association.²¹⁵ A number of international organizations, including Human Rights Watch, requested the authorities to reject the draft laws "on transparency of foreign influence".²¹⁶

On November 7, 2023, the UN special rapporteur published preliminary observations and recommendations on the situation of human rights defenders in Georgia. According to Marry Lawlor, there is no legislation in the country that would provide adequate guarantees for human rights activities, but even without such a law, in the presence of the relevant political will, it is possible to promote the improvement of the legal status of civil groups. The majority of human rights defenders do not feel supported by the government. Moreover, there is a trend of depicting the human rights defenders as internal enemies by the high-ranking officials. An example of this is the existence of posters in the city with women

human rights defenders depicted and accused of being 'spies against the church'. Although the law on transparency for "agents of foreign influence" did not enter into force, it had a negative impact on human rights defenders, as the initiative encouraged far-right groups and raised public fears that the draft law would be adopted in a different form. According to the special rapporteur, it is significant it is important to protect and strengthen the interests of people working on human rights.²¹⁷

The European Commission report notes that the environment for civil society organizations is becoming more hostile, and the country still lacks a comprehensive government strategy for civil society support and cooperation.²¹⁸ Therefore, it is important to strengthen the dialogue with the civil society and ensure its effective involvement in the decision-making process.²¹⁹

The US Embassy in Georgia responded to the European Commission's positive recommendation for granting Georgia the EU candidate status and stated that the US will continue close cooperation to support Georgia's European future.²²⁰

²¹⁴ Amnesty International; Georgia: Pardoning of Nika Gvaramia is 'a step in right direction'; 23.06.2023; (last seen: 20.12.2023); see <https://shorturl.at/uwEGT>

²¹⁵ Joint statement of international organizations; Repel proposed "foreign agents" law in Georgia; 17.02.2023; (Last seen: 20.12.2023); see: <https://www.hrc.ge/469/geo/>

²¹⁶ Human Rights Watch; 'Dark Day' for Georgia's Democracy; 08.03.2023; (last seen: 20.12.2023); see: <https://shorturl.at/LQVW8>

²¹⁷ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Preliminary observations and recommendations; Tbilisi - 7 November 2023; (last seen: 25.12.2023); see: <https://shorturl.at/fnAOR>

²¹⁸ European Commission; Georgia 2023 Report; 2023 Communication on EU Enlargement policy; Brussels, 8.11.2023; p. 15; see <https://shorturl.at/gijqE>

²¹⁹ Institute for the Development of Freedom of Information; Review of the European Commission's evaluation (of 12 priorities performance and new reservations); 09.11.2023; (last seen: 25.12.2023); see: <https://shorturl.at/gACW3>

²²⁰ US Embassy Georgia; Congratulations to Georgia; 08.11.2023; (last seen: 25.12.2023);