



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

GEORGIA IN 2023

ASSESSMENT OF THE RULE OF LAW AND HUMAN RIGHTS

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ABOUT US

The Georgian Young Lawyers' Association (GYLA) was founded in 1994 and currently has more than 450 members. The GYLA operates through its nine offices across the country. The organization strives to establish the rule of law in the country and protect human rights both at the individual and institutional levels. The GYLA uses three programs as a framework for its content-based activities. The provision of legal aid, protection of human rights, and support for democracy are the three programs.

INTRODUCTION

This report analyzes the state of the rule of law and human rights in Georgia in 2023. Some significant issues that occurred during the year may not be covered in full by the paper, as the report only focuses on topics that the GYLA worked on throughout the year 2023. The following are the issues addressed in the paper: justice and its accessibility, monitoring of court proceedings, reform of the administrative offenses legislation, elections, improvement of oversight mechanisms at the central and local levels, the right of peaceful assembly and gathering, freedom of media and speech, prohibition of torture and ill-treatment in private and family life, elimination of poverty, the right to live in a healthy environment, the right to employment, healthcare, rights of women, persons with disabilities, children, the elderly, LGBT+ persons, ethnic, and religious minorities.

The year 2023 was particularly marked by significant events pertaining to European integration. Georgia received candidate country status on December 14, 2023, following the European Commission's recommendation on November 8, 2023, to award Georgia candidate status, with certain reservations though. Among other things, the reservations set down for Georgia include implementing the required institutional and fundamental human rights reforms, which will significantly enhance the quality of life for the people in the country.

In 2023, the government did not take any significant steps for the comprehensive reform of the court. The fundamental issues facing the judicial system continue to be corporatism, a lack of accountability, and obstacles to individual judges' internal independence.

The circumstances facing human rights activists in Georgia have become severe and more dangerous. At the plenary session of March 7, 2023, 76 votes were cast against 13 by the Parliament in the first reading for a proposed draft law on "transparency of foreign influence", intended to discredit and silence the civil sector. However, the bill, if adopted, would have a sharply negative impact on the protection of human rights and social guarantees. Later, in response to widespread protests, the proposed law was withdrawn. Nevertheless, when assessing the lawfulness and proportionality of the State's use of force during the protest demonstrations, it became clear that law enforcement officials had repeatedly broken obligations stipulated in the Constitution of Georgia, national laws, and international agreements. Specifically, unlawful commands were given to raid a peaceful protest rally instead of responding individually and narrowly to local offenses; in several instances, special means were launched without prior warning; the obligation to distinguish between peaceful protesters and offenders during the dispersal of the rally, as well as using special means, were violated; the special measures were used simultaneously and sequentially; special means

were applied unlawfully and disproportionately (such as spraying pepper gas in people's faces, aiming water jets; aiming tear gas canisters); participants of the peaceful rally were subjected to verbal insults, physical abuse, and the media representatives were obstructed from performing their professional activities.

Even after the withdrawal of the bill, there were persistent campaigns throughout the year that used a variety of strategies to discredit human rights defenders. The above facts were highlighted in the preliminary findings and recommendations prepared by the United Nations Special Rapporteur (on the situation of human rights defenders), which were published on November 7, 2023.

The events of 2023 and the use of force by the state against multiple nonviolent protests serve as further evidence of how excessively the freedom to assembly is restricted, and this is done on the basis of the Code of Administrative Offenses, which deprives people of significant guarantees.

The situation in terms of the physical safety of critical media personalities has deteriorated. The investigations are mostly accompanied by a number of shortcomings. The quality of media freedom is negatively impacted by violence-condoning policies, the practices that promote violence, and the impunity of those who commit violent crimes. Problematic are the regulations governing reporter accreditation rules in the parliament approved in 2023 as well as planned fast-tracked adoption of the legislative modifications to the law "On broadcasting", without consulting interested parties.

The observation of criminal trials in 2023 has shown that judicial supervision over a number of guarantees is rather weak, particularly when it comes to measures of prevention, lawfulness of arrests, and plea deals. The majority of plea agreement court hearings are still held in a formal manner. Judges do not fully explain the rights associated with the plea agreement and do not thoroughly investigate the legality and fairness of the sentence provided for in the plea agreement. The number of acquittals has increased recently, and of the cases that the GYLA has observed, the majority of the acquittals were granted in family crime cases. Another major obstacle is lengthy litigations.

In 2023 again, there was no thorough investigation into a large-scale alleged unlawful tapping and surveillance carried out by the State Security Service. Despite unambiguous requests from a number of international organizations, including the United Nations and the European Union, urging to improve the data collection and surveillance practices of state agencies, no corresponding legislative procedures have been amended.

The presence of a criminal underworld in penitentiary facilities, as evidenced by the reports of the CPT and the Public Defender, negatively affects inmates' ability to exercise their rights and may even amount to degrading and/or inhumane treatment. As of today, the State has not yet developed any strategy to combat the criminal subculture that exists in penitentiary institutions. It is also hard for persons placed in penitentiary institutions to have access to mental and physical healthcare services.

According to the statistics on crimes reported in Georgia in 2023, domestic abuse is one of the most prevalent crimes in Georgia. The rate of gender-specific killing of women is still high. The current legislation and practice fail to provide effective, victim-oriented, gender-sensitive legal mechanisms against sexual violence. For women who have been abused, justice is

unavailable and/or difficult to access. The legislative safeguards for the prevention of early marriage are weak and the preventive efforts are often ineffective in the country. Women and girls with disabilities are still particularly vulnerable to various forms of violence.

LGBT+ persons still face discrimination in the workplace, healthcare, educational system, and social services, primarily due to shortcomings caused by the lack of enforcement of existing legal norms. LGBT+ individuals are particularly susceptible to stigma and violence. On July 8, 2023, in the territory of “Lisi Wonderland”, anti-Western extremist groups raided the Tbilisi Pride festival and ransacked the territory. The police once again failed to provide preventive and crime response measures to protect public safety and to ensure freedom of assembly and expression, permitting hate groups to disseminate calls for violence/carry out violent crimes without interference. In contrast to other social groups, LGBT+ individuals and their rights have not been mentioned even for a single time in the Human Rights Strategy and Action Plan.

It is still difficult to promptly identify instances of labor exploitation, physical, psychological, or other forms of violence against children. There are significant obstacles in terms of providing social support for children. Government services that are targeted are insufficient and ineffective. In 2023, child poverty remained the top pressing issue in the country. Accessibility to preschool education institutions is still a problem. A certain part of children living in rural areas do not have access to pre-school education.

Despite a number of positive efforts made in terms of protecting the rights of persons with disabilities over the years, the enjoyment of their rights is still not guaranteed. The procedure of awarding disability status based on a medical approach creates additional obstacles to the equal involvement and inclusion of people with disabilities in public life. Even with the guarantees embedded in the applicable legislation, inclusive education is still in its early stages of development and is not yet entirely accessible to individuals with special educational needs.

Regarding the equality of religious associations, the amendments introduced to the Defense Code in 2023 laid the foundation for a discriminatory arrangement. In particular, members of the clergy of the Apostolic Autocephalous Orthodox Church of Georgia will be exempted from alternative labor service, while all other clergy representatives are required to do non-military alternative labor service.

The proper enjoyment of the right of access to justice in relation to environmental issues is problematic. Frequently, authorized state agencies make decisions concerning a range of projects in violation of legal norms, without thoroughly investigating the circumstances of each specific case and, as a result, fail to consider the potential negative impact of such projects on the environment and people. Decision-makers often approve environmental and construction permits without conducting all necessary expert examinations as mandated by law. Additionally, questionable is the quality of expert studies that are submitted.

The natural events that struck Shovi on August 3, 2023, and Guria in September, showed that the State is ill-prepared to handle natural disasters and prevent the risks that arise from such events. Early warning systems have not yet been established in the country, and other requirements defined by the legislation are not properly fulfilled. Against the background of climate change, when natural disasters are becoming more and more frequent and intense, the State has a responsibility to promptly fulfill its positive obligations and ensure the right to live in a healthy and safe environment.

Active strikes by workers employed in the private and public sectors against unfavorable working conditions were a common occurrence during the year 2023. The situation in terms of labor rights became particularly dire in the system of the Ministry of Culture, Sports, and Youth of Georgia in 2023 when mass dismissal of staff members on the pretext of reorganization, including on discriminatory grounds, began.

The problems surrounding the social protection of the elderly still exist, especially in relation to arbitrary withholding/deduction by a state-designated banking institution of state allowances granted in the form of pensions. Providing information for pensioners about pension-pertaining matters was problematic, which in some cases resulted in the suspension and/or termination of the pension. Remarkably, during the pension administration process, pensioners were not informed in advance of a number of important issues, which had a negative impact on their legal standing. The unfairly increased interest rate set for pension loans due to the use of a grace period of several months during the pandemic, the length of the loan term, and the amount of cash obligations to be deposited every month render the payment of deferred credit obligations extremely heavy financial burden for the elderly.

Poverty remains a serious issue. The State has not yet developed any unified and sustainable poverty reduction policy that would be as inclusive as possible to entail all vulnerable groups in the country and be aimed at eliminating social inequality. In order to ensure that employment and social support programs developed by the State are not dependent on occasional government initiatives and that a uniform national standard is established, they must be reviewed and adjusted to reflect current social risks.

The two interim and extraordinary elections were held using electronic technologies in 2023 following the amendments that significantly changed the legislation governing the use of electronic technologies in the electoral processes and the way the Central Election Commission (CEC) is staffed. The repeated changes introduced to the CEC forming procedures proposed by the Georgian Dream were approved by the Parliament in the first reading. Therefore, the matter is still under discussion.

The advocacy in recent years seeking to achieve some progress in improving certain provisions of the Parliament's Rules of Procedure with regard to oversight has yielded some results, yet there are specific recommendations that need to be fulfilled, primarily in relation to the supervision of the security sector. Amidst Georgia's candidacy announcement, the European Commission has made several recommendations, one of which is to enhance the efficacy of the operation of democratic oversight mechanisms pertaining to the security sector. As a result of the monitoring of parliamentary activities conducted by the GYLA, it was noted that similar to previous years, MPs rarely or do not at all employ a number of supervisory mechanisms. In particular, the Defense and Security Issues Committee was the one that did not summon an official to the parliamentary session.

Another detrimental amendment was introduced to the Local Self-Government Code in 2023, according to which the mayor's authority will no longer be revoked in the event that the City Council fails to approve the municipality's budget within the legally mandated timeframes. This change completely removes the mayor's responsibility and solely imposes it only on the city council. Therefore, when the responsibility balancing mechanism vanishes, the existence of the city council becomes dependent on the unilateral decision of the mayor, which is unacceptable. One of the problems of the local self-governance remains the inadequate use

of the councils' supervisory mechanisms. Issues were identified from both a practical and normative perspective, namely, the procedure concerning the mechanisms was not properly defined in the Rules of Procedure of the city councils, making it challenging to apply and implement them in practice.

In terms of transparent governance and anti-corruption efforts, the year 2023 continued to demonstrate the reverse dynamics. In November 2022, several amendments, among them the setting up of the Anti-Corruption Bureau, were introduced to the Law of Georgia "On conflict of interest and corruption in public institutions". Despite the fact that with the establishment of the Bureau, a range of powers were brought together under one agency (such as monitoring of declarations, supervising the rule of financing political parties, guaranteeing the protection for whistleblowers, etc.), the institution does not have any investigative powers. In addition, the head of the Bureau is appointed by the Prime Minister. Consequently, independence cannot be guaranteed by the low legitimacy of the head or the lack of an investigative function.

The current obstacles and unfavorable trends seriously undermine the development and construction of institutions focused on human rights as well as governance oriented on democratic principles.

RECOMMENDATIONS

Judiciary

- The State should implement systematic and comprehensive reforms, both at the institutional and personnel levels in order to strengthen the guarantees of the independence of the judiciary, both of the institution and individual judges. The accountability mechanisms of judges should be balanced and the quality of self-governance of the judiciary should be enhanced as a result of the reform. All parties, among them local and international actors, should be involved in the process of comprehensive judicial reform.
- The requirement for transparency and publicity stipulated in the law should be met by judicial authorities.

Right of assembly and manifestations

- Law enforcement agencies, in the event of dispersing a protest manifestation, when there is immediate danger, should provide protest participants with a preliminary warning on the imminent use of special means in the manner as prescribed by law;
- Law enforcement agencies should be provided with strict instructions regarding the need to distinguish between peaceful and law-breaking protesters during any protest rally and to use individual and proportionate measures only against violators when responding to local and incident cases;
- Law enforcement agencies should receive explicit instructions on the use of special means in compliance with the law;
- It must be ensured that law enforcement officers are supervised whether they use special means in accordance with the prescribed procedure;
- Any participant of the assembly may be detained only if there are valid legal justifications and without applying any undue physical force.

Media and freedom of expression

- The Special Investigation Service must effectively investigate the facts of illegal interference and excessive use of force against media representatives during the performance of their professional duties;
- High-ranking officials, as well as officials of relevant bodies, should refrain from displaying discriminatory attitudes towards representatives of critical media and civil society while performing their public duties;
- The Parliament should refrain from proposing or passing laws restricting freedom of expression;
- Administrative bodies should promptly provide media organizations with public information without creating any artificial barriers;

Prohibition of ill-treatment:

- The mandate of the Special Investigation Service should be reformed in such a way that it is aligned with the recommendations of the Committee of Ministers of the Council of Europe and the Venice Commission, in particular, to primarily address the following issues: 1) the lack of authority to exercise jurisdiction over high-ranking state representatives, 2) issues pertaining to investigative jurisdiction; 3) the full control over investigative processes in the hands of the Prosecutor's Office and its exclusive authority to carry out criminal prosecution.
- Effective and coordinated efforts across all agencies are crucial to ensure the prevention and timely detection of ill-treatment, in particular, creating a comprehensive registry of people in custody, identifying and documenting any alleged ill-treatment facts, expanding and requiring at the legislative level doctors' obligation to report to the Special Investigation Service, and ensuring that the Investigation Service efficiently uses its investigative powers.

Legal proceedings in administrative offense cases:

- The Parliament of Georgia should provide information to the public and interested parties about the outcomes of the activities implemented within the reform framework;
- The reform of administrative offenses should be completed in a timely manner with the involvement of all interested persons in the process;
- Each person detained under the administrative law should be clearly and thoroughly informed of their rights;
- The Ministry of Internal Affairs must refrain from erecting artificial obstacles when permitting a person detained in an administrative manner to make a telephone call;
- The Ministry of Internal Affairs should thoroughly substantiate the necessity of arresting a person administratively and any extension of his detention term, instead of drawing up template protocols;
- Law enforcement agencies and the court must allow arrested persons and their lawyers sufficient time to locate evidence useful to the party;
- The court should ensure that the cases involving administrative offenses are considered in an orderly manner;
- When announcing a person as an offender, the court must require the administrative body, which has drawn up the protocol, to submit impartial and convincing evidence;
- The Ministry of Internal Affairs should refrain from interfering with defense attorneys' activities and allow proper and timely communication between defense lawyers and their clients, among other things by providing information to attorneys about the whereabouts of their clients in a timely manner;
- The Ministry of Internal Affairs must abstain from processing personal information of citizens unlawfully.

Women's rights

- The State must properly respond to cases of violence against women and domestic abuse and effectively evaluate the risks. The State must ensure to raise public awareness on the implementation of electronic surveillance as provided in the Law of Georgia "On the Elimination of Violence against Women and/or Domestic Violence, and the Protection and Support of Victims of Violence".
- The State should actively collaborate with offenders on the correction of their violent behavior, and efficiently handle the health problems of mentally challenged individuals who have committed crimes, both in the penitentiary facilities and after leaving the institution.
- The State should duly implement the recommendations of international institutions, including the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in order to enhance the availability of support services and protection mechanisms.

LGBT + persons

- The Government of Georgia must reflect the problems pertaining to the rights of members of the LGBT + community in the National Strategy Action Plan on the protection of human rights;
- The Ministry of Internal Affairs should ensure the protection of LGBT + people's right to assembly and expression;
- The investigative body must act promptly to assign the status of victims to people injured during the July 8 events, identify the perpetrators, and initiate criminal prosecution.

The elderly

- The Government of Georgia, based on the analysis of the results of the implementation of the "2017-2018 National Action Plan of the Concept of State Policy on Population Aging in Georgia", should develop and approve a new national action plan on the issue of aging, with a special focus on the effective protection of the rights of the elderly;
- The Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health, and Social Protection of Georgia, also the State Agency for the Protection and Assistance of Victims of Trafficking, must study the situation concerning the elderly people placed in specialized institutions in order to respond efficiently to violations and immediately ensure the provision of decent conditions for them;
- Based on the study of the needs of the elderly living in the territory of the municipalities, local self-government authorities should design targeted programs and allocate appropriate funding from the local self-government's budget for their implementation; if necessary, increase the budget and seek additional funds;

- Banking institutions should refrain from arbitrarily withholding or deducting pension funds;
- The Social Services Agency must notify pension holders of their rights in relation to procedural issues pertaining to the right to pension;
- The State must regulate the issue related to the interest rate on pension loans so that pensioners are not required to pay unreasonably increased interest rates.

Ethnic and religious minorities

- The Parliament of Georgia and representatives of the central or local governments should ensure that the freedom of religion enshrined in the Constitution is implemented and refrain from displaying discriminatory attitudes towards religious minorities.
- In order to address various challenges of low participation and poverty, the Government of Georgia must develop policies to improve the legal status of ethnic minorities.

Children

- To ensure that social assistance programs for children effectively meet the needs of socially vulnerable families and children, the Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health, and Social Protection must assess and improve these social support programs.
- The Ministry of Education, Science, and Youth of Georgia should take relevant steps to guarantee that all children, irrespective of their place of residence, have equal access to high-quality preschool education.
- The Government of Georgia should enhance the coordination between the state agencies and offer any necessary additional services to ensure the safety of children and implement a systematic child-oriented approach.
- The Ministry of Education, Science, and Youth of Georgia should promptly take efficient steps to introduce and implement a free school meal program.

Persons with disabilities

- It is imperative that all relevant state authorities, on the one hand, inform persons employed in the agencies as well as the general public of the rights of persons with disabilities.
- It is recommended that the LEPL State Employment Agency establish effective mechanisms to encourage the employment of individuals with disabilities.
- Additionally, the Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health, and Social Protection should guarantee the prompt execution of the tasks outlined in the plan for the transition to the biopsychosocial system of granting limitation status.

The right to live in a healthy environment

- The Government of Georgia and the Georgian Parliament should improve the legislative framework that is required to ensure the protection of people against climate change and natural disasters, and further guarantee its compliance with international standards;
- The Government of Georgia, at the central and local levels, should also make sure that relevant laws are properly enforced and early warning systems are developed and put in place as soon as possible;
- The Action Plan of the National Human Rights Strategy should outline specific and measurable activities corresponding to the tasks required by the Strategy, including the activities related to climate change and natural disasters. Although these measures are not the primary emphasis of the tasks specified in the Strategy, the nature of these activities leaves room for their reflection in the action plan;
- State agencies should provide comprehensive public information regarding environmental issues in a timely manner;
- Public agencies should offer interested parties the opportunity to meaningfully participate in the decision-making process. To this end, they should promptly and thoroughly disseminate respective information, also hold public hearings, and take into consideration opinions and comments that are submitted.
- The authorized state bodies, such as the Ministry of Environment Protection and Agriculture, LEPL Center for Environmental Information and Education, and the Ministry of Education and Science, should actively provide informational and educational campaigns related to environmental issues.
- The LEPL National Agency for the Environment must ensure that environmental decisions are made on the basis of comprehensive and high-quality research and information;
- The court should prove to be an effective mechanism for protecting the right to live in a healthy environment. For this purpose, it is necessary to reduce the length of court proceedings and give priority to cases related to environmental matters;
- Justices ought to receive new training in environmental matters so that they can adjudicate environmental disputes with knowledge and competence. To this end, the High School of Justice must actively provide relevant training courses.

Right to employment:

- The Labor Code of Georgia and the Law of Georgia “On public service” should be amended to strengthen the legal framework of labor rights in the private and public sectors;
- The LEPL Labor Inspection Service must enhance its oversight over occupational safety and the protection of employment rights, including by increasing the number of inspections and defining a fair policy of sanctions;

- The Ministry of Labor, Health, and Social Protection should take effective action to improve the labor mediation procedure in order to prevent strikes;
- If there is a legitimate need for reorganization in any institution, employees should be moved to corresponding equal positions rather than being fired and having these vacant positions filled through formal competitions;
- Prior to terminating any employee from an organization, the candidate's credentials and performance quality should be objectively evaluated based on relevant criteria, and the interviews should be planned in advance in a well-organized manner;
- The interview and assessment procedures should be clearly defined, the evaluation commission should be staffed based on the merits and competencies of its members, and employees should be allowed to submit a reasoned opinion on the recusal of any member of the commission, and if the employee consents, a video-audio recording of the interview should be made.

Overcoming poverty:

- The long-term and sustainable employment programs should be developed and implemented in order to reduce and eventually eradicate unemployment in the country;
- The assessment system for identifying socially vulnerable families should be renewed and a fair and inclusive system for calculating rating points must be introduced;
- Comprehensive data on vulnerable groups and their needs must be provided by central and local self-governing bodies. Targeted social assistance packages must be also improved, and special attention should be paid to vulnerable groups such as the elderly, socially vulnerable large families, socially vulnerable children, people with special needs, victims of domestic abuse, etc.
- The State must ensure the development and support for a long-term sustainable plan for the reintegration of socially vulnerable individuals into the labor market.
- The legislative measures governing the minimum wage and the amount of a decent minimum salary that complies with international standards ought to be developed and determined.

Elections

- As per the amendments made to the election legislation in 2021 and the so-called Charles Michel Agreement, the procedure of forming the Central Election Commission must be based on a broad consensus of the Parliament and conducted with the cooperation of independent parties, such as the country's President. Therefore, the authority to appoint the chairperson and members of the commission must not be in the hands of one political party.
- The Central Election Commission needs to run a vigorous public awareness campaign in both major cities and rural areas to make sure that the election process is

conducted as efficiently as possible utilizing electronic technologies. Furthermore, it is imperative to provide enough training for all electoral commission members to enable them to eliminate independently and efficiently any shortcomings and disruption caused by a possible technology failure at polling stations on the day of the election;

Parliamentary oversight

- To enable efficient oversight of the operations of executive bodies, the Georgian Parliament should continue refining the Georgian Parliament's Rules of Procedure and case law, as well as current mechanisms.
- Given that the security sector is severely underregulated, the Parliament needs to focus especially on its supervisory responsibilities. This calls for a revision of the current organizational structure, responsibilities, and mandate of the Defense and Security Committee as well as the Trust Group.

Monitoring the parliamentary activities

- The opposition's ability to exercise its legal rights must not be restricted by the majority in the Parliament. Furthermore, the ruling party must abstain from using parliamentary mechanisms (including law modifications) to further adjust them to its own political agenda and ensure that they are established on democratic and participatory values.

Local self-governance

- It is recommended that municipalities strengthen their legislative framework and practice, and implement ambitious changes to enhance the role and capabilities of representative bodies within the framework of local self-government.
- In order to exercise effective control, city councils need to demonstrate their political will and make sure that new mechanisms are added to the normative framework and that current ones are fully implemented.

1. JUDICIARY AND ACCESS TO JUSTICE

1.1. Judicial System

In 2023, the government did not take any significant steps to comprehensively reform the judicial system. The main challenge of the judiciary remains corporatism, lack of accountability, and obstacles related to the internal independence of individual judges.

In 2023, the United States Department of State imposed personal sanctions on entry into the country on three current and one former judge who are members of an influential group within the judiciary.¹ Following the decision, the parliamentary opposition demanded setting up a temporary investigative commission to thoroughly investigate corruption and other violations in the judicial system.² The matter was brought to the vote three times at the plenary session; however, certain MPs of the ruling party prevented the launch of the voting procedure all three times, by creating technical obstacles (they did not get registered for the vote).³ The leader of the parliamentary majority, Irakli Kobakhidze, assessed the above action as an “act of solidarity” with the judges.⁴

With the view to implementing the recommendation of the European Commission concerning the judiciary, the Parliament created a working group.⁵ The GYLA, along with other civil society representatives, was involved in the group’s activities, whereas the ruling party, at none of the stages at all, demonstrated its political will to accept the significant recommendations presented by civil society organizations or implement comprehensive reform. The Parliament ignored all substantial problems within the judicial system and merely limited itself to fragmentary changes. Legislative amendments developed amidst this process earned a negative evaluation from international partners.⁶

The critical assessments and recommendations published by the Venice Commission in 2023 reflect on a range of problems identified by the non-governmental sector. The Commission once again reaffirmed the constant and widespread allegations against the High Council of Justice of corporatism and private interests, which undermines public confidence in the judiciary⁷.

¹ “Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption, Press Statement, US Department of State, April 5, 2023, available at: <https://www.state.gov/public-designations-of-mikheil-chinchaladze-levan-murusidze-irakli-shengelia-and-valerian-tsertsvadze-due-to-involvement-in-significant-corruption> , updated: 19.06.2023.

² “Draft resolution on the set-up of an interim fact-finding commission into corruption and other illegal actions in the judicial system failed to meet quorum criteria”, April 18, 2023, available at: <https://parliament.ge/media/news/sasamart-lo-sistemashi-koruftsiuli-da-skhva-kanonsatsinaaghmdego-kmedebata-shemstsavleli-droebiti-sagamodziebo-komisi-is-shekmnis-shesakheb-dadgenilebis-proektis-kenchisqristvis> , updated: 06.12.2023

³ “Georgian Dream continues supporting the judiciary clan’s interests”, April 19, 2023 , available at: http://coalition.ge/index.php?article_id=285&clang=0 , updated on: 20.06.2023.

⁴ “Irakli Kobakhidze – we have decided not to take part in the registration procedure before the voting – this is an act of solidarity with Georgian judges”, April 18, 2023, available at: <https://bit.ly/3XtPQKu>, updated: 20.06.2023.

⁵ “The sitting of the working group on judicial reforms of the Legal Cases Committee, May 16, 2023, available at: <https://parliament.ge/media/announcement/2193?local=true> , updated: 27.12.2023.

⁶ Georgia - Follow-up Opinion to four previous opinions concerning the Organic Law on Common Courts, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023), CDL-AD(2023)006-e, available at: <https://cutt.ly/84zgMcd>, updated: 04.12.2023; Georgia – Follow-up opinion on previous opinions concerning the Organic Law on Common Courts, adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023), CDL-AD(2023)033-e, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)033-em](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)033-em), updated: 09.01.2024.

⁷ Georgia - Follow-up Opinion to four previous opinions concerning the Organic Law on Common Courts, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023), CDL-AD(2023)006-e, para. 15.

According to the Commission, the Commission's recommendations regarding judges' business travels, disciplinary sanctions, mandatory nature of decisions of the Supreme Court's Chamber of Board of Experts, and other issues were not entirely included in both the June 2023 and September 2023 amendments.⁸ The report published by the European Commission on November 8 in relation to Georgia also emphasized that the Parliament should make amendments to the Law "On Common Courts" to bring it in conformity with the recommendations of the Venice Commission, as well as implement a fundamental reform of justice system.⁹ The document also highlights the possibility of using an extraordinary mechanism such as the creation of a system for checking the integrity of judges.¹⁰

The complete staffing of the High Council of Justice was one of the requirements defined by the European Commission. The High Council of Justice operated with the composition of 10 members, without 5 non-judge members since 2021. In an environment where the public has little trust in the Council, the election of five honest non-judiciary members could have marked the beginning of real changes, primarily by assisting in balancing the Council's decision-making process and putting the double 2/3 principle into practice. Unfortunately, the process of electing non-judicial members was not based on a broad consensus.¹¹ During 2023, the Parliament initially selected three, and later - two non-judge members to fully staff the Council. During the interviews held in the Parliament, the selected candidates stood out by their loyal attitudes to the government and the judicial authorities. The study of the candidates' biographies also revealed their close connections with influential individuals within the judiciary.¹²

The monitoring of the activities of the High Council of Justice once again confirmed the existence of issues relating to corporatism, lack of accountability, and internal independence of individual judges. On November 1, 2023, as per the decision of the High Council of Justice, Nino Giorgadze, the judge of the Bolnisi District Court, was refused to be re-appointed as a judge for life.¹³ It should be emphasized that the High Council of Justice has never demonstrated such an approach to any judge up until this moment. In light of the long-standing issue of the judiciary system's reluctance to accept dissenting opinions, there is no doubt that the Council's decision was influenced by decisions made by Judge Nino Giorgadze and/or her opposing views she had expressed regarding the judicial system.¹⁴ Against the backdrop of the lack of public trust in the agency, the degree of accountability and transparency of the

⁸ Georgia – Follow-up opinion on previous opinions concerning the Organic Law on Common Courts, adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023), CDL-AD(2023)033-e, 14.

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, SWD(2023) 697, p. 20.

¹⁰ Ibid.

¹¹ This rule implies that the Council must receive the consent of two-thirds of the judicial members and two-thirds of the non-judicial members when making a decision.

¹² "Who are the new non-judicial members of the High Council of Justice and what are their connections?" Transparency International Georgia, May 24, 2023, available: <https://transparency.ge/ge/blog/vin-arian-da-ra-kavshirebi-akvt-iusticiis-umaglesi-sabchos-axal-aramosamartle-cevrebs>, updated: 23.10.2023.

¹³ The High Council of Justice will not re-appoint Bolnisi District Court judge Nino Giorgadze for life", the GYLA's official website, November 2, 2023, available: <https://gyla.ge/ge/post/iusticiis-umaglesi-sabtcho-bolnisis-raionuli-sasamartlos-mosamartle-nino-giorgadzes-uvadod-ar-gadanishnavs#sthash.hTTNtkyO.dpbs>, updated: 9.01.2024.

¹⁴ "Why did the High Council of Justice punish Judge Nino Giorgadze", the news portal "Georgian News", November 02, 2023, available at: <https://sakartvelosambebi.ge/ge/akhali-ambebi/ratom-dasaja-iustitsiis-sabchom-mosamartle-nino-giorgadze?fbclid=IwAR0Wgo-FyxKZalRC3O9GKIzr4dCZ70pF6guuFxFjJdbJcnUyLWBmtYeWG-k>, Updated, 01.11.2023.

High Council of Justice's activities is progressively deteriorating.¹⁵ The Council sittings were chaotically postponed, protocols of the sessions and decisions were not published on the Council's website, and the issuance of public information was restricted, which served as the confirmation of the High Council of Justice's arbitrary practices.

1.2. Criminal Justice

In 2023, the GYLA continued to monitor criminal trials, which revealed¹⁶ inadequacies in judicial supervision over preventive measures, legality of detentions, and plea agreements.

Judges do not deliberate on the lawfulness of the detention of arrested individuals at public court hearings unless the defense counsel submits a motion to that effect. Measures of restraint other than imprisonment and bail are rarely used, which can be explained by the lack of enthusiasm of the court, the prosecution, and the defense, as well as the need for legislative changes. The court imposed additional obligations along with the restraining measure in almost every fifth case. The party's incapacity to challenge an additional obligation in a higher court separate and apart from the preventative measure that has already been imposed is still a problem. The rate of unjustified or inadequate use of bail and remand detention is high. In order to study the personality of the accused, his financial standing, and the threats coming from the accused, the Prosecutor's Office does not in each case try to obtain and present to the court comprehensive and evidence-based information. Despite numerous appeals, there has been no case reported where the Prosecutor's Office, on its own initiative, would request to replace the remand detention with a less stringent preventive measure. It is true that judges periodically shall revise the expediency of imprisonment as per the requirement stipulated in the law but in multiple cases, this is just formality and is not an effective mechanism at the case-law level.¹⁷

It should be positively evaluated that the Constitutional Court's ruling with respect to the use of bail secured by imprisonment¹⁸ has eliminated the ambiguity that was actively used by a number of judges for the irrevocable imposition of bail secured with imprisonment on arrested individuals.

Plea agreement court hearings are mostly formulaic. Judges demonstrate reluctance to explain the rights attached to the plea deal and do not properly investigate the legality and fairness of the sentence specified in plea agreements. There were cases where the defendant had paid the fine stipulated in the plea deal in advance. These facts further lessen the court's role in terms of approving the plea agreement. The court monitoring has additionally confirmed that the average amount of the fine imposed under plea agreements has significantly increased.¹⁹

¹⁵ Nozadze N. Monitoring report of the High Council of Justice #11, February 21, 2023, available at: <https://bit.ly/49nU-uPQ>, updated: 12.09.2023

¹⁶ GYLA, Criminal Trials Monitoring Report N17, 2024.

¹⁷ Ibid.

¹⁸ Decision of the Plenum of the Constitutional Court of June 24, 2022, available at: <https://bit.ly/3ODsFHR>, updated: 10.01.2024.

¹⁹ GYLA, Criminal Trials Monitoring Report N17, 2024.

The recent period has seen an increase in the number of acquittals, with the majority of acquittals granted in domestic crime cases though. Generally speaking, the Prosecutor's Office pursues its stated goal to have a zero-tolerance policy toward alleged domestic abusers and, in the majority of cases, demands the strictest deterrent measure. In the current reporting period, the court's approach to family crime cases has proved to be more lenient. During the investigation and court proceeding stages, some judges did not evaluate the dangers posed by persons accused of domestic violence. For the above crime, judges ordered imprisonment for offenders as the measure of prevention in 9 percent fewer cases than they did the previous year. The use of bail has increased by 10%.²⁰

Lengthy court proceedings remain one of the significant challenges, in particular, the time-frames for reviewing a case as required by law are violated and criminal disputes are pending for years. Frequent postponement and delayed opening of court trials is still a problem.

Even though the pandemic has not been an urgent issue recently as it once was, the courts have taken full advantage of remote or semi-remote hearings up until the deadline stipulated in the law has passed (January 1, 2023). The legislator has not yet introduced any relevant amendments to the Criminal Procedure Code to establish an appropriate rule for remote hearings.

One of the major issues is the non-promulgation of information on court proceedings, so information on the first-appearance court hearings is mainly not disseminated.

In the majority of cases, courts refuse to release public information on the ground that they are not authorized to handle specific types of data, however, it is the state agencies' responsibility to grant access to public information. Accessibility, among other things, involves processing data that the agency does not voluntarily publish exclusively in cases when the information is requested in due manner.

The Prosecutor's Office's decree prohibiting convicts from having contact with the outside world is still an unreasonable restriction, as the regulation violates the right of the defendant to seek redress by preventing the accused from having a telephone conversation with defense attorneys.

1.3. Court proceedings related to administrative offenses

The practice of unlawful mass arrests is still observed at protest demonstrations. In a majority of the cases, the Ministry of Internal Affairs charges detained individuals with administrative offenses under Articles 166 and 173 of the Code of Administrative Offenses, which entails minor hooliganism and resistance to the legal demands of police officers. The court largely imposed a fine, as a form of penalty, on such detainees. In parallel with the use of force by the police against the civil protest on March 7-8, the cases of mass illegal detention of the rally participants and, in some cases, violence against them were reported. Demonstrators were mostly arrested on a random basis, in particular, not only individual violators of the law were detained but also those who simply "happened to be caught" during the dispersal of the protest rally²¹. Law enforcement agencies have not improved their approach to informing de-

²⁰ Ibid.

²¹ GYLA, The Assessment of the March 7-9 Assembly Dispersal and Related Human Rights Violations -People Against the Russian Law, 2023, p. 44, available: <https://shorturl.at/givQ4> , p. 44, updated: 10.12.2023.

tainees of their rights. This vicious practice has been reported by a number of detainees and their legal representatives. Several detainees stated that they had not been even allowed to exercise their right to make a telephone call.²² The case files of people arrested as a result of the March 7-8 protest rally also revealed shortcomings related to drawing up administrative detention protocols, as they included falsified information about the law enforcement officers who had conducted the administrative detention and an erroneous time of detentions.²³

The events of March 7-8, 2023, largely confirmed that the practice of prolonged administrative detentions is still pursued. Any person who is detained administratively shall be presented to the court as soon as possible, but not later than within 24 hours. This timeframe may be extended once for no more than 24 hours for the purpose of obtaining evidence. In such cases, a relevant employee of the authorized body shall justify in writing the expediency of increasing the term of administrative detention. In many cases though, the necessity to extend the detention term was not sufficiently substantiated.²⁴

Allowing an unreasonable timeframe, namely 2-3 hours only, for the defense to obtain evidence was an alarming trend. In some instances, lawyers seeing their clients for the first time in the courtroom were required to conduct interviews with them, find video evidence, and gather all necessary information. The defense expressed their dissatisfaction about the unjustified judicial practice of holding court proceedings during night hours.²⁵

The quality of substantiation of court decisions in the above-mentioned crime cases also remains a problem. As a rule, court rulings do not provide an explicit justification for the key question that offenders ask, namely, under what circumstances the person had committed the administrative offense and which act was deemed a violation. Accordingly, the rationale offered by the court often lacks the discussion on the arguments of decisive importance for a specific case, which contradicts not only the national legislation but also the standards of the European Court of Human Rights.²⁶

Court rulings in administrative case proceedings were rendered on the basis of insufficient evidence throughout 2023. Some judges typically do not require employees of the Ministry of Internal Affairs to present, for example, video recordings of their body cameras during the court trials. In compliance with the procedures set forth in the Georgian legislation, the police are entitled to install/place on their uniform and utilize photo-video equipment or other technical means specified in the Minister's order for the goal of preserving public safety.²⁷ Due to the necessity to submit impartial evidence, law enforcement officers are required to carry and have activated their body cameras at protest gatherings where there is an increased risk of citizens' arrest. As defense lawyers claimed, they insisted on seeing recordings of the body cameras at court trials, however, in the majority of the cases, the police officers and arresting personnel were unable to produce them. Some officers of the Ministry of Internal Affairs stated that they had to take off their body cameras during the protest demonstrations and amid altercations to prevent equipment damage, while others claimed that they

²² Ibid., 48.

²³ Ibid., p. 50

²⁴ Ibid., p. 51.

²⁵ Ibid., 52.

²⁶ Ibid.

²⁷ Ibid.

had forgotten to switch them on, or the cameras had fallen off, got misplaced, etc.²⁸

Due to the artificial barriers created by the Ministry of Internal Affairs, it is problematic for defense lawyers to meet with individuals detained under administrative law. In connection with several facts of a similar nature this year, the GYLA applied to the LEPL Bar Association of Georgian Lawyers and requested to study and respond to the facts of interference in the activities of lawyers. In its report, the Bar Association emphasizes that an imprisoned person's right to prompt and unencumbered contact with a defense lawyer is of critical importance to maintaining the rule of law and implementing high-quality justice in the country.²⁹ The Bar Association applied to the Ministry of Internal Affairs and required response to the specific facts. Up until this point, the Ministry has not provided any response concerning the above matter.

It should be noted that according to the 2022 Action Plan of the Legal Issues Committee of the Parliament of Georgia, a working draft of the new Administrative Offenses Code was supposed to be developed during the last year.³⁰ However, in 2022, even the working version of the draft law was not presented to the interested parties. According to the 2022 activity report of the Legal Issues Committee, instead of developing a new code and launching the required procedures for its adoption, the Committee decided to incorporate a number of non-essential adjustments to the existing code.

The first item specified in the 2023 Action Plan of the Legal Issues Committee, similar to the previous year's plan, concerns the work to be launched on the new Code of Administrative Offenses. According to the plan, the working version of the draft code was supposed to be developed in 2023.³¹ Despite the request, the Parliament did not provide the GYLA with information about the specific activities carried out throughout the year in respect to the above matter.³²

In the course of handling administrative case proceedings, some facts about breaking the personal data legislation were also revealed. In one instance, the registry document of submitted reports contained the name, surname, birth date, and the grounds for the arrest of other detainees. In connection with these cases, the Personal Data Protection Inspector found the Ministry of Internal Affairs of Georgia as a violator.³³ It is noteworthy that the Personal Data Protection Service, in its multiple decisions, held the Ministry of Internal Affairs guilty of breaking the personal data processing laws. Nevertheless, the systematic handling of such issues remains problematic to the agency.³⁴

²⁸ Ibid., "An interview of the GYLA lawyer Ilona Diasamidze provided for the GYLA."

²⁹ Letter N26/23 of September 14, 2023, of the LEPL Georgian Bar Association.

³⁰ Action Plan 2022 of the Legal Issues Committee of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/iuridiuli/samoqm-gegm/iuridiuli-samoqmedo-gegma-22.pdf>, updated: 10.12.2023.

³¹ Action Plan 2023 of the Legal Issues Committee of the Parliament of Georgia, available at: https://web-api.parliament.ge/storage/files/shares/Komitetebi/iuridiuli/samoqm-gegm/iuridiuli_samoqmedo-2023.pdf

³² Letter N3986/2-7/23 of the Parliament of Georgia of May 30, 2023, Letter N9298/2/7/23 of December 4, 2023.

³³ GYLA, the Personal Data Protection Service found the Ministry of Internal Affairs of Georgia as a violator, 07.04.2023, available at: <https://gyla.ge/ge/post/personalur-monacemta-dacvis-samsakhurma-saqartvelos-shinagan-saqmeta-saministro-samartaldamrhghevad-cno #sthash.VSHmXxc9.dpbs>, updated: 10.12.2023.

³⁴ The Ministry of Internal Affairs processes personal data illegally, available at: <https://gyla.ge/ge/post/shinagan-saqmeta-saministro-personalur-monacemeb-sakanonod-amushavebs>, updated: 10.12.2023.

The State Inspector Service found the Ministry of Internal Affairs of Georgia as a violator, available: <https://gyla.ge/ge/post/sakhelmtsifo-ispektoris-samsakhurma-saqartvelos-shinagan-saqmeta-saministro-samartaldamrhghevad-cno>, updated: 10.12.2023.

1.4. Environmental Justice

Environmental justice is a guarantee that the right to live in a healthy environment is adequately protected. However, the proper enjoyment of the right of access to justice in environmental matters is often problematic in Georgia. Frequent are cases when competent state bodies make decisions regarding various projects in violation of legal norms, do not thoroughly investigate the circumstances surrounding specific cases and, therefore, fail to evaluate the potential adverse impact of projects on the environment and people.³⁵ Decision-makers often grant environmental and construction permits without requiring project implementers to produce the studies required by the legislation.³⁶ The quality of the submitted studies is another challenge.³⁷ In addition, appealing individual administrative acts in court is often not an effective mechanism for protecting the right. Court proceedings in the above cases are protracted³⁸, and in rare cases only, the operation of individual acts is suspended before a final decision is reached, which is a necessary prerequisite to prevent irreparable damage to the environment and people.³⁹ Furthermore, people often do not have access to information related to environmental matters, and their meaningful involvement in the decision-making process is not adequately ensured, which is crucial for access to environmental justice.⁴⁰ Besides, there are significant expenses associated with obtaining an expert/scientific opinion to be used as evidence in court proceedings. It may be also challenging to find a corresponding expert and in the cases where free legal aid may not be available, inviting lawyers to court trials can be quite costly, creating additional barriers to access to justice.⁴¹

³⁵ GYLA, Monitoring the Access to Justice in Environmental Cases, 2024; GYLA “Strategic litigation against the construction of large HPPs projects” (2021). <https://gyla.ge/files/2020/%E1%83%B0%E1%83%94%E1%83%A1%E1%83%94%E1%83%91%E1%83%98.pdf> updated: 10.01.2024.

³⁶ GYLA, Monitoring the Access to Justice in Environmental Cases, 2024

³⁷ The Fourth National Environmental Action Program of Georgia for 2022-2026 (2022), 16.

³⁸ UNDP, “Access to Environmental Justice in Georgia: Baseline Assessment” (2023) 44.

³⁹ UNDP, “Access to Environmental Justice in Georgia: Baseline Assessment” (2023) 43.

⁴⁰ UNDP, “Access to Environmental Justice in Georgia: Baseline Assessment” (2023) 5; The Convention “On issues of access to information related to environmental issues, public participation in the decision-making process, and issues of justice in this area”.

⁴¹ GYLA, Monitoring the Access to Justice in Environmental Cases, 2024

2. CIVIL AND POLITICAL RIGHTS

The year 2023 was marked by significant obstacles to civil and political rights. The primary manifestation of this occurred on March 7, 2023, at the plenary session of the Parliament, when the draft law “On transparency of foreign influence” was adopted in the first reading by the Parliament with 76 votes against 13.⁴² The initiative was aimed at discrediting and silencing the civil sector.⁴³ Additionally, the draft law could have a sharply negative impact on the protection of human rights and social guarantees.⁴⁴ Later, as a result of mass protests, the draft law was withdrawn, yet the discrediting campaigns against human rights defenders continued throughout the year in various forms,⁴⁵ for instance, through statements made by high officials⁴⁶ and TV reports damaging the reputation of non-governmental organizations.⁴⁷

2.1. The right of assembly and association

One of the major problems was the practice of restricting the right to peaceful assembly, severely interfering with human rights, and narrowing the space for free expression. At particularly important protest rallies, which were related to more politically sensitive matters, the authorities did not show their commitment to the constitutional principles of a democratic and legal state. Constitutional values ***“[...] require that the rule of law in the country must ensure the full recognition of the fundamental human rights and freedoms and the creation of all necessary guarantees for their protection.”***⁴⁸

⁴² GYLA, The Assessment of the March 7-9 Assembly Dispersal and Related Human Rights Violations -People Against the Russian Law, Tbilisi, 2023, available at: <https://shorturl.at/wyBD3>, updated: 10.01.2024

⁴³ The Georgian Young Lawyers' Association, “People Against the Russian law”, statement, available at: <https://shorturl.at/szEO5>, updated: 10.01.2024

⁴⁴ OSCE's conclusion, Note on Legislative Initiatives on Transparency and Regulation of Associations Funded from Abroad or So-called “Foreign Agents Laws” and Similar Legislation and their Compliance with International Human Rights Standards, 25 July 2023, available at: <https://www.osce.org/files/f/documents/2/9/556074.pdf>, updated: 10.01.2024

⁴⁵ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor Preliminary observations and recommendations Tbilisi - 7 November 2023, available at: https://georgia.un.org/sites/default/files/2023-11/Statement_Eng.pdf, updated: 10.01.2024

⁴⁶ Papuashvili also accuses civil society of protecting foreign and not national interests. See also Shalva Papuashvili - multimillionaire NGOs, with foreign funding, act not in the interests of Georgia but in the interests of their financier”. 13.12.2023, available at: <https://www.interpressnews.ge/ka/article/781217-shalva-papuashvili-ucxouri-dapinansebit-multimilioneri-enjeoebi-mokmedeben-ara-sakartvelos-aramed-dapinanseblis-interesebit-martshi-vitxovdit-rasac-dges-itxovs-evrokavshiri-dapinanseba-iqos-gamchvirvale/>, updated: 10.01.2024; As Kobakhidze explains, the only goal of the NGO is to prevent Georgia from being granted the candidate status in order to use it to demand the removal of the government. 28.06.2023; available at: <https://1tv.ge/news/irakli-kobakhidze-sharshan-garkveul-dzalebs-hqondat-konkretul-sakhelmwifoebze-zemoqmedebis-berketi-da-vfiqrobt-ase-daibloka-statusis-monicheba-es-iyo-gare-zemoqmedebit-nakarnakhevi-gadawyvetileba/>, updated: 10.01.24; Kobakhidze explains: Financial activities of non-governmental organizations are unclear. 10.06.2023; available at: <https://www.interpressnews.ge/ka/article/759366-irakli-kobaxize-arasamtavrobobze-roca-shen-tviton-gaurbixar-gamchvirvalobas-da-sajaro-moxeleebisgan-met-gamchvirvalobas-itxov-zalian-rbilad-romvtkvat-ormagi-standartia/>, updated: 10.01.24; Irakli Kobakhidze - It is sad that the funding of NGOs is not transparent, a significant part of this funding is used to finance extremist events, 31.10.2023; available at: <https://bit.ly/3vb10JP>, updated: 10.01.2024;

⁴⁷ “Imedi” TV report of October 30, 2023 “Non-governmental organizations that criticize the government for everything and evaluate all topics say nothing at all about the opposition”, available at: <https://www.imedi.ge/ge/video/140923/arasamtavrobo-organizatsiebi-romlebits-khelisuplebas-kvelaperze-akritikeben-da-kvela-temas-apaseben-opozitsiaze-verapers-da-arapers-amboben#?from=857520000&page=1&type=1>, updated: 10.01.2024;; The “Imedi” TV report of May 28, 2023: “Non-Governmental Organizations Funding Bill in Israel”, available at: <https://www.imedi.ge/ge/video/128187/arasamtavrobo-organizatsiebis-dapinansebis-kanonproeqti-israelshi>, updated: 10.01.2024;

⁴⁸ Decision of the Constitutional Court of Georgia No. 1/466, 28.06.2010, II, 2.

The confirmation of the aforementioned practice was the use of force during the dispersal of the mass civil manifestation in March 2023 that was held to condemn the attempt of the parliamentary majority to adopt the Russian-style legislation, in particular, the “Agents’ Bill” and to start persecution against human rights defenders and the media. The assessment of the legality and proportionality of the use of force by the State on March 7-8, 2023, has revealed that the obligations stipulated in the Constitution of Georgia, national legislation, and international agreements were violated by representatives of law enforcement agencies multiple times.⁴⁹ These included, among other things, issuing illegal commands to raid a peaceful protest rather than having individual and limited response to local violations; in occasional instances, launching the use of special means without prior warning; violating the obligation to distinguish between law-breakers and peaceful protesters when using special means during the rally dispersal; simultaneous and parallel use of special means; using special measures illegally and applying disproportionate force (such as spraying people pepper gas in their faces, aiming and shooting water jets; aiming tear gas canisters); verbally insulting and using physical violence against peaceful participants of the rally, and preventing the media representatives from carrying out their professional activities.⁵⁰

The observations of other small-scale protest rallies in 2023 have also confirmed that the freedom of assembly is excessively **restricted, not only through active special measures but also on the basis of the Administrative Offenses Code, which denies people significant guarantees of the right to a fair trial.**⁵¹ The instances of the aforementioned were as follows: the events that took place in Tbilisi on March 2-3⁵², March 7-9⁵³ and November 18⁵⁴, as well as in Kvareli on May 20,⁵⁵ June 3⁵⁶, and July 31⁵⁷ in Batumi. As a result, the police arrested hundreds of protesters participating in the peaceful demonstrations. The arrested were ordinary citizens, civil activists, and media representatives.

For example, it was established as fact that G.M., a participant of the March 7-9 protest rally, was arrested administratively when he was attempting to record on his mobile phone an al-

⁴⁹ Ibid., p. 8

⁵⁰ The Georgian Young Lawyers’ Association, “People against the Russian law – The assessment of the assembly dispersal of March 7-9 and related facts of human rights violations”, Tbilisi, 2023. Available at: <https://shorturl.at/wyBD3>, updated: 10.01.2024;

⁵¹ Here GYLA’s report(s) on the Code, the GYLA submitted written opinions to the Parliament on the amendments to the Code of Administrative Offenses, 02.03.20203, <https://www.gyla.ge/ge/post/administraciul-samartaldarghvevata-kode-qsshi-sheatan-cvlilebebe-saia-m-parlaments-tserilobiti-mosazrebebi-tsarudgina#sthash.dT8RPOOq.dpbs> [10.12.2023], updated: 10.01.2024;

⁵² The statement of the Georgian Young Lawyers’ Association, 02.03.2023, available at: <https://www.gyla.ge/ge/post/saqartvelos-akhalgazrda-iurista-asociaciis-ganckhadeba#sthash.QoNjWtMn.dpbs>, updated: 10.01.2024;

⁵³ Georgian Young Lawyers’ Association, “The police used illegal and disproportionate force against a peaceful civil protest” 08.03.2023, available at: <https://gyla.ge/ge/post/mshvidobiani-samoqalaqo-protestis-tsinaaghmddeg-policiam-ukano-no-da-araproporciuli-dzala-gamoiyena#sthash.5xZ5PERB.97s2nely.dpbs>, updated: 10.01.2024;

⁵⁴ Georgian Young Lawyers’ Association, “GYLA calls on the Ministry of Internal Affairs to ensure the freedom of assembly of persons participating in a peaceful protest at the Ministry of Environment Protection and Agriculture”, 18.11.2023, available at: <https://gyla.ge/ge/post/aia-moutsodebs-shss-s-uzrunvelyos-garemos-dacvisa-da-soflis-meurneobis-samin-istrostan-mshvidobian-saprotesto-aqciaze-myofi-pirebis-shekrebis-tavisufleba#sthash.zSeOsDaR.XtU1YX6X.dpbs>, updated: 10.01.2024;

⁵⁵ Georgian Young Lawyers’ Association, “GYLA’s statement on the events taking place in Kvareli, 20.05.2023, available at: <https://t.ly/EIFFO>, updated: 10.01.2024;

⁵⁶ Georgian Young Lawyers’ Association, “The practice of illegal administrative detentions continues in Batumi” 04.06.2023, available at: <https://shorturl.at/MSW25>, updated: 10.01.2024;

⁵⁷ Georgian Young Lawyers’ Association, “The practice of administrative detention violates the rights guaranteed by the Constitution”, 01.08.2023, available at: <http://surl.li/ofass>, updated: 10.01.2024;

leged violent treatment of a person by a police officer, pleading at the same time the law enforcement officers not to use violence against the protester. Even though G.M. was standing on the sidewalk, law enforcement officials claimed that G.M. was detained because he did not obey the lawful command of the police to free the motorway. G.M. spent more than 35 hours in the detention facility and the State did not provide any reasons for the extension of his detention term, nor the judge showed any interest in the above matter when considering the administrative offense case. The GYLA filed an application with the European Court of Human Rights on behalf of G.M.⁵⁸

Restricting the free movement with the intent to interfere with the right to assemble

The practice of restricting movement with the view to impeding the right of assembly did not cease in 2023. The Law of Georgia “On the Police” gives law enforcers the right to require a citizen to leave a designated area.⁵⁹ However, this article is used by the State to restrict the freedom of assembly and movement of people. In actuality, the police should be permitted to exercise the above authority only if they have received credible information that a specific person may commit a crime if he or she enters a specific location, or if they know exactly what specific means he or she may use to break the law or disrupt an event. In addition, it is important to evaluate how imminent and serious the threats posed by that individual are, as well as the history of his violent behavior in the past. On August 3, 2023, in connection with the aforementioned case, the GYLA filed an appeal with the Constitutional Court. The GYLA believes that the interpretations offered by both the law enforcement agencies and the court are unconstitutional.⁶⁰ According to the Constitutional Court’s ruling, the GYLA’s application was not accepted for merits consideration. The Constitutional Court ruled that the police are permitted to restrict a person’s freedom of movement only when the person truly and non-abstractly represents a threat, citing the Supreme Court’s caselaw as a reference. The case in question, however, unequivocally demonstrated that although the defendant did not pose any threat, his freedom of movement was still restricted.⁶¹ In parallel to the foregoing reasoning, it is problematic that the courts did not assess how real the alleged threat from the defendant was and decided to find him an offender, while the Constitutional Court did not consider this to be a problem.

⁵⁸ GYLA will defend in the European Court of Human Rights the interests of the rally participant illegally detained during the protest condemning the “Russian Law”, 24.10.2023, available: <https://gyla.ge/ge/post/saia-rusuli-kanonis-gaprotest-ebis-dros-ukanonod-dakavebuli-aqciis-monatsilis-uflebebs-adamianis-uflebata-evropul-sasamartloshi-daicavs> , updated: 10.01.2024

⁵⁹ Law of Georgia “On Police”, Article 25, Paragraph 1.

⁶⁰ Georgian Young Lawyers’ Association, GYLA appeals to the Constitutional Court the restriction of entering a designated territory established by the Law of Georgia “On Police”, available at: <https://gyla.ge/ge/post/saia-sakonstitucio-sasamartloshi-poliis-shesakheb-saqartvelos-kanonit-datsesebul-konkretul-teritoriaze-shesvlis-akrdzalvas-asachivrebs> , updated: 10.01.2024

⁶¹ Judgment of the Constitutional Court of December 14, 2023, on the case N1/32/1791, available at: <https://constcourt.ge/ka/judicial-acts?legal=16065> , updated: 11.01.2024

Unconstitutional legislation on the use of rubber bullets

The guidelines “On the use of less lethal weapons in law enforcement” issued by the UN High Commissioner for Human Rights are not met by the Georgian legislation.⁶² According to the Georgian applicable legislation, using steel bullets with a rubber coating is not prohibited, which is particularly dangerous for human life. Moreover, the current legal provision does not prohibit firing rubber bullets from an elevated position where there is a high risk of striking someone in the head. The Georgian legislation does not forbid firing multiple rubber bullets from a rifle, as well as firing rubber bullets that have the potential to ricochet indirectly when they come into contact with a hard surface. Simultaneous firing of several rubber bullets from a rifle can cause serious injuries to anyone in the vicinity of a person committing a violent act, and also there is a risk of major health harm from the fragmentation of bullet content. In addition to putting people’s lives and health in jeopardy, this mostly serves as a mechanism for interfering with the freedom to assemble.

The Georgian legislation does not contain any legal provisions mandating the use of rubber bullets as a last resort to prevent violent acts when other less damaging alternatives are exhausted. The Law of Georgia “On the Police” permits the police to use rubber bullets first and then switch to acoustic means, even though using rubber bullets is a greater risk to public health than acoustic tools. In addition, rubber bullets are not only used in situations where the lives and health of the police or other individuals are in danger. The law does not also explicitly require the police to use rubber bullets exclusively against individuals who pose threats and not against those who are not committing any violence.

In connection with the aforementioned matter, in 2023, the GYLA filed an appeal with the Constitutional Court concerning the provisions of the Law of Georgia “On the Police” and the order issued by the Minister of Internal Affairs permitting the state authorities to use rubber bullets without adequate guarantees.⁶³

Restricting the right to pitch a tent

Despite the fact that there is an established practice at the national and international level of pitching a tent when exercising the right of assembly and expression, the State still occasionally attempts to prevent individuals from doing so. People are thus not only denied the opportunity to exercise their right to assemble and free speech but also the court views them as administrative offenders.

Anyone who wishes to erect a tent in the process of a protest demonstration may be arrested by the police primarily for violating Article 173 of the Code of Administrative Offenses - resistance to a lawful command or request from a law enforcement officer. The court that hears cases of this type typically decides to recognize the person as an offender without even investigating whether the policeman’s request regarding the removal of the tent was lawful or not.

⁶² “Guidelines for the Use of Less Lethal Weapons in Law Enforcement”, available at:

https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/LLW_Guidance.pdf, updated: 10.01.2024;

⁶³ Georgian Young Lawyers’ Association, GYLA disputes the issue of using rubber bullets to the Constitutional Court, available at: <https://gyla.ge/ge/post/saiam-rezinis-tyviebis-gamoyenebis-sakitkhi-sakonstitucio-sasamartloshi-gaasachivra>, updated: 10.01.2024;

In connection with one case of a similar character, the GYLA applied to the European Court of Human Rights with a request to establish a violation of Article 6 (right to a fair trial) and Article 10 (freedom of expression) of the European Convention.⁶⁴

2.2. Media and freedom of expression

Freedom of expression is ensured by the legislation and the Constitution of Georgia. The State's approach to the protection of freedom of speech is considered to be the most progressive in the Caucasus region.⁶⁵ Along with the relevant laws, the Constitutional Court of Georgia has greatly contributed to the establishment of the above high standard.⁶⁶ **Despite legal guarantees, in practice, there are a number of important issues that actually impede the proper enjoyment of the freedom of expression.**

Specifically, the situation in terms of the physical safety of critical media representatives has become increasingly hazardous. The investigations into such cases are mostly accompanied by a range of shortcomings. **The violence-condoning and violence-encouraging practices, particularly the impunity of offenders, have a detrimental effect on the quality of media freedom. The fact that not even a single person responsible for organizing the violence of July 5, 2021, has been brought yet to justice is alarming.**⁶⁷ This has been confirmed by both local and international sources.⁶⁸ The **Freedom House's** report published in 2023 also affirms that the situation of the media in the independent classifier has worsened, which is a result of the increasing tendency of violence and intimidation against critical journalists in Georgia.⁶⁹ The accreditation procedures for reporters in the parliament adopted in 2023⁷⁰ and the legislative amendments to the law "On Broadcasting", which the Parliament is considering in an expedited manner, without the involvement of interested parties, are also problematic.⁷¹

⁶⁴ The Georgian Young Lawyers' Association appeals to the European Court of Human Rights against the recognition of a person as an administrative offender for setting up a tent. <https://gyla.ge/ge/post/saia-karvis-gashlis-gamo-piris-administraciul-samartaldamrhvavad-cnobas-adamianis-uflebata-evropul-sasamartloshi-asachivrebs>, updated: 10.01.2024;

⁶⁵ The Freedom House report, 2022, available at: <https://freedomhouse.org/country/georgia/freedom-world/2021>, updated: 10.01.2024;

⁶⁶ Judgment of the Constitutional Court of Georgia dated September 30, 2016, on the case N1/6/561568 "Georgian citizen Yuri Vazagashvili v the Parliament of Georgia".

⁶⁷ See "The events of July 5-6, 2021, have not yet been properly investigated", 05.07.2023, available at: <https://gyla.ge/ge/post/2021-tslis-5-6-ivliss-ganvitarebuli-movlenebi-am-dromde-satanadod-ar-arishsthash.2xswL6FH.dpbs>, updated: 10.01.2024;

⁶⁸ HRC, Concluding observations on the fifth periodic report of Georgia, CCPR/C/GEO/CO/5, 13.09.2022, para 43 (b). See the Council of Europe Human Rights Commissioner's report following her visit to Georgia, July 2022.

⁶⁹ "Assessment of Georgia according to the Freedom House's report - The situation has worsened", the website of the Georgian Young Lawyers' Association. 24.05.2023, available at: <https://gyla.ge/ge/post/saqartvelos-shefaseba-freedom-house-is-angarishis-mikhedvit-mdgomareoba-gauaresebulia>, updated: 10.01.2024;

⁷⁰ The Coalition responds to the suspension of accreditation for the reporters of "Formula" TV company in the Parliament. 06.05.2023, available at: <http://mediacoalition.ge/ge/a/1ad4d65e>, updated: 10.01.2024;

⁷¹ Media Advocacy Coalition criticizes the changes in public broadcaster funding model, 17.11.2023, available at: <http://mediacoalition.ge/ge/a/371c3a11>, updated: 10.01.2024; Georgia: The trend of repression of civil society and critical voices continues with new controversial legal changes. 07.11.2023, available at: <https://csometer.info/updates/georgia-trend-repression-civil-society-and-critical-voices-continues-controversial-legal>, updated: 10.01.2024;

Legal status of reporters at protest rallies

Media representatives occasionally were purposefully prevented from performing their professional duties and exercising the constitutionally guaranteed right to free speech during protest manifestations in 2023, and law enforcement officers frequently used violence and disproportionate force, which resulted in the administrative detention of several journalists and cameramen.⁷² The court's decision to penalize journalists arrested during protest manifestations establishes another dangerous precedent and is detrimental to the media environment.⁷³

Media accreditation procedures in the Parliament

On February 6, 2023, the Chairman of the Georgian Parliament issued an order outlining the rules of accreditation and conduct of mass media representatives in the Parliament of Georgia.⁷⁴ The new procedure entered into force on February 7, 2023. According to one of the amendments, the journalist shall end an interview if a member of the Parliament, office employee, or someone arriving at the Parliament demands so.⁷⁵ The regulation may cause the suspension of a journalist's accreditation in the event that the reporter asks unwelcome questions, as the order does not specify in what circumstances it may be acceptable to deny the journalist's questions or immediately end the interview. This may interfere with a journalist's work and disproportionately restrict the right to free expression. Additionally, the order does not include the procedure for appealing the suspension of accreditation, which in the caselaw of the European Court of Human Rights, constitutes a violation of Article 10 (freedom of expression).⁷⁶ As stated in the aforementioned order, video and photo recording of a session being conducted under the Rules of Procedure of the Parliament of Georgia can be carried out only with the permission of the session's chairman and from the location designated for media representatives.⁷⁷ This provision contains the potential of restricting journalistic activity, as the chairperson is now granted with the authority to impose restriction on media coverage of sessions without providing any explanation. In practice, the regulation has already resulted in the discriminatory suspension of accreditation of critical media representatives.⁷⁸

⁷² Media Advocacy Coalition [Facebook page], 13.03.2023, Media Advocacy Coalition appeals to the Special Investigation Service concerning illegal interference in journalistic activities and other violations, available at: <https://www.facebook.com/MEDIACOALITION.GE/posts/pfbid0nom797GGQwshdEfNk5rhVKeAtmY5FoeVHWT4fsMPhtPzjgYqtKZg-LoSz23ePaQyAl>, updated: 10.01.2024;

⁷³ Ibid.

⁷⁴ See the Order "On approval of the accreditation procedure of mass media representatives in the Parliament of Georgia", 06.02.2023, available at: <https://web-api.parliament.ge/storage/files/11/akreditacia-2023.pdf>, updated: 10.01.2024;

⁷⁵ Media Accreditation in the Parliament, the experience of foreign countries, Research Center of the Parliament of Georgia, 2021, available at: <https://web-api.parliament.ge/storage/files/shares/kvleviti-centri/kvlevebi/2/media.pdf>, updated: 10.01.2024;

⁷⁶ Mandli and Others v. Hungary, although the Court established the right of parliaments to regulate the conduct of media representatives in the premises of the legislature body, there was no mechanism for appealing the suspension of accreditation, thus lacking sufficient safeguards to protect against undue interference with the right. In the given case, the Court found a violation of Article 10 of the Convention. Available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-202540%22%5D%7D>, updated: 10.01.2024;

⁷⁷ The Order "On the approval of the procedure for the accreditation of mass media representatives in the Parliament of Georgia", 06.02.2023, available at: <https://web-api.parliament.ge/storage/files/11/akreditacia-2023.pdf>, updated: 10.01.2024;

⁷⁸ The Coalition responds to the suspension of accreditation for the journalists of "Formula" TV company in the Parliament. 06.05.2023, available at: <http://mediacoalition.ge/ge/a/1ad4d65e>, updated: 10.01.2024;

Amendments to the Law “On Broadcasting”

On October 19, 2023, the Parliament of Georgia expeditiously adopted amendments to the Law “On Broadcasting”. The modifications significantly expand the National Communications Commission’s authority to intervene in a broadcaster’s contextual part of activities, especially when it comes to hate speech, incitement to terrorism, and offensive language. The amendments allow the National Commission considerable powers to apply direct penalties.⁷⁹ The legal provision poses a genuine risk that the Commission will limit freedom of expression through unjustified content control as evidenced by the numerous instances in the past of the Commission’s interference with the broadcasting content and unreasonable restriction of freedom of speech.

Furthermore, the proposed amendments to the law “On Broadcasting”, which essentially alter the Public Broadcaster’s financing mechanisms, are also alarming. In particular, the amendments have resulted in the replacement of the existing rule of funding, which previously was entirely dependent on the Gross Domestic Product.⁸⁰ This change puts the independence and impartiality of the Public Broadcaster in jeopardy, undermining the constitutional prospects of the Public Broadcaster’s independence.

Restricting the right to access public information

The deteriorated practice of issuing public information was a major challenge in 2023. Throughout the year, several media organizations contacted the GYLA, seeking legal assistance regarding the matter. By erecting artificial obstacles, the administrative institutions withhold public information from certain reporters and media outlets. It frequently happens that duly submitted requests are utterly ignored by the agencies for months, with no explanation provided to the media as to why they are refused access to the requested information. Consequently, in order to address the issue, media organizations have to file an appeal with the court. However, the court often takes several years to review cases of this nature.

Restricting internet media outlets to make video recordings of court proceedings

The Organic Law of Georgia “On Common Courts” contains a problematic provision, according to which the exclusive authority to record court proceedings on video is granted to the Public Broadcaster. In the event that the Public Broadcaster does not express its willingness to do so, the right to make video recordings may be exercised by other general broadcasting licensees (a television and radio company that runs news programs and programs of public-political content). According to the regulation, even if the Public Broadcasting Company or general broadcasters do not show interest in recording a specific case court trial, none of the Internet or print media will be allowed to videotape court proceedings. The internet portals “Mtis Ambebi” and “reginfo.ge” both encountered a similar issue. The Telavi District Court placed constraints on their ability to record the court hearings. Regarding the matter,

⁷⁹ Georgia: The trend of repression of civil society and critical voices continues with new legal controversial changes. 07.11.2023, available at: <https://csometer.info/updates/georgia-trend-repression-civil-society-and-critical-voices-continues-controversial-legal> ,updated: 10.01.2024;

⁸⁰ Media Advocacy Coalition criticizes the changes in the public broadcaster funding model, 17.11.2023, available at: <http://mediacoalition.ge/ge/a/371c3a11>,updated: 10.01.2024;

on October 5, 2023, the GYLA filed an appeal with the Constitutional Court on behalf of the “Network of Information Centers.”⁸¹

Pronouncing a person as an offender based on a post and a video clip published on social networks

A potentially harmful trend was revealed in 2023 according to which the Ministry of Internal Affairs may deem any opinion expressed in the form of a post or video on any social media network as an administrative violation. The approach has been approved by the common courts as well.⁸²

For example, the Kutaisi Court of Appeals recognized a person as a violator for a post he published on his personal Facebook page and fined him 2,500 GEL⁸³ The Court noted that “... social networks, including Facebook, are places of public gathering where everyone has an obligation to abide the norms of code of conduct and morals accepted by society, while in reference to public order, the Court of Appeals observed that it is the interactions between people that combine to maintain the harmony in society, which is then manifested by citizens acting with dignity in public places”.

The Court also recognized a delivery guy to be an administrative offender after he uploaded a video on his social network Tik-Tok with the following caption: *“Whoever does not want to hear swearing, don’t watch and don’t listen”*. The individual in the footage voiced his strong protest against Tbilisi’s transportation policy. According to the legally binding decisions of Tbilisi City Court and Court of Appeals, the complainant’s actions were deemed to be as minor hooliganism (Article 166) on the grounds that social media platforms are a place of public gathering and swearing in social networks violates public order and peace.⁸⁴ The GYLA filed an appeal with the European Court of Human Rights on behalf of the aforementioned individual and requested to establish the violation of Article 10 (freedom of expression) of the European Convention.⁸⁵

Restricting people’s right to voice their opinions online on matters of public importance creates a dangerous precedent and unwarranted interference with the right to free speech, which may have a chilling effect on other members of society.

⁸¹ Georgian Young Lawyers’ Association, GYLA challenges in the Constitutional Court the restriction of Internet media from filming court proceedings, available at: <https://gyla.ge/ge/post/saia-internet-mediistvis-sasamartlo-procesebis-gadaghebis-akrdzalvas-sakonstitucio-sasamartloshi-asachivrebs>, updated: 10.01.2024;

⁸² Judgment of the Kutaisi Court of Appeal of March 23, 2023, on the case N4/a-182-23

⁸³ Ibid.

⁸⁴ Judgment of Tbilisi City Court of March 10, 2023, on the case N4/456-23, Judgment of Tbilisi Court of Appeals of May 11, 2023, on the case N4/a-487-23

⁸⁵ Georgian Young Lawyers’ Association, GYLA appealed to the European Court against the recognition of a person as an administrative offender for a video clip published on “Tik-Tok”, available at: <https://gyla.ge/ge/post/saiam-tik-tokze-gamoqveynebuli-videos-gamo-piris-administraciul-samartaldamrghvevad-cnoba-evropul-sasamartloshi-gaasachivra>, updated: 10.01.2024;

2.3. The right to private and family life

In 2021, it was reported that the State Security Service was conducting a large-scale allegedly unlawful covert wiretapping and surveillance.⁸⁶ Instead of carrying out a thorough investigation into the matter, in 2022 the legislation was additionally weakened and the powers of the State regarding covert surveillance and tapping were increased.⁸⁷ As per the conclusion of the Venice Commission, the legislative amendments were enacted as a result of a hasty procedure and the supervision mechanisms pertaining to covert surveillance were flawed.⁸⁸

The necessity to enhance state institutions' surveillance and data collection procedures has been brought up by a number of international organizations. The European Commission's report of November 8, 2023, negatively evaluated the introduction of changes to the Criminal Procedure Code regarding covert surveillance.⁸⁹ The report emphasized that the investigation into the purported facts of illegal wiretapping in 2021 is still in progress, while the calls to improve the quality of the State's accountability and institutional oversight mechanisms remain unresponded.⁹⁰

The UN Human Rights Committee also calls on the State to improve the legislation on data collection and surveillance to strictly observe the principles of legality, proportionality, and expediency.⁹¹ The Committee is particularly concerned that the Operational-Technical Agency of Georgia, which is authorized to carry out covert investigative activities, is not sufficiently independent from the State Security Service, and the mechanisms for supervising the agency's activities are inefficient.⁹² The Committee reiterates that the State ought to ensure a thorough investigation of alleged cases of power abuse, encompassing the events of 2021, and, if required, hold all relevant persons responsible.⁹³

In addition, the UN Special Rapporteur on Human Rights called on the State to cooperate with relevant stakeholders to amend the legislation on covert surveillance in order to increase oversight over any restrictions on the right to privacy and freedom of expression, and to ensure that the legislation is brought in full compliance with international and regional standards.⁹⁴ The Special Rapporteur drew her attention to the statement and footage dis-

⁸⁶ See the GYLA's statement, The Prosecutor's Office's investigation into the so-called covert wiretapping is not conducted effectively, 18.05.2022, available at: <https://gyla.ge/ge/post/prokuraturis-gamodzieba-ets-mosmenebis-saqmeze-efeqti-anad-ar-mimdinareobs#sthash.bVZj7nwF.huLeQKhV.dpbs>, [1009.12.2023]. Updated: 10.01.2024;

⁸⁷ "Legislation regulating covert surveillance is getting worse", 21.04.2022, available at: <https://gyla.ge/ge/post/faruli-miyuradebis-maregulirebeli-kanonmdbloba-kidev-ufro-uaresdeba#sthash.clcqfks4.dpbs>, updated: 10.01.2024;

⁸⁸ Urgent opinion on the Draft Law on the Amendments to the Criminal Procedure Code adopted by the Parliament of Georgia on 7 June 2022, issued on 26 August 2022 pursuant to Article 14a of the Venice Commission's Rules of Procedure, CDL-PI(2022)028-e, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2022\)028-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2022)028-e), updated: 10.12.2023.

⁸⁹ COMMISSION STAFF WORKING DOCUMENT, Georgia 2023 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, 33, available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf?fbclid=IwAR1e0G9uJaVI0oY7GbJYXu2hmB8faHZQTClU8l6yL_zc2oU0aKaxsGGC3w, updated: 10.01.2024;

⁹⁰ Ibid.

⁹¹ Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, CCPR/C/Geo/CO/5, 2022, para 40, available at: <https://digitallibrary.un.org/record/3987487>, updated: 10.01.2024;

⁹² Ibid. para 39.

⁹³ Ibid. para 40.

⁹⁴ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor Preliminary observations and recommendations Tbilisi - 7 November 2023, available at: https://georgia.un.org/sites/default/files/2023-11/State-ment_Eng.pdf, updated: 10.01.2024;

seminated by the State Security Service on October 2, which was related to training sessions conducted by the organization Canvas in September 2023.⁹⁵ According to the Special Rapporteur's conclusions, the video material presented by the State Security Service contained nothing that could support the voiced accusations.⁹⁶ The Special Rapporteur urged the State Security Service to cease covert observation of human rights defenders, since this practice did not comply with international and local standards for the protection of the right to privacy and freedom of expression.⁹⁷ The Special Rapporteur also recommended the Special Investigative Service to investigate the unlawful wiretapping of human rights defenders participating in the September 2023 training.

Despite the clear calls from international organizations, no improvements were made to relevant legislative mechanisms, nor were any debates launched concerning the matter in the Parliament of Georgia.⁹⁸ The recent news in this regard concerns the recommendation of the Venice Commission of December 18, 2023, which states that the Special Investigation Service should be granted the authority to oversee the handling of covert investigative activities in close cooperation with the Personal Data Protection Service (except for the investigative actions conducted by the Special Investigation Service itself).⁹⁹

2.4. Prohibition of ill-treatment

Even though the cases of torture and other forms of ill-treatment inflicted by representatives of law enforcement institutions were not of a systemic nature in 2023, the country is still facing a number of challenges in this respect.

The major obstacle is the mandate of the Special Investigation Service. No actions were taken to enhance the agency in 2023, as required by the State's obligations to the Committee of Ministers of the Council of Europe.¹⁰⁰ In December 2023, the Venice Commission released its opinion¹⁰¹ regarding the accelerated reform of the Inspector's Service in 2022, as a result of which the agency was abolished to be replaced by two successor institutions, namely, the Special Investigation Service and the Personal Data Protection Service.¹⁰² As per the Venice

⁹⁵ See the State Security Office's statement of October 2, 2023, available at: <https://ssg.gov.ge/news/881/saxelmtsifo-usa-frtxoebis-samsaxuris-gancxadeba>, updated: 10.01.2024;

⁹⁶ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor Preliminary observations and recommendations Tbilisi - 7 November 2023, available at: https://georgia.un.org/sites/default/files/2023-11/Statement_Eng.pdf, updated: 10.01.2024;

⁹⁷ Ibid.

⁹⁸ GYLA joins the celebration of Human Rights International Day, 10.12.2023, available at: <https://www.gyla.ge/ge/post/sa-ia-uertdeba-adamianis-uflebata-dacvis-saertashoriso-dghis-aghnishvnas#sthash.2w7H338w.dpbs>, updated: 10.01.2024;

⁹⁹ Opinion on the law on the special investigation service and on the provisions of the law on personal data protection concerning the personal data protection service, European Commission for democracy through law (Venice Commission) 16.12.2023, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)044-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)044-e), updated: 10.01.2024;

¹⁰⁰ Tsintsabadze group v. Georgia (Application No. 35403/06) 18/03/2011, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-103371%22%5D%7D>, updated: 10.01.2024;

¹⁰¹ Opinion on the law on the special investigation service and on the provisions of the law on personal data protection concerning the personal data protection service, European Commission for democracy through law (Venice Commission) 16/12/2023, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)044-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)044-e), updated: 10.01.2024;

¹⁰² "Londa Toloraya appeals the abolition of the State Inspector's Service in the Constitutional Court", the website of the Georgian Young Lawyers' Association. 25.01.2022, available at: <https://www.gyla.ge/ge/post/londa-toloraia-sakhelmtsifo-inspeqtoris-tanamdebobis-gauqmebas-sakonstitucio-sasamartloshi-asachivrebs>, updated: 10.01.2024;

Commission's evaluation, the legislative modifications were implemented without proper deliberations. Therefore, the Commission recommended that the State should assign a priority to transparency, accountability, inclusiveness, and democratic debates in the law-making process. Despite the establishment of the new agency, the amendments did not resolve any pressing issues pertaining to the mandate of the independent investigative mechanism. Specifically, the serious problems with the independent investigative mechanism continue to cast doubt on the mechanism's efficacy. The issues are as follows: 1) the lack of authority to exercise jurisdiction over high-ranking state representatives; 2) ongoing issues related to the investigative jurisdiction; 3) the Prosecutor's Office maintaining full control over the investigative processes and its exclusive authority to prosecute criminal cases.

GYLA's monitors have attended four criminal court proceedings this year where the accused testified about alleged ill-treatment.¹⁰³ The persons detained during the March 7-9 protest rallies also reported about alleged mistreatment by the police, in particular, they claimed to have allegedly experienced violence and inhumane treatment both during the detention process and after the arrest. This included physical and verbal abuse that occurred during the arrest as well as transportation, namely, police officers spat at them, and threatened with the use of force.¹⁰⁴ Based on the information sent to the GYLA by the Special Investigation Service, the Agency received 124 reports regarding alleged unlawful acts perpetrated by law enforcement officers against the rally participants and infringements of the rights of several journalists on March 7-9. The letter also states that on March 8, the Agency launched a criminal investigation into the allegations of abuse of official powers by specific employees of the Ministry of Internal Affairs of Georgia through the use of violence against the protest participants on March 7-8, 2023. These incidents contained the signs of criminal activity provided for in Article 333, paragraph 3, subparagraph "b" of the Criminal Code of Georgia.¹⁰⁵ Nevertheless, the Special Investigation Service and the Prosecutor's Office of Georgia have not released any statement about charging any persons with criminal responsibilities in connection with the aforementioned incidents, leading us to believe that the investigation is being delayed or conducted ineffectively. Only one victim status has been granted by the investigation, despite the identification of thirty-one potential victims who have not yet received the status.¹⁰⁶

In addition, the practice of tightly handcuffing rally participants during large-scale protest demonstrations is also noteworthy and still problematic as far as it can result in swelling, bruises, redness, numbing in hands, and other nerve damage, which in certain cases can be considered mistreatment.¹⁰⁷

It should be underlined that issues with healthcare services within the penitentiary system carry a serious risk of ill-treatment and are a major contributing factor to violations of inmates' rights to life. Furthermore, revealing and documenting the facts of ill-treatment, pro-

¹⁰³ GYLA, Monitoring of Criminal Trials Report N17, 2024.

¹⁰⁴ GYLA's report: People against the Russian law - Assessment of the dispersal of the March 7-9 rally and related facts of human rights violations, 2023, p.46, available at: <https://gyla.ge/ge/post/khalkhi-rusuli-kanonis-tsinaagmdeg-7-9-martis-aqciis-dashlasa-da-mastan-dakavshirebuli-adamianis-uflebata-darghvevis-faqtebis-shefasebis-angarishis-prezentacia> , updated: 10.01.2024

¹⁰⁵ Ibid., 46

¹⁰⁶ Reply provided by the Special Investigation Service on December 11, 2023, SIS 0 23 00022750

¹⁰⁷ Ibid. page 46.

viding prisoners with adequate medical services, and allocation of physical environment in penitentiary institutions were problematic.¹⁰⁸

The existence of a criminal underworld within correctional institutions, as demonstrated by the Public Defender and CPT reports,¹⁰⁹ has a markedly detrimental effect on the implementation of inmates' rights and may amount to cruel, degrading, or humiliating treatment. As of right now, the State does not have a plan in place to combat the criminal underworld that exists in penitentiary facilities.

It has been reported that patients in psychiatric institutions are not shielded against violence, or inhuman, and degrading treatment. Several facts of alleged abuse and violence have been identified in a nursing facility as well.¹¹⁰

This year has also been unsettling due to the facts of the severe and humiliating treatment of Georgian nationals who were kidnapped by the militaries of the occupying forces.¹¹¹ An alarming fact occurred in November 2023 when occupying forces killed Tamaz Ginturi, a local resident, next to the Lomisi niche inside Saint George church.¹¹²

¹⁰⁸ See for example, Studio Monitor, TV report "Doomed by the system", 16.12.2023, available at: https://www.facebook.com/monitorstudio/videos/1603765867093143/?extid=CL-UNK-UNK-UNK-IO5_GK0T-GK1C&ref=sharing&mibextid=SphRi8, updated: 10.01.2024

¹⁰⁹ Public Defender of Georgia, "The findings and recommendations of the European Committee for the Prevention of Torture (CPT) special report on Ad Hoc monitoring carried out in the penitentiary institutions of Georgia, available at: <https://www.ombudsman.ge/eng/190307074353siakhleebi/tsamebis-preventsiiis-evropuli-komitetis-cpt-mier-sakartvelos-penitentsiur-datsesebulebebshi-gankhortsielebuli-sagangebo-monitoringis-angarishis-mignebebi-da-rekomendatsiebi>, updated: 10.01.2024

¹¹⁰ GYLA responds to the TV report about the nursing home for the elderly in Rustavi, 2023, available: <https://shorturl.at/kntCR>, updated: 10.01.2024

¹¹¹ "Levan Dotiashvili spoke about what happened near Kirbali Church", the "Radio Liberty" website, 10.11.2023, available at: <https://shorturl.at/mNOTV>, updated: 10.01.2024

¹¹² Radio Liberty, "After the murder of Tamaz Ginturi, fear has intensified in Kirbali", 21.11.2023, available: <https://shorturl.at/xCJU9>, updated: 10.01.2024

3. LEGAL STATUS OF VULNERABLE GROUPS

3.1. Women

Domestic violence is one of the most prevalent crimes in Georgia, according to statistics on offenses registered in 2023.¹¹³ The rate of female-specific homicides remains high. According to the data provided in the GYLA's report on the monitoring of criminal trials in 2022–2023, it was revealed that the court in 20% of instances involving domestic abuse granted the acquittal; in the aforementioned circumstances, the court rarely imposed a prison sentence - term imprisonment. During the reporting period, the Court's approach to handling family crime cases has proved to be more lenient. Several judges failed to estimate the risks posed by individuals who were accused of domestic abuse during the course of the investigation and court proceedings. Compared to the previous year, judges used imprisonment as a preventive measure in 9% fewer cases for the above type of crime, while the rate of imposing bail has increased by 10%.

Even after a number of efforts made to increase public awareness of violence against women, it was worrisome to witness certain members of the Georgian Parliament sexually harass female MPs.¹¹⁴ This is an indication that parliamentarians, despite the fact that they are supposed to be the ones formulating the best legal framework and practices to shield women from abuse, are sexually harassing their peers. It should be mentioned that, as of today, none of the aforementioned officials have been held accountable for the act. The fact is that numerous awareness-raising campaigns planned to be held by public institutions against violence against women become weak and inefficient when high-ranking officials discriminate against and commit acts of violence against women. The impunity of male parliamentarians who are violent against female colleagues encourages violence against women and fosters the syndrome of impunity.

Forced and/or early marriage - In Georgia, the statutory framework to prevent early marriages is weak, and the preventive measures are frequently ineffective. The horrifically killed 14-year-old Aitaj is a troubling illustration of the aforementioned.¹¹⁵

Girls and women with disabilities - Women and girls with disabilities remain particularly vulnerable to violence in all its manifestations. Their lack of knowledge about violence prevention and response strategies, fear, and other factors associated with their specific form of disability, makes it more difficult for victims to report abuse. In 2023, information about alleged sexual crimes against persons with disabilities was disseminated multiple times.¹¹⁶ Stereotyped approaches to the information provided by women with mental problems about

¹¹³ Statistics of registered crimes in 2023, available at: https://info.police.ge/page?id=773&parent_id=115 , updated: 10.01.2024

¹¹⁴ "Ghudushauri and Beraya insulted female MPs in the Parliament", 31.10.2023, the Formula TV website, available: <https://formulanews.ge/News/100493> , updated: 10.01.2024, "During the session, Dream MP Levan Mgaloblishvili swung the microphone at Ana Tsitlidze", 17.11.2023, the TV Company Formula website, available: <https://formulanews.ge/News/101609> , updated: 10.01.2024, "Tina Bokuchava was forcibly removed by Shalva Papuashvili from the speaker's place", 18.07.2021, the Radio Liberty website, available: <https://www.radiotavisupleba.ge/a/31364779.html> , updated: 10.01.2024,

¹¹⁵ How Aitaj, a 14-year-old girl from Dmanisi, was killed, 09.10.2023. The Radio Liberty website, available at: <https://shorturl.at/fnrQ1> , updated: 10.01. 24

¹¹⁶ "Children were sexually abused and filmed", 05.06.2023. The Batumelebi's website, available at: <https://batumelebi.netgazeti.ge/news/481865/> , updated: 10.01.2024

any alleged facts of violence are still an acute problem, due to which the victim remains vulnerable, and the perpetrator unpunished.

Sexual freedom and inviolability - Sexual violence remains one of the most severe, hidden, and unpunished forms of gender-based violence. The applicable legislation and practices fail to provide effective, victim-centered, gender-sensitive legal mechanisms against sexual violence. For women who have experienced violence, justice is either unavailable and/or difficult to access.¹¹⁷

Victims of sexual violence do not have access to crisis and/or sexual violence referral centers, which need to be sufficiently distributed geographically across the country.¹¹⁸

Sexual harassment - Although victims of sexual harassment, in theory, may be representatives of both sexes, in practice, cases of sexual harassment of women in labor relations are more common. This can be explained by the existing gender bias rooted in society and the unequal distribution of power between men and women. Sexual harassment of women in their workplace may have an irreparable impact on the physical and mental health and well-being of women victims, eventually excluding them from the labor market.

Instances of harassment and threats must be handled by the police promptly and efficiently. In addition, women are frequently subjected to sexual harassment and coercion, as well as often blackmailed by video recordings of their private lives in the online space.¹¹⁹ The State is obliged to develop an efficient policy to detect such incidents and safeguard women and girls from the aforementioned violence in a timely manner.

3.2. LGBT + persons

LGBT + people are particularly susceptible to violence and stigma. On July 8, 2023, in the territory of “Lisi Wonderland”, anti-Western extremist groups raided the Tbilisi Pride festival and ransacked the territory.¹²⁰ The police did not provide any preventive and crime response measures to protect public safety, once again failed to protect freedom of assembly and expression, and again allowed hate groups to disseminate incitements to violence/violent acts free from any interference.¹²¹

The Pride Festival in 2023, organized by Tbilisi Pride, was planned to be a closed event on July 8. On July 7, the Ministry of Internal Affairs made a statement regarding the July 8 events announced as part of the Tbilisi Pride Week, noting that in order to ensure the peaceful conduct of the closed event, relevant police units would be mobilized in all necessary locations

¹¹⁷ The GYLA’s assessment on the legal status of women, 08.03.2023, GYLA’s website, available at: <https://gyla.ge/ge/post/qalta-uflebrivi-mdgomareobis-shesakheb#sthash.IQsaf6sN.dpbs>, updated: 10.01.2024

¹¹⁸ First report on the implementation of Istanbul Convention by Georgia welcomes steps on legislation, calls for more services for victims and dissuasive sanctions for perpetrators, 22.11.2022, available at: <https://shorturl.at/lxzBT>, updated: 10.01.24

¹¹⁹ “Dissemination of private life footage and blackmail - there is an alarming situation in the country”, 09.10.2023, the website of TV Company Pirveli, available at: <https://shorturl.at/djJ56>, updated: 10.01.2024

¹²⁰ “As a result of the Pride festival raid, the estimated loss is at least 10 thousand GEL”, 07.09.2023, the Radio Liberty website, available at: <https://www.radiotavisupleba.ge/a/32495400.html>, updated: 10.01.2024.

¹²¹ “Ministry of Internal Affairs continues to have a tolerant policy towards hate groups”, 08.07.2023, the website of the Georgian Young Lawyers’ Association, available at: <https://shorturl.at/bM189>, updated: 10.01.2024.

to maintain public order and safety within their competence.¹²² Contrary to the aforementioned, despite the fact that the Ministry of Internal Affairs had been well informed and aware that the hate groups intended to assault on the Tbilisi Pride event through violent methods (see, for example, Zurab Makharadze's speech),¹²³ police officers did not prevent the counter-demonstration from gathering at the Vazha-Pshavela monument and proceeding freely in Lisi's direction. The extremist groups did not encounter any significant obstacles from the law enforcement agencies. In addition, hate groups in the vicinity of Lisi Lake were able to freely break through the police cordon and move towards the main entrance to Lisi. The analysis conducted by the GYLA shows that the strategy of the Ministry of Internal Affairs failed to sufficiently evaluate the threats posed by violent groups. Ultimately, after more than 2,000 anti-LGBT protesters stormed into the festival premises, the organizers were forced to cancel the event and hastily evacuate the venue with the assistance of the police.¹²⁴

It should be noted that in the above case, just as it was on July 5, 2021, the State failed to fulfill its obligation to safeguard citizens against hate groups prior to the assembly and did not impose equivalent punishments on relevant bodies for their failure to act. An investigation in connection with the incidents was launched into the facts of theft of other persons' property and damage to other people's belongings. Even five months after the incident, the investigative agency has not reached a final decision and no criminal prosecution has been initiated against any specific individuals. Only two persons under the GYLA's legal protection were granted the status of victims after five months.¹²⁵ In light of these circumstances, questions regarding the reliability and effectiveness of the investigation are raised.

The legal problems encountered by the LGBT+ community are not addressed by the National Strategy and Action Plan on the protection of human rights as well, since the issues of sexual orientation and gender identity are not taken into account at all.¹²⁶

3.3. The elderly

The country does not have any particular legislation that would specifically address the needs of the elderly people, outlining the range of the State's positive obligations to protect their rights. However, certain provisions related to the aforementioned matter can be found in a number of legislative norms and by-laws that only fragmentarily govern some aspects related to the rights of the elderly.

¹²² Statement of the Ministry of Internal Affairs, 07.07.2023, available at: https://police.ge/ge/saqartvelos-shinagan-saqmeta-saministros-gantskhadeba/15867?fbclid=IwAR1P6cga_2Om__EGxS5Gj3VM9NvJuH4D3L59plz3C_uyhoV-eU4Pjif5qPY, updated: 10.01. 2024.

¹²³ "The Ministry of Internal Affairs continues its tolerant policy towards hate groups", the official website of the Georgian Young Lawyers' Association, 08.07.2023, available at: <https://gyla.ge/ge/post/shss-sidzulvilis-jgufebis-mimart-kvlav-shemt-synarebel-politikas-atarebs>, updated: 10.01.2024.

¹²⁴ Ibid.

¹²⁵ The reply sent by Vake-Saburtalo District Prosecutor's Office on December 5, 2023, N13/03-81131, reply of December 11, 2023, N13/03-82775

¹²⁶ "The Action Plan has not yet been published on the government's website", see <https://myrights.gov.ge/ka/documents/action%20plans%201>, updated: 10.01.2024, see also, the Georgian Young Lawyers' Association, Monitoring document for the development and implementation of the 2022-2030 national human rights strategy regarding labor and environmental rights, 2023, 16, available at: <https://gyla.ge/ge/post/saiam-2023-tslis-30-noembers-adamianis-ufleba-ta-strategiis-monitoringis-ngangarishis-presentacia-gamarta#sthash.lvHGV8c1.dpbs>, updated: 10.01.2024

The current legal framework has a number of provisions containing age-based discrimination. A disputed norm for example sets the retirement age for academic staff members in state-established higher educational institutions who have reached the age of 65.¹²⁷

As in previous years, a number of issues pertaining to the social protection of the elderly were noted in 2023. Particularly problematic was the practice of arbitrarily withholding or deducting the state allowance issued in the form of a pension by the state-designated banking institution. The court has repeatedly ruled the practice to be illegal.¹²⁸ Despite this, the approach is still maintained due to which pensioners have to file a lawsuit with the court to obtain their pension. In addition, the use of a several-month-long grace period has significantly increased the unfairly huge interest rate set for pension loans, the loan validity periods, and the volume of monthly payment obligations, making the repayment of deferred credit obligations during the pandemic an ongoing heavy financial burden for the elderly.

Another problematic issue is informing pensioners of pension-related matters, which in some cases leads to the suspension and/or termination of the pension. When administering a pension, pensioners are not informed in advance about a range of important aspects, which often has a negative impact on their legal status.

3.4. *Ethnic and religious minorities*

All systemic issues pertaining to freedom of religion, conviction, and equality of religious affiliations have remained unresolved over the years. There has been no attempt to remove the existing discriminatory provisions from the legislation, which grant property and tax rights as well as other privileges exclusively to the Georgian Orthodox Church. The government has again continued the practice of creating artificial obstacles for the construction of new places of worship.¹²⁹ Since 2017, Batumi City Hall has been unlawfully and discriminatorily refusing permission to construct a new mosque in Batumi, due to which the Muslim community in Batumi are still praying in the open air. The infringement of the Muslims' fundamental rights is of a persistent nature. Also problematic are the amendments introduced to the new Defense Code of the country and its corresponding acts, which exempt exclusively members of the Orthodox Church from mandatory military service.¹³⁰

Ethnic minority representatives do not have access to high-quality education, healthcare, and public services. This social and economic marginalization can only be tackled through sophisticated public policies that would address challenges of low participation and poverty.¹³¹

¹²⁷ "GYLA appeals in the Constitutional Court the retirement age set for academic positions", GYLA, 30.03.22, available at: <https://gyla.ge/ge/post/saia-akademiuri-tanamdebobistvis-dadgenil-sapensio-asaks-sakonstitucio-sasamartloshi-asachivrebs>, updated: 10.01.2024

¹²⁸ With the GYLA's assistance, the pensioner succeeded in receiving his/her pension, available at: <https://gyla.ge/ge/post/pensionerma-saia-is-dakhmarebit-shedzlo-kutvnili-pensiis-srulad-migheba>, updated: 10.01.2024

¹²⁹ Institute for Tolerance and Diversity, freedom of Religion and Beliefs in Georgia, 2022, 18, https://www.tdi.ge/sites/default/files/tdi_forb_report_2022_geo.pdf, updated: 10.01.2024

¹³⁰ Alternative report on implementation of Framework Convention for the Protection of National Minorities by Georgia for the 4thth monitoring cycle, 2023, available at: <https://www.coe.int/en/web/minorities/georgia>, updated: 10.01.2024

¹³¹ Ibid., The study 2023 on the participation of representatives of ethnic minorities in political life", available at: <https://shorturl.at/jwCO4>, updated: 10.01.2024.

3.5. Children

Timely detection of labor exploitation, physical, psychological, or other forms of violence against children remains a problem.¹³² Significant challenges exist in terms of the provision of social support for children. Targeted government services are insufficient and ineffective.¹³³ Child poverty remained the most pressing issue in the country in 2023.¹³⁴ Child labor, which often entails performing activities dangerous for their health and life, requires special attention from the State.¹³⁵ The issue of introducing a free school lunch program remained an unresolved issue in 2023. The free meal program plays a critical role in the child's ability to learn and excel academically, as well as is important for the well-being and development of children, and the barriers to food are especially acute among children struggling financially.¹³⁶

The availability of preschool education institutions is still a problem. Some children living in rural areas do not have access to preschool educational facilities. Among the most prevalent obstacles in certain villages are the absence of preschool education institutions and the practice of placing children on waiting lists.¹³⁷

3.6. Persons with disabilities

Despite a number of positive steps taken in terms of protecting the rights of persons with disabilities over the years, the complete realization of their rights remains hindered. Disabled people still have to encounter persistent stereotypes and negative prejudices deeply rooted in society, which hamper the socialization of disabled people and their ability to fully enjoy their rights.¹³⁸ The procedure for granting the disability status based on a medical approach creates additional barriers to the inclusion and equal involvement of people with disabilities in public life.¹³⁹ In spite of the applicable legal guarantees, inclusive education is still not

¹³² Statement of the Georgian Young Lawyers' Association "On the International Day of Children's Protection", 2023, available at: <https://gyla.ge/ge/post/saias-ganckhadeba-bavshvta-dacvis-saertashoriso-dghestan>, updated: 10.01.2024; Statement of the Public Defender, International Children's Day - 2023, available at: <https://ombudsman.ge/geo/190307051401siakhleebi/bavshvta-datsvis-saertashoriso-dghe-2023>, updated: 10.01.2024.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ United Nations Children's Fund (UNICEF), Child Welfare in Georgia, 2023, 28, available at: <https://www.unicef.org/georgia/media/8226/file/%E1%83%91%E1%83%90%E1%83%95%E1%83%A8%E1%83%95%E1%83%97%E1%83%90%E1%83%99%E1%83%94%E1%83%97%E1%83%98%E1%83%9A%E1%83%93%E1%83%A6%E1%83%94%E1%83%9D%E1%83%91%E1%83%98%E1%83%A1%E1%83%92%E1%83%90%E1%83%9B%E1%83%9D%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%90.pdf>, updated: 10.01.2024.

¹³⁷ United Nations Children's Fund (UNICEF), Child Welfare in Georgia, 2023, 20-21, available at: <https://www.unicef.org/georgia/media/8226/file/%E1%83%91%E1%83%90%E1%83%95%E1%83%A8%E1%83%95%E1%83%97%E1%83%90%E1%83%99%E1%83%94%E1%83%97%E1%83%98%E1%83%9A%E1%83%93%E1%83%A6%E1%83%94%E1%83%9D%E1%83%91%E1%83%98%E1%83%A1%E1%83%92%E1%83%90%E1%83%9B%E1%83%9D%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%90.pdf>, updated: 10.01.2024

¹³⁸ United Nations Development Program (UNDP), United Nations Partnership for the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF), Substantial Participation of Persons with Disabilities in Decision-Making Processes, 2023, 33; available at: https://www.undp.org/sites/g/files/zskgke326/files/2023-07/undp-georgia-human-rights-pwds-participation-decision-making_2023-geo.pdf, updated: 10.01.2024

¹³⁹ The biopsychosocial model of the mechanism for determining the status of disability, the 2023-2025 Action Plans of measures to be implemented was approved in March 2023. In order to transition to the biopsychosocial system of assigning the status of disability, it is important to perform the activities provided for in the plan in a timely manner; Order NMOH8200000094 of March 9, 2022, of the Minister of IDPs from the Occupied Territories of Georgia, Labour, Health, and Social Protection of Georgia, available at: <https://www.moh.gov.ge/ka/publicinformation/list/116/?year=2023>, updated: 10.01.2024

completely developed and accessible to individuals with special educational needs¹⁴⁰ for the following reasons: the insufficient number of specialists and lack of their competence, the absence of suitable programs tailored to disabled people's needs, etc.

Term of office of the head of the organization of persons with disabilities

The current caselaw of the common courts has demonstrated that the guarantees provided in the Labor Code against unjustified dismissal of an employee did not extend to the position of the deputy head of one of the organizations for disabled people. This means that the right to remove the person authorized to manage and represent organizations, at any time and without any justification, is granted to the governing body. The GYLA filed a lawsuit with the Constitutional Court to dispute the norms of the Law of Georgia "On Entrepreneurs" and the Civil Code of Georgia, which govern the issues pertaining to the dismissal of the heads of non-profit, non-governmental, and community-based organizations established to achieve ideal goals under the procedure similar to the standards that are applied in the cases of entrepreneurial legal entities. These organizations play a significant public-legal role and the United Nations Convention on Persons with Disabilities explicitly obliges the State to consult with organizations working on issues of persons with disabilities before developing any public policies. Therefore, the procedure for firing managers in the above type of organizations should not be identical to the one that is used for removing directors in entrepreneurial organizations.¹⁴¹

¹⁴⁰ GYLA's statement regarding International Children's Day; available at: <https://www.gyla.ge/ge/post/saias-ganckhade-ba-bavshvta-dacvis-saertashoriso-dghestan>, updated: 10.12.2023.

¹⁴¹ GYLA appeals in the Constitutional Court the issue of unjustified dismissal of the head of a non-entrepreneurial (non-commercial) legal entity, available at: <https://gyla.ge/ge/post/saia-arasametsarmeo-arakomerchiuli-iuridiuli-piris-khelmdz-ghvanelis-dausabuteblad-gatavisuflebis-shesadzleblobis-sakitkhs-sakonstitucio-sasamartloshi-asachivrebs>, updated: 10.12.2023, updated: 10.01.2024

4. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The country is facing a range of challenges concerning the implementation of social, economic, and cultural rights. For the purposes of this report, we have analyzed the issues currently existing with respect to the right to live in a healthy environment, the right to employment, and the elimination of poverty in 2023 to find that there are significant gaps with respect to the implementation of the national and international commitments undertaken by the State.

4.1. The right to live in a healthy environment

According to the Constitution of Georgia, the State is obliged to ensure and protect the right of people to live in a healthy and safe environment.¹⁴² During the reporting period, significant problems were identified pertaining to the proper enjoyment of this right, both at the legislative level and with the enforcement of the law.

The landslide that struck Shovi, Racha, on August 3, 2023, claimed 32 human lives.¹⁴³ On September 8, 2023, a landslide and flood caused by heavy rain in Guria killed three people.¹⁴⁴ These facts show that the State is not prepared to deal with natural disasters and prevent the dangers arising from such events. Up until now, the country has not developed and put in place early warning systems, and other requirements defined by the legislation are not properly fulfilled either.¹⁴⁵ Against the background of climate change, when natural disasters become more and more frequent and intense, the State must ensure timely fulfillment of its positive obligations and safeguard people's right to live in a healthy and safe environment.¹⁴⁶

The requirements to protect human rights against climate change and all corresponding natural disasters have not been reflected in the 2022-2030 National Strategy on Human Rights developed by the Government of Georgia.¹⁴⁷ Nevertheless, the fact that the state of Georgia is working on developing a climate law that will be a crucial instrument in combating climate change and safeguarding the enjoyment of the right to live in a healthy environment, should be positively evaluated.¹⁴⁸ However, the National Strategy on Human Rights, apart from ignoring the problem of climate change, aims to accomplish very general goals regarding the right to live in a healthy environment.¹⁴⁹ In addition, the actions outlined in the draft version of the

¹⁴² Constitution of Georgia, Article 29.

¹⁴³ Georgian Young Lawyers' Association, "Human rights amid Natural Disasters, Advocacy Document", 2023, 7, available at: <https://gyla.ge/ge/post/in-light-of-the-events-developed-in-racha-and-guria-in-2023-gyla-held-presentation-of-advocacy-document-concerning-the-legislation-and-practice-of-handling-the-risks-of-natural-disasters-in-georgia#sthash.zKTKyYhb.dpbs>, updated: 10.01.2024

¹⁴⁴ "The landslide in Guria claimed the lives of three people", Civil.ge (September 8, 2023), available at: <https://civil.ge/ka/archives/558359>, last seen: 01.12.2023; "Flood and landslide in Guria – two minors and 1 adult are searched for", netgazeti.ge (September 8, 2023), available at: <https://netgazeti.ge/life/686823/>, updated: 10.01.2024

¹⁴⁵ GYLA, "Human rights amid Natural Disasters" (2023), available at: <https://shorturl.at/wzIK4>, updated: 10.01.2024

¹⁴⁶ Office of the United Nations High Commissioner for Human Rights ('OHCHR'), 'Safe Climate: A Report of the Special Rapporteur on Human Rights and the Environment' (2019) UN Doc A/74/161.

¹⁴⁷ GYLA, "Document for Monitoring the Development and Implementation of the National Strategy for Human Rights for 2022-2030: Regarding Labour and Environmental Rights" (2023) 36-37, available at: <https://shorturl.at/djnpu>, updated: 10.01.2024

¹⁴⁸ Parliament of Georgia, "The Environmental Protection and Natural Resources Committee has submitted the White Book on the Climate Change Law of Georgia for public consultations" (09.11.2023), available at: <https://shorturl.at/hnzl9>, updated: 10.01.2024

¹⁴⁹ GYLA, "Document for Monitoring the Development and Implementation of the National Strategy for Human Rights for 2022-2030: Regarding Labour and Environmental Rights" (2023), Chapter 2, available at: <https://shorturl.at/djnpu>, updated: 10.01.2024.

action plan of the Human Rights Strategy to achieve the above objectives are unsuitable and insufficient, do not address actual challenges, and require considerable revision.¹⁵⁰

4.2. Right to work

During 2023, the following challenges were identified with respect to the right to employment in the private and public sectors: length of overtime and unpaid performance of overtime work; incomplete use of paid leaves; incomplete compensation of pregnancy, childbirth, and child care leaves in the private sector; violation of the laws governing the terminations of employment contracts and unlawful dismissals; discrimination on various grounds in labor relations; absence of professional associations and, if present, interference with the activities of representatives of such unions; the inadequate amount of minimum wage; lack of social guarantees in labor relations; the necessity of enhancing an efficient monitoring system to safeguard occupational safety and labor rights.

The situation in terms of labor rights within the structures of the Ministry of Culture, Sports, and Youth of Georgia particularly deteriorated in 2023. Following Tea Tsulukiani's appointment as the minister, a wave of mass dismissal of employees on the grounds of discriminatory reorganization began. The GYLA examined the major aspects pertaining to the cases (11 cases) that the organization was litigating against the Ministry and released its report emphasizing the following major trends:¹⁵¹

- In each of the above-mentioned cases, the reorganization was carried out not in the interests of the public service and in compliance with the law, but rather in an attempt to cover up the removal of unwanted personnel members. Following the announcement of restructuring for the seeming optimization of the personnel, several competitions were announced and held at those institutions from which the individuals represented by the GYLA were removed and new staff members were appointed in the agencies. The dismissals under the pretext of the reorganization were not required by law; instead, they were motivated by personal preferences and/or discrimination based on a variety of grounds.
- As per the framework of the reorganization, the agencies created competition commissions, which had to make their decisions based on interviews with the candidates and decide with whom the employment contracts would continue. However, contrary to the law, the purpose of the interview questions was to learn more about the views and actions of a particular employee rather than about how well and efficiently the candidates could perform their official duties. The majority of the members of the evaluation commissions had no experience or background knowledge in culture and science.
- The interviews revealed formal deficiencies as well. For instance, one of the contestants was not allowed to file for a recusal of a specific member of the commission and, despite the request, the candidate was not provided with a written or oral response in this regard. The interviews were not video recorded and the Commission specifically prohibited an employee from filming the process of interviews.

¹⁵⁰ Ibid.

¹⁵¹ Georgian Young Lawyers' Association, "New personnel Policy of the Ministry of Culture and the Analysis of Labour Disputes, Tbilisi, 2023, available at: [doc.pdf\(gyla.ge\)](https://doc.pdf(gyla.ge)), updated: 10.01.2024.

A noteworthy here is the case of Goga Razmadze, who held the position of chief of the regional division of the Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs of Georgia. In a public post that he published on his social network, namely on Facebook, he spoke about the discrimination he had encountered within the Ministry, the humiliating and offensive treatment he received from the Deputy Head of the General Inspection of the Ministry of Internal Affairs, and the pressure under which he was forced to provide an explanation.¹⁵²

Prior to publishing the post, on June 16, 2023, Goga Razmadze had sent an email to the Deputy Minister of Internal Affairs and the department's management. In the letter, he described the cases of harassment against him and requested a meeting.

On June 26, 2023, Goga Razmadze filed an application with the Public Defender of Georgia after the agency completely disregarded his claims and it became obvious to him that the problem could not be solved. He requested to establish the fact of discriminatory treatment and to issue a recommendation for its elimination. The Public Defender did not establish the fact of discriminatory treatment.¹⁵³ A few days following the Public Defender's ruling, the Ministry fired Goga Razmadze, which could be considered personal persecution for holding different opinions.¹⁵⁴

Throughout the year 2023, there were active employee strikes against unfavorable working conditions in the private and public sectors. In June 2023, employees of the Chiatura mine went on strike, with the following demands: fair and better pay, more robust labor safety regulations, and solutions for hygiene and food issues.¹⁵⁵ As a result of the management's complete disregard for their fair and legitimate demands, the miners resorted to severe forms of protest and repeatedly inflicted self-injuries.¹⁵⁶ In November 2023, thirty-seven stage department members of the Tbilisi Z. Paliashvili Opera and Ballet Theater went on strike, demanding a 500 GEL salary increase.¹⁵⁷ Prior to the protest, the mediation process was carried out by the Ministry of Labor, Health, and Social Protection, which proved to be ineffective and did not yield any results. After a 53-day protest, 17 strikers were fired at the end of December rather than having their demands satisfied.¹⁵⁸

¹⁵² Goga Razmadze's Facebook post, available at: <https://www.facebook.com/goga.razmadze.77/posts/pfbid0gWQstc-GUR875LbMZht9njxMu9MSAuiu3vf1ncwCyN4XRBR4rNcJTxEWMe8JDVW9l>, updated: 11.01.24

¹⁵³ GYLA responds to the Public Defender's decision regarding Razmadze's case, available: <https://gyla.ge/ge/post/sa-ia-ekhmaureba-sakhalkho-damcvelis-gadatsyvetilebas-goga-razmadzis-saqmestan-dakavshirebit>, updated: 10.01.24

¹⁵⁴ Goga Razmadze appealed to the European Court of Human Rights and Tbilisi City Court, GYLA, 26.12.2023, available at: <https://gyla.ge/ge/post/goga-razmadzem-adamianis-uflebata-evropul-sasamartlosa-da-tbilisis-saqalaqo-sasamartlos-mimarta>, updated 10.01.24

¹⁵⁵ Georgia Fair Labour Platform, the State's inaction takes an unacceptable form, available at: <https://shroma.ge/news/%e1%83%a1%e1%83%90%e1%83%ae%e1%83%94%e1%83%9a%e1%83%9b%e1%83%ac%e1%83%98%e1%83%a4%e1%83%9d%e1%83%a1%e1%83%a3%e1%83%9b%e1%83%9d%e1%83%a5%e1%83%9b%e1%83%94%e1%83%93%e1%83%9d%e1%83%91%e1%83%90%e1%83%9b/>, updated: 10.01.2024

¹⁵⁶ Ibid.

¹⁵⁷ Georgia Fair Labour Platform, the Georgia Fair Labor Platform supports the opera and ballet theater workers' strike. Available at: " <https://shroma.ge/news/%e1%83%9e%e1%83%9a%e1%83%90%e1%83%A2%e1%83%A4%e1%83%9D%e1%83%A0%e1%83%9B%e1%83%90%e1%83%9B%e1%83%AE%e1%83%90%e1%83%A0%e1%83%93%e1%83%90%e1%83%AD%e1%83%94%e1%83%A0%e1%83%90%e1%83%A1%e1%83%A3%e1%83%AA/>, updated: 10.01.2024

¹⁵⁸ Publika, "All striking employees of the opera were fired", 29.12.23, available at: <https://publika.ge/operis-yvela-tanam-shromeli-samsakhuridan-gaatavisufes/>, updated: 16.01.24; Radio Liberty, "Opera workers on strike got Fired", 29.12.23, available at: <https://www.radiotavisupleba.ge/a/32752587.html>, updated: 10.01.24.

4.3. Eradication of poverty

As per the data released by the National Statistics Office of Georgia, 15% of the population of Georgia lived below the absolute poverty line in 2022, which is a slight decrease compared to previous years.¹⁵⁹ In 2022, the average monthly nominal salary of the employed population was 1543 GEL,¹⁶⁰ and the median salary was 1040 GEL,¹⁶¹ which, given the rising yearly inflation level (in 2022 - inflation level was 13%), creates difficult living conditions for the population.¹⁶² **The dire social situation in the country is also confirmed by the vast number of the population receiving social assistance and subsistence allowance.** According to the data of the National Statistics Office of Georgia, the number of pension recipients in Georgia in 2022 was 808,326 and the number of people receiving social assistance was 178,426, while the number of people receiving subsistence allowance was 17% of the population (149,864 families).¹⁶³ **However, the amount of pension, social assistance, and living allowance provided by the State cannot ensure the satisfaction of the fundamental necessities of the population,** putting vulnerable groups in challenging social circumstances.¹⁶⁴ Furthermore, **the country has not yet established the appropriate amount of minimum wage,** which remains at 20 (twenty) GEL according to the Order №351 issued by the President of Georgia in 1999. It should be noted that **labor migration has increased in Georgia and more than 100,000 Georgian citizens left the country in 2022, which has been the highest number in the last ten-year period.**¹⁶⁵

Additionally, it is noteworthy that harsh social conditions in the country are occasionally manifested **in crimes committed** by specific individuals, namely, the severity, motivation, and intent of criminal activities are influenced by social problems. The majority of crimes committed by those experiencing financial difficulties mostly include crimes, such as theft, robbery, and burglary.¹⁶⁶

According to the Constitution of Georgia, Georgia is a social state, which implies the obligation of the State to ensure the strengthening of the principles of social justice, social equality, and social solidarity.¹⁶⁷ The Constitution of Georgia outlines the obligation of the State whose duty is to ensure the elimination of poverty in the country. This responsibility includes the development of effective policies by the State in relevant areas of public life, including promoting citizens' employment, social protection, providing minimum living wages, and decent housing.¹⁶⁸ **Based on the aforementioned, the State needs to develop a cohesive and sus-**

¹⁵⁹ Poverty and Gini Coefficients – National Statistics Office of Georgia (geostat.ge)

¹⁶⁰ Average monthly nominal salary of employees - 2022 (geostat.ge) , updated: 10.01.24

¹⁶¹ Average Median Earnings of employees – 2022 , Updated: 10.01.24

¹⁶² Inflation in Georgia , May 2022.pdf (geostat.ge) , Updated: 10.01.24

¹⁶³ Social Protection -National Statistics Office of Georgia (geostat.ge) , Updated: 10.01.24

¹⁶⁴ From January 1, 2023, the pension for persons under 70 years of age was set at 295 GEL and for persons over 70 years of age at 365 GEL. In high-mountainous settlements, the amount of pension for persons under 70 is 355 GEL, and for persons over 70 - 400 GEL. Currently, in Georgia, women receive the age-related pension from the age of 60 and men from the age of 65. The amount of financial assistance for socially vulnerable citizens depends on their rating points – the poorer the family, the lower the points. The amount of assistance for each adult member of the family ranges from 10 to 60 GEL. From June 1, 2022, socially vulnerable families will receive 150 GEL per child a month.

¹⁶⁵ External Migration - National Statistics Office of Georgia (geostat.ge), Updated: 10.01.24

¹⁶⁶ GYLA, GYLA's statement regarding the International Day to Overcome Poverty, 17.10.2023, available at: <https://gyla.ge/post/saias-ganckhadaba-sigharibis-dadzlevis-saertashoriso-dghestan-dakavshirebit#sthash.DFeCgsfa.dpbs>, updated: 10.01.24

¹⁶⁷ Constitution of Georgia, Article 5, paragraphs 1 and 2.

¹⁶⁸ Constitution of Georgia, Article 5, paragraph 4.

tainable poverty reduction policy that will eliminate social disparity and be as inclusive as possible to include all vulnerable groups living in the country. The state-developed employment and social support programs need to be reviewed and adjusted to current social risks in order to guarantee that they remain a consistent national standard and are not dependent on sporadic government initiatives.

5. ELECTION LEGISLATION AND ENVIRONMENT

With the amendments introduced in 2023, the procedure for forming the Central Election Commission (CEC) underwent significant changes, among them some modifications were made to the legislation governing the use of electronic technologies in elections. Following this, two interim and special elections were held using electronic technologies.

5.1. Changes in the procedure for forming the Central Election Commission

On June 13, 2023, the ruling party approved the draft law in the third reading, which once again altered the procedure for forming the Central Election Commission.¹⁶⁹ The version that was in effect prior to the above amendments was adopted in 2021 based on the principles of the “Charles Michel Agreement”.¹⁷⁰ The purpose of the modifications was to promote the rule of composing the election administration based on a consensus achieved between the parliamentary majority and the opposition. As per the new regulation, the Chairperson of the CEC and seven non-partisan members of the CEC nominated by the Speaker of the Parliament had to be elected by the Georgian Parliament, instead of the President of Georgia, and the number of votes required for election was reduced to a simple majority (76 votes), instead of the then-applicable 2/3. The procedure of appointing persons elected by a simple majority for six months was abolished, allowing the parliamentary majority the opportunity to appoint the CEC Chairperson and members under a single-party decision for a five-year term.¹⁷¹

By neglecting the procedure adopted in 2021 for staffing the CEC and removing the President from the procedure of composing the commission, the Georgian Dream refused to strengthen democratic institutions. The GYLA called on the ruling party to refrain from approving the proposed bill, which would grant the majority the exclusive authority to single-handedly appoint the CEC without the requirement for inter-party negotiations to reach a consensus-based agreement.¹⁷²

On June 22, the European Commissioner for EU Enlargement, Oliver Varhelyi, criticized the new model of CEC staffing in his oral report concerning Georgia and called on the ruling party to withdraw the amendments.

On June 26, President Salome Zurbishvili vetoed the changes.¹⁷³ In her view, electing the CEC chairperson and CEC members by 76 votes instead of 100 would abolish the need for consensus-based decisions and increase the risk of polarization.¹⁷⁴ The President proposed that

¹⁶⁹ “Parliament adopted amendments to the Election Code, changing the procedure for the formation of the CEC”, information portal “Civil.ge”, June 13, 2023, available at: <https://civil.ge/ka/archives/547896>, updated: 10.01.2024

¹⁷⁰ “The future path for Georgia” (unofficial translation), p.4, available at: https://www.eeas.europa.eu/sites/default/files/mediacia_samomavlo_gza_sakartvelostvis.pdf, updated: 10.01.2024

¹⁷¹ “Parliament adopted amendments to the Election Code, changing the procedure for the formation of the CEC”, information portal “Civil.ge”, June 13, 2023.

¹⁷² “With the changes to the procedure for staffing the CEC, Georgian Dream continues to adapt the legislation to partisan interests and reduce the independence of the CEC”, the website of the Georgian Young Lawyers’ Association, May 8, 2023, available at: <https://bit.ly/3Xk8QuH>, updated: 27.12.2023.

¹⁷³ “The President vetoed the amendments to the “Election Code”, the website of the Georgian Young Lawyers’ Association, June 26, 2023, available at: <https://cutt.ly/Awh0wsAD>, updated: 27/12/2023.

¹⁷⁴ Ibid.

the chairperson and members of the CEC ought to have been approved by 90 votes, like the Public Defender.¹⁷⁵ On July 3, the Georgian Dream defeated the President's veto.¹⁷⁶

On September 19, the Parliament, in the first reading, approved a significantly modified approach to forming the CEC.¹⁷⁷ The recommendation of the European Commissioner Oliver Varhelyi was cited by members of the Georgian Dream as the reason for the initiation of the changes. However, in anticipation of the conclusion of the Venice Commission, further parliamentary deliberations over the amendments were put on hold.

According to the new draft law, the Chairperson of the Parliament retains the authority to choose candidates and present them before the Parliament. It became possible to elect candidates for a full term (for 5 years) with a simple majority, but with a difference that instead of the majority (76 votes) of the entire composition of the Parliament, the support of 3/5 (90 votes) of the MPs is required in the first vote to elect candidates to the position for five years. If 90 votes are not collected, the candidates will be able to try a second time to earn the support of 76 MPs. Each round of revoting must take place "no earlier than the beginning of the following week". If the candidates fail to receive 76 votes, the issue will be handed to the President of Georgia for further individual decision.

On December 19, the joint opinion of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) was published regarding the draft amendments to the Election Code and the Rules of Procedure of the Parliament of Georgia.¹⁷⁸ The changes were referred to as complicated and confusing in the document. The report also noted that the bill of current changes had been prepared hastily at the initiative of the ruling party without consultation with the interested parties.¹⁷⁹ The Commission recommended to consider lengthening the proposed limited timing between the different stages of the anti-deadlock mechanism. The document also negatively assessed the deprivation of the President of the authority to create a competition commission and nominate candidates, as well as abolishing the position of the deputy chairperson elected from among the opposition party-appointed CEC members. The repeated change in the CEC staffing rules proposed by the Georgian Dream was accepted by the Parliament in the first reading. Thus, the subject is still under consideration.

¹⁷⁵ Ibid.

¹⁷⁶ "Parliament overcame the President's veto on changes to the Election Code", information portal "Civil.ge", July 3, 2023, available at: <https://civil.ge/ka/archives/550516>, updated: 27.12.2023.

¹⁷⁷ "Amendment to the "Election Code" was adopted by the Parliament in the first reading", the official website of the Parliament of Georgia, September 19, 2023, available at: https://parliament.ge/media/news/saarchevno-kodeksshi-tsvileba-parlamentma-pirveli-mosmenit-miigho?fbclid=IwAR1wnLdtZ6EOzqLgIDGH-xlqgjsvy403-ZpH6_4zGPGkT4-ls2o_3uZ-5lI0, updated: 09.01.2024

¹⁷⁸ Venice Commission, OSCE/ODIHR joint opinion on draft amendments to the election code and to the rules of procedure of the parliament of Georgia, CDL- AD(2023)047 (Strasbourg: Council of Europe, 2023), available at : [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)047-e), updated : 27.12.2023.

¹⁷⁹ Ibid.

5.2. Election coverage using electronic technologies

According to the Election Code of Georgia, electronic technologies shall cover at least 70% of the total number of voters.¹⁸⁰ In February 2023, as per a resolution announced at the session of the CEC, the reach of electronic electoral technologies was increased even further and it was determined that approximately 90% of the voters will use electronic technologies in the parliamentary elections of 2024.¹⁸¹ According to the decree issued by the CEC,¹⁸² the parliamentary elections 2024, with the exclusion of the cases stipulated in the law, shall be held using electronic means in all polling stations in the territory of the administrative centers of the municipalities of all self-governing cities and self-governing communities, as well as in those polling stations in the territory of the above-mentioned municipalities where the number of registered voters exceeds 300 voters and where the distance between the address of a relevant precinct election commission and the address of the district election commission does not exceed 20 kilometers.¹⁸³

5.3. Non-electronic identity documents

On November 18, 2023, the Parliament of Georgia adopted a draft law in the third reading,¹⁸⁴ according to which citizens will be able to vote in elections with non-electronic ID cards as well. Along with the amendments introduced to the Election Code, the Legal Issues Committee of the Parliament of Georgia supported, in the first reading, the initiative to cancel the non-electronic ID cards issued prior to July 28, 2011.¹⁸⁵

The legislation would allow exceptions for those citizens who refuse ID cards for “religious beliefs” and also for those who cannot get ID cards due to health conditions.¹⁸⁶

¹⁸⁰ Election Code of Georgia, Article 76³(1).

¹⁸¹ “In the 2024 parliamentary elections, almost 90% of voters will vote using electronic technologies”, the website of the Central Election Commission, February 6, 2023, available at: <https://cesko.ge/ge/siakhleebi/pres-relezebi/singlevue/11031836-2024-tslis-parlamentis-archevnebsi-amomrchevelta-titkmis-90-khmas-elektronuli-teknologiiebis-gamoqenebit-mistsems>, updated: 27.12.2023.

¹⁸² Central Election Commission’s Decree No. 05/2023.

¹⁸³ Ibid.

¹⁸⁴ “On approval of the amendments to the Organic Law of Georgia “Election Code of Georgia”, Member of the Parliament of Georgia Fridon Injia, No. 07-3/369/10, in the third reading, available at: <https://parliament.ge/legislation/27300?fbclid=IwAR0eVx1BOG5ODcrS3eT-pYhrnr1F6xaMCtJZ8vKAICcw2FNoJZCjQBI-VaM>, updated: 27.12.2023.

¹⁸⁵ “The Legal Issues Committee discussed the legislative change regarding valid non-electronic identity cards of Georgian citizens”, the official website of the Parliament of Georgia, December 11, 2023, available at: <https://shorturl.at/bpqE1>, updated: 12/27/2023.

¹⁸⁶ “Lifetime laminated identity cards are planned to be canceled”, News portal Radio Liberty, November 24, 2023, available at: <https://www.radiotavisupleba.ge/a/32698565.html>, updated: 12/27/2023; “Irakli Kobakhidze - We agreed that all ID cards issued before 2011, i.e. before the introduction of electronic IDs, will lose their legal validity”, News portal “Interpressnews”, November 24, 2023, available at: <https://www.interpressnews.ge/ka/article/778927-irakli-kobaxize-shevjer-dit-rom-qvela-is-piradobis-mocmoba-dakargavs-iuridiul-zalas-romelic-aris-2011-clamde-gacemuli-anu-ikamde-gacemuli-vidre-amokmedeboda-chipiani-piradobis-mocmobebi>, updated: 9.01.2024.

5.4. Interim and Extraordinary Elections 2023

On April 29, 2023, interim elections of the Georgian Parliament and municipal councils, as well as mayoral elections were held.¹⁸⁷ A total of 165 polling stations were opened for the interim/extraordinary elections. The GYLA observed the voting process in the first majoritarian district of Kutaisi, as part of the limited observation mission.

In addition, on October 1, 2023, the elections of the Gori-Kaspi majority deputy of the Parliament of Georgia and the Mayor of Gurjaani were held using electronic technologies.¹⁸⁸ A total of 133 polling stations were opened for the elections. The GYLA observed the elections in 21 polling stations in the territory of both constituencies. The GYLA's priority within the observation mission in both elections was to observe the process of introducing and piloting the new technologies.

Both the April 29 and October 1 elections were held in a calm atmosphere. However, despite the fact that the elections were non-competitive, there were reports of purported voter registration and gathering of unknown personalities at and in the vicinity of polling stations. In terms of the use of electronic technologies, some shortcomings were identified with respect to the verification machines, and the voters' inability in some cases to correctly insert the ballot paper in the appropriate apparatus. However, the flaws did not hinder the election process. Nevertheless, as far as the precincts did not operate at their full capacity during the interim and special elections, it is not possible to calculate how effectively the election commissions will be able to handle the growing number of voters during the parliamentary elections in 2024.

¹⁸⁷ Interim/extraordinary elections will be held on April 29, the website of the Central Election Commission of Georgia, February 20, 2023, available at: <https://bit.ly/41Qrj3M>, updated: 27.12.2023.

¹⁸⁸ "In Gori-Kaspi district, interim elections of the parliament and extraordinary elections of the mayor in Gurjaani are in progress", News portal "Interpressnews", October 1, 2023, available at: <https://www.interpressnews.ge/ka/article/771731-gori-kaspis-olkshi-parlamentis-shualeduri-gurjaanshi-ki-meris-riggareshe-archevnebi-mimdinareobs/>, updated: 27.12.2023.

6. PARLIAMENTARY OVERSIGHT AND MONITORING OF PARLIAMENTARY ACTIVITIES

6.1. Parliamentary oversight

Parliamentary oversight is one of the important leverage, within which the GYLA aims to promote the enhancement of the supervisory role of the legislative body, through monitoring and advocacy. The advocacy in recent years, aimed at improving the provisions of the Parliament's Rules of Procedure in terms of oversight, has yielded some results, yet certain recommendations, mostly related to overseeing the security sector, are still on the agenda. Improving the operation of democratic oversight mechanisms over the security sector is one of the recommendations proposed by the European Commission against the backdrop of granting Georgia candidate status.¹⁸⁹

The monitoring of parliamentary activities carried out by the GYLA revealed that, like in previous years, MPs rarely or do not at all use a range of supervisory mechanisms. More specifically, the Defense and Security Issues Committee did not summon an official to its sessions. In this respect, particularly noteworthy is that, unlike other officials, the Prime Minister, the Prosecutor General, and/or the head of the Security Council may be invited to a session of the Committee only by the majority of the committee's composition, which practically eliminates the opposition's chance of summoning the above officials. The Chairperson of the Defense and Security Issues Committee did not take advantage of employing the MP's question mechanism; security-related queries are typically sent by representatives of the opposition while the recipients of this type of questions leave them unanswered if the questions are posed by the opposition. The Defense and Security Issues Committee did not use the opportunity to request information during the reporting period, nor did it create any thematic research group.

The Trust Group is the body within the Parliament that is supposed to supervise the security sector in more detail and in-depth within the scope of its mandate, which means that the agency is allowed to access secret information, pay visits, summon accountable persons to the Group's sessions, and use other important mechanisms. Nevertheless, the Trust Group has not been fully staffed for years and operates only with the help of members of the ruling party. The quota of representatives from the opposition parties is not fully utilized, which significantly reduces the involvement of other parties in the supervision of the security sector. It is noteworthy here that the Trust Group's office consists of only one person who receives support in organizational matters from the staff of the Committee's office. This obviously does not ensure the proper oversight of the sector, which is vested with the broad authorities, especially when it comes to the technical supervision of the Operational Technical Agency's covert surveillance system or supervision of the secret state procurements, i.e. the areas that require special knowledge and expertise.

¹⁸⁹ Georgia 2023 Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, European Commission, 11 November 2023, available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf, updated: 9.01.2024.

6.2. Monitoring the parliamentary activities

In 2023, the GYLA continued to monitor parliamentary activities and observed the implementation of parliamentary procedures and decision-making rules. The observation identified the cases of abuse of legislative power and attempts to adjust the legislation to the political interests of a single party.

An initiative that attracted our attention was proposed by the parliamentary majority MPs, which, among other changes, envisaged the adoption of a legislative package with one vote.¹⁹⁰ The GYLA submitted its opinion on the initiative to the Procedural Issues and Rules Committee.¹⁹¹ The proposed changes would have made it possible to adopt several bills included in one package through one voting, thus depriving parliamentarians of the opportunity to voice their viewpoints concerning each bill. Furthermore, the initiative contained the risk that the procedure might be abused by the parliamentary majority. Ultimately, the Parliament maintained the practice of holding separate votes during the voting process for the final version and permitted the above voting procedure only for the first and second readings. At the close of the year, Parliament deliberated another change in the Rules of Procedure. The modifications envisaged debating reports at committee sittings instead of a plenary session, an accelerated review procedure, as well as an amendment to the voting procedure for a legislative package. In the above case as well, the GYLA presented its opinion at the committee session.¹⁹² The Parliament took into consideration the GYLA's viewpoints in relation to changing the quorum for adopting the bills included in the package, and refused to equalize it to the quorum established for the organic law bills.¹⁹³

The legislative body supported another amendment to the Rules of Procedure, which envisaged a modification in the manner of setting up political groups in the Parliament.¹⁹⁴ According to the aforementioned change, non-faction MPs in the parliamentary majority were allowed to create a group. GYLA opposed the proposal, arguing that the majority was once again adjusting the legislation to serve its own interests, given that a few months previously the opposition spectrum had been denied this opportunity, and an exception was granted to only majority MPs.¹⁹⁵

¹⁹⁰ "On Approval of the Amendments to the Rules of Procedure of the Parliament of Georgia", a legislative initiative of the members of the Parliament of Georgia: Irakli Kadagishvili, Irakli Shatakishvili, Giorgi Kakhiani, Genrietta Tsitsava, (N07-3/320/10, 10.05.2023), available at: <https://info.parliament.ge/#law-drafting/26374>, updated: 09.01.2024.

¹⁹¹ "GYLA submitted its opinion to the Parliament on the amendment of the Rules of Procedure, which envisages a unified vote on bills included in a legislative package", June 9, 2023, Georgian Young Lawyers' Association, available at: <http://tinyurl.com/bdva8h63>, updated: 13.12.2023.

¹⁹² "Opinions on the Draft Rules of Procedure of the Parliament of Georgia "On Amending the Rules of Procedure of the Parliament of Georgia", October 19, 2023, Georgian Young Lawyers' Association, available at: <http://tinyurl.com/mrjy5674>, updated: 13.12.2023.

¹⁹³ "On Amendments to the Rules of Procedure of the Parliament of Georgia", a legislative initiative of the members of the Parliament of Georgia: Irakli Kadagishvili, Irakli Shatakishvili, Giorgi Kakhiani, Genrietta Tsitsava, (N07-3/320/10, 10.05.2023), second reading, the file "Visual version of the provided notes, paragraph 50, available at: <https://info.parliament.ge/#law-drafting/26374>, updated: 09.01.2024.

¹⁹⁴ "On Approval of the Amendments to the Rules of Procedure of the Parliament of Georgia", a legislative initiative of Sozar Subari, Dimitri Khundadze, Mikheil Kavelashvili, Guram Macharashvili, Eka Sefashvili, Viktor Jafaridze, Irakli (Dachi) Beraya, Zaal Mikeladze, and Davit Kacharava, N07-3/290/10, 08.02.2023), available at: <https://parliament.ge/legislation/25756>, updated: 09.01.2024.

¹⁹⁵ "Supporting the new rule for creating political groups once again confirms the Georgian Dream's practice of adapting legislation to its own interests", March 1, 2023, Georgian Young Lawyers' Association, available at: <http://tinyurl.com/5n8tk96y>, updated: 13.12.2023.

At the end of August 2023, the ruling party initiated the impeachment procedure against the President.¹⁹⁶ The Georgian Dream believed that the President violated the Georgian constitution when she traveled abroad without the government's approval and held official meetings with leaders of other countries. The submission of the parliamentary majority was considered by the Constitutional Court in October of the same year.¹⁹⁷ After several days of judicial deliberations, the Constitutional Court (with 3 judges dissenting) concluded that the President had violated the Constitution,¹⁹⁸ yet the parliamentary vote failed due to insufficiency of votes for the President's impeachment.¹⁹⁹ The impeachment procedure was accompanied by the elements of political retribution against the President. Considering the fact that the President's visits were apparently related to and served Georgia's integration into the European Union, impeachment against the President would be particularly damaging to the country's European future.

¹⁹⁶ "Georgian Dream" starts the procedure of impeachment of Salome Zurbishvili", Rado Liberty, September 1, 2023, available: <https://www.radiotavisupleba.ge/a/32573987.html> , updated: 26.12.2023.

¹⁹⁷ "Update: Constitutional Court Considers Impeachment of President", civil.ge, 5 October 2023, available at: <https://civil.ge/ka/archives/561936> , updated: 26.12.2023.

¹⁹⁸ "The Constitutional Court of Georgia established the violation of the Constitution of Georgia by the President of Georgia", Constitutional Court of Georgia, October 16, 2023, available at: <http://tinyurl.com/bdzh5jd4> , updated: 26.12.2023.

¹⁹⁹ "The impeachment of the President failed in the Parliament", netgazeti.ge, October 18, 2023, available at: <https://netgazeti.ge/life/692900/> , updated: 26.12.2023.

7. LOCAL SELF-GOVERNANCE

After the 2021 elections, a number of amendments were introduced to the Local Self-Government Code, further weakening the City Council's (Sakrebulo) role in municipalities. In 2023, another damaging change was made in the Local Self-Government Code, according to which the mayor's authority shall no longer be terminated if the City Council fails to approve the municipality's budget within the timeframes stipulated by law. This change completely removes the mayor's responsibility and imposes it only on the City Council. In particular, the City Council becomes dependent on the mayor's initiative, and despite any significant shortcomings in a draft budget, the City Council becomes obliged to accept the presented draft in order to save itself from the termination of its powers. Therefore, with the disappearance of the responsibility balancing mechanism, the existence of the City Council becomes dependent on the mayor's sole decision, which is inadmissible. The GYLA negatively assessed the change and presented its opinions to the Parliament.²⁰⁰

One of the major challenges of the local self-government continues to be the insufficient and feeble use of the supervisory mechanisms by the City Councils. The accountability of the mayor and other officials becomes weak when members, commissions, and factions of City Councils actually fail to exercise the powers conferred to them by the Code and the Rules of Procedure.

The problems have been discovered not only in practice but also at the normative level, in particular, the Rules of Procedure of City Councils inadequately define procedures for various mechanisms, making it challenging to apply and implement them in practice. Furthermore, the opposition in the Sakrebulo was denied the opportunity to use the oversight functions, mostly due to technical hurdles and also the requirement for high quorums. The lack of statistical information remains a major obstacle. As a rule, the municipal councils did not process the information, and the data were not systematized.

²⁰⁰ "GYLA negatively assesses the initiative to impose responsibility only on the city council in case of non-approval of the municipal budget", GYLA's website, November 14, 2022, available at: <http://tinyurl.com/5feuzbcb>, updated: 12.12.2023.

8. PUBLIC ADMINISTRATION

For years, the GYLA has actively participated in the monitoring and implementation of advocacy while keeping an eye on the advancements in the field of public administration (PAR), transparent governance, and anti-corruption reforms. The reverse dynamics of the previous years concerning open governance and anti-corruption remain unchanged.

On February 16, 2023, the Government of Georgia approved the 2023-2026 Public Administration Reform Strategy and the 2023-2024 Public Administration Reform Action Plan. The strategy was approved two years after the previous guidelines were finalized. However, the document does not fully address the needs identified through problem analysis and is largely focused on training and awareness-raising campaigns rather than implementing substantial reforms. For example, the Action Plan does not take into account the problems identified in terms of transparency, in particular, the lack of a legal framework in accordance with modern standards on access to public information and the absence of an independent body that would supervise access to information, for which it is necessary to update and develop a legal act in accordance with international standards, which the non-governmental sector has been advocating for years.²⁰¹

As for the Open Government Reform (OGP), the OGP Action Plan has not been approved since 2019. The elaboration of the OGP Action Plan for 2023-2024 has already begun, however, a large and important part of the obligations offered by civil organizations has not been accepted.

According to the 2022 Corruption Perception Index, published in January 2023, Georgia's score has not improved since 2019. In addition, Georgia's anti-corruption strategy and action plan have not yet been approved since 2020, and the process in this respect, namely, for the development of the national anti-corruption policy has been suspended in the country.

In November 2022, some amendments were introduced to the Law of Georgia "On Conflict of Interest and Corruption in Public Institutions", which, among other innovations, provided for the creation of the Anti-Corruption Bureau.²⁰² Despite the fact that the establishment of the Bureau brought together a range of authorities under one agency (such as monitoring of declarations, supervising the manner of financing political parties, guaranteeing the protection for whistleblowers, etc.), the Agency was not granted investigative powers. In addition, the head of the Bureau is appointed by the Prime Minister. Consequently, the low legitimacy of the head or the lack of an investigative function cannot guarantee the Agency's independence. Furthermore, Georgia is not involved in the monitoring carried out by the Anti-Corruption Network for Eastern Europe and Central Asia Organization for Economic Cooperation and Development (OECD ACN).²⁰³

All of the aforementioned issues cause significant harm to the formation and establishment of institutions based on the principles of democratic governance in the country.

²⁰¹ Feedback to the Government of Georgia's Formal Response to the Letter of Concern, Open Government Partnership, 25 September 2023, available at: https://www.opengovpartnership.org/wp-content/uploads/2023/09/Georgia_Feedback-to-Gov-Response-with-Annexes_20230925.pdf?fbclid=IwAR0cq2yIYUsQ7qOIdUJJkUzpxME8tIZDT1oFnBxbVLR-RMiH4yJ3JYznQkh4, updated: 9.01.2024.

²⁰² "On the Approval of the Amendments to the Law of Georgia "On Conflict of Interest and Corruption in Public Institutions", Parliament of Georgia, 2204-IX8b-X83, Legislative Herald of Georgia, November 30, 2022, available at: <https://matsne.gov.ge/ka/document/view/5625537?publication=0#DOCUMENT:1>, updated: 9.01.2024.

²⁰³ "Georgia refused OECD/ACN anti-corruption environment assessment - NGO", News portal "Radio Liberty", June 27, 2023, available at: <https://www.radiotavisupleba.ge/a/32477822.html>, updated version: 9.01.2024.

APPENDIX №1. GYLA'S PUBLICATIONS IN 2023

1. GYLA's annual activity report, 2023. Available at [the link](#)
2. The amendments to the Organic Law of Georgia "On Common Courts" 2021 – with respect to international law and best practices. Available at [the link](#)
3. Ten Years of Justice Reforms: Challenges and Prospects. Available at [the link](#)
4. Evaluation of amendments made in the electoral legislation in December 2022. Available [at the link](#)
5. Gaps in the state program for screening the newborn for phenylketonuria. Available [at the link](#)
6. Criminal regulation of environmental protection. Available [at the link](#)
7. Monitoring Report of the Supreme Court Plenum. Available [at the link](#)
8. Monitoring report of the High Council of Justice №11. Available [at the link](#)
9. Justice provided under the 1984 Code - Quarterly Review (October - December 2022). Available [at the link](#)
10. Justice provided under the 1984 Code - Quarterly Review (January - March 2023). Available [at the link](#)
11. Justice provided under the 1984 Code - Quarterly Review (April - June 2023). Available [at the link](#)
12. Parliamentary oversight of the Parliament of the 10th convocation (Part One). Available [at the link](#)
13. A practical guide for journalists (issues of interference with journalistic activity and compensation of damages). Available [at the link](#)
14. Index of political equality in Georgia. Available [at the link](#)
15. New personnel policy of the Ministry of Culture and analysis of labor disputes. Available [at the link](#)
16. City Council's oversight over the executive body and citizen involvement. Available [at the link](#)
17. The implementation of the recommendations of the European Commission of June 17, 2022 in Georgia. Monitoring the activities of the Parliament in terms of parliamentary oversight, elections, and judicial reforms. Available [at the link](#)
18. Joint opinions of civil society organizations regarding the human rights action plan. Available [at the link](#)
19. How to exercise the right to strike (a practical guide for employees). Available [at the link](#)

20. How to request public information. A practical guide for media representatives. Available [at the link](#)
21. A handbook for participants and organizers of protest rallies. Available [at the link](#)
22. People Against the Russian Law – The assessment of the dispersal of the March 7-9 rally and facts related to human rights violations. Available [at the link](#)
23. Human rights amid natural disasters - advocacy document. Available [at the link](#)
24. A practical guide to defamation cases against journalists and media organizations. Available [at the link](#)
25. Document for Monitoring the Development and Implementation of the National Strategy for Human Rights in terms of Environmental and Labor issues for 2022-2030. Available [at the link](#)
26. The Tool for Monitoring the 2022-2030 Georgian National Human Rights Strategy. Available [at the link](#)

APPENDIX №2. GYLA'S PUBLIC STATEMENTS IN 2023

1. GYLA submitted reports to the UN Committee on the Elimination of Discrimination against Women (CEDAW). Available [at the link](#)
2. The Tbilisi Court of Appeal left unpunished the perpetrators of organized group crime in the July 5 case. Available [at the link](#)
3. Another decision of the Board of Journalistic Ethics of Georgia against the journalists of "Imedi" TV Company. Available [at the link](#)
4. The European Court has begun the merits consideration of the July 5 case. Available [at the link](#)
5. The Coalition evaluates the process of electing the members of the High Council of Justice by the Parliament. Available [at the link](#)
6. GYLA's statement regarding the case investigation against Sandro Sulaberidze and the protest of February 12, 2023. Available [at the link](#)
7. GYLA submitted a legislative proposal to the Parliament regarding the Supreme Court's Plenum. Available [at the link](#)
8. The European Court of Human Rights has found a violation of the prohibition of torture and ill-treatment of the prisoner. Available [at the link](#)
9. Based on the GYLA's application, the Constitutional Court revoked the provision that prevented a person who has reached the age of 65 from holding an academic position in the state university. Available [at the link](#)
10. Support for the new procedure for creating political groups once again confirms the Georgian Dream's practice of adapting the legislation to its own interests. Available [at the link](#)
11. GYLA has successfully completed the litigation in a femicide case. Available [at the link](#)
12. The Georgian Young Lawyers' Association responds to the facts of the administrative detention of protesters and journalists at the rally in front of the Parliament of Georgia on the evening of March 2, 2023. Available [at the link](#)
13. We call on the Ministry of Internal Affairs to refrain from the unjustified practice of arresting activists and reporters. Available [at the link](#)
14. The labor rights of mothers must be improved. Available [at the link](#)
15. The police used unlawful and disproportionate force against the peaceful civil protest. Available [at the link](#)
16. Some changes to be introduced to the Defense Code are discriminatory. Available [at the link](#)
17. GYLA submitted a written opinion to the Strasbourg Court on the case of the victims of the August 2008 war against Russia. Available [at the link](#)

18. A statement of non-governmental organizations concerning the cases of persons arrested on March 2-3 and March 7-9, 2023. Available [at the link](#)
19. The assessment of the US Department of State confirms that the situation of human rights protection in Georgia worsened in 2022. Available [at the link](#)
20. The Coalition for an Independent and Transparent Judiciary reacts to the Venice Commission's opinion. Available [at the link](#)
21. The Georgian Young Lawyers' Association reacts to the case of Lazare Grigoriadis. Available [at the link](#)
22. The Coalition responds to the imposition of sanctions on judges. Available [at the link](#)
23. A new resolution of the UN Human Rights Council on the right to live in a clean, healthy, and sustainable environment. Available [at the link](#)
24. Georgian Dream continues to protect the interests of the judicial clan. Available [at the link](#)
25. The European Court of Human Rights recognized Georgia's fourth interstate application against the Russian Federation as admissible. Available [at the link](#)
26. The Georgian Young Lawyers' Association expresses its solidarity with the peaceful protest of parents of children diagnosed with achondroplasia, demanding funding for the life-saving medicine. Available [at the link](#)
27. The Constitutional Court is considering the constitutionality of extending the term of tenure of judges elected for a period of ten years. Available [at the link](#)
28. The Scientific Board of the Giorgi Chubinashvili National Research Center is suing the Ministry of Culture for interfering with its authority. Available [at the link](#)
29. A statement of civil society organizations regarding the case of Nika Gvaramia. Available [at the link](#)
30. GYLA submitted its written opinions to the Committee of Ministers of the Council of Europe on the execution of the decisions of the European Court on Tsintsabadze Group's case. Available [at the link](#)
31. With the changes in the CEC staffing rules, the Georgian Dream continues to adapt the legislation to its partisan interests and reduces the independence of the CEC. Available [at the link](#)
32. GYLA appeals against the possibility of unjustified dismissal of the head of a non-entrepreneurial (non-commercial) legal entity in the Constitutional Court. Available [at the link](#)
33. GYLA presented its opinions to the Parliament on the amendments to the Election Code. Available [at the link](#)
34. The Coalition reacts to the election of non-judge members of the High Council of Justice. Available [at the link](#)

35. The decision made by the Court of Appeals in the case of Eka Kvesitadze is illegal and establishes a vicious practice. Available [at the link](#)
36. The case of a person dismissed from the LEPL National Museum of Georgia was successfully finalized in court. Available [at the link](#)
37. GYLA's statement concerning the creeping occupation. Available [at the link](#)
38. A statement of the Georgian Young Lawyers' Association on the events ongoing in Kvareli. Available [at the link](#)
39. Lawyers are not allowed to visit detained activists. Available [at the link](#)
40. GYLA submitted a written opinion to the Strasbourg Court regarding the case of Zviad Mvarishvili, an alleged victim subjected to ill-treatment by the police. Available [at the link](#)
41. GYLA submitted to the Parliament a legislative proposal on the improvement of parliamentary oversight mechanisms. Available [at the link](#)
42. The assessment of Georgia according to the Freedom House report - the situation has worsened. Available [at the link](#)
43. The Court considered as illegal the order to transfer Ekaterine Kiknadze from the position of manager of the Art Museum and National Gallery to the position of laboratory assistant. Available [at the link](#)
44. GYLA and Sapari submitted amicus curiae to the Constitutional Court regarding the increase in the retirement age of women. Available [at the link](#)
45. GYLA's statement on the International Children's Day. Available [at the link](#)
46. The former director of "Batumi Boulevard" continues the dispute in the Supreme Court. Available [at the link](#)
47. Arresting a person for displaying the banner is illegal and undermines the constitutional principle. Available [at the link](#)
48. Civil society organizations are responding to the detention of human rights defenders. Available [at the link](#)
49. The practice of illegal administrative detentions continues in Batumi. Available [at the link](#)
50. The Court established discriminatory treatment against the minor. Available [at the link](#)
51. GYLA calls on the secretariat of human rights of the government of Georgia to provide a format for the continuous involvement of civil society in the process of developing the action plan. Available [at the link](#)
52. GYLA submitted an opinion to the Parliament on the amendment of the rules of procedure, which envisages a unified vote on the bills included in a legislative package. Available [at the link](#)

53. The Constitutional Court launches merits consideration on the case "Giorgi Putkaradze v. the Parliament of Georgia". Available [at the link](#)
54. The European Court of Human Rights ruled against Georgia in the case of femicide. Available [at the link](#)
55. According to the decision of the Tbilisi City Court, the Ministry of Internal Affairs was ordered to pay compensation for the person injured as a result of the events that took place on June 20-21, 2019. Available [at the link](#)
56. The Committee of Ministers once again called on the state to implement additional reforms based on the "Tsintsabadze Group" case. Available [at the link](#)
57. With the legal assistance of the GYLA's Kutaisi branch, six persons were released from administrative responsibility. Available [at the link](#)
58. The Coalition responds to the amendments to the Organic Law "On Common Courts". Available [at the link](#)
59. A statement of civil society organizations regarding the development of the human rights action plan. Available [at the link](#)
60. With GYLA's legal assistance, a person illegally dismissed from the Samtredia municipality's mayor's office will be reinstated. Available [at the link](#)
61. GYLA reacts to the TV report about the nursing home for the elderly in Rustavi. Available [at the link](#)
62. With the legal assistance of the GYLA's Rustavi branch, the case of a woman victim of domestic violence was successfully litigated. Available [at the link](#)
63. The Personal Data Protection Service recognized the Ministry of Internal Affairs of Georgia as a violator. Available [at the link](#)
64. A minor child of a person who died due to an industrial accident during the construction will receive subsistence. Available [at the link](#)
65. The events that took place on July 5-6, 2021, have not yet been properly investigated. Available [at the link](#)
66. With the assistance of lawyers from civil society organizations, the cases of 21 people arrested during the March protests have been successfully finalized in court. Available [at the link](#)
67. The MIA continues the practice of a tolerant policy towards hate groups. Available [at the link](#)
68. The court ordered the state to pay for the services received free of charge from a citizen. Available [at the link](#)
69. The court considered the dismissal of a person from the Samtredia municipality mayor's office illegal. Available [at the link](#)
70. The problem of transparency in the Council. Available [at the link](#)

71. The Special Investigation Service did not launch an investigation into the case of Goga Razmadze. Available [at the link](#)
72. GYLA calls on the Ministry of Internal Affairs to refrain from its anti-constitutional actions. Available [at the link](#)
73. The Coalition reacts to the election of Shota Kadagidze as an independent inspector. Available [at the link](#)
74. Joint opinions of civil society organizations regarding the human rights action plan. Available [at the link](#)
75. The practice of administrative detention violates the rights guaranteed by the Constitution. Available [at the link](#)
76. GYLA will represent the interests of two former members of the Advisory Board of Adjara Television and Radio in the Constitutional Court. Available [at the link](#)
77. Fifteen years since the August War - the continuing damage of the terrorist regime and its consequences in international courts. Available [at the link](#)
78. GYLA appeals to the Constitutional Court against the ban on entering a specific territory established by the Law of Georgia "On the Police". Available [at the link](#)
79. GYLA calls the statement of the Special Investigation Service misleading to the public. Available [at the link](#)
80. The Tbilisi City Court made an unjustified decision on Giorgi Sulashvili's case. Available [at the link](#)
81. GYLA submitted a written opinion to the Strasbourg court regarding the July 5 case. Available [at the link](#)
82. What does impeachment mean and what are its consequences? available [at the link](#)
83. An investigation should be initiated into the alleged use of state resources by the Prime Minister for personal goals. Available [at the link](#)
84. GYLA reacts to the TV report about the Shuakhevi HPP aired on the Mtavari TV Channel. Available [at the link](#)
85. With the GYLA's assistance, the cases of persons arrested in Kvareli on May 20, 2023, were successfully completed. Available [at the link](#)
86. With the GYLA's assistance, social workers will receive compensation for illegal dismissal. Available [at the link](#)
87. Legal explanations on the issue of Otar Partskhaladze's citizenship. Available [at the link](#)
88. GYLA is appealing in the European Court of Human Rights against the recognition of a person as an administrative offender for pitching a tent. Available [at the link](#)
89. Civil society organizations are demanding an effective investigation into the natural events that took place in Shovi and Guria. Available [at the link](#)

90. The growing trend of restricting civil rights continues with new legislative changes. Available [at the link](#)
91. GYLA's legal assessment regarding the impeachment of the President. Available [at the link](#)
92. GYLA presented 4 reports to the Parliament of Georgia regarding the enforcement of the decisions of the European Court. Available [at the link](#)
93. With the GYLA's assistance, moral damage will be compensated to a journalist affected by the events that took place on June 20-21, 2019. Available [at the link](#)
94. Justice Reform – A Vision of the Coalition for an Independent and Transparent Judiciary. Available [at the link](#)
95. Mental health is a universal human right. Available [at the link](#)
96. With the GYLA's assistance, a person will be compensated for the pension he did not receive during his pre-trial detention. Available [at the link](#)
97. GYLA appeals the ban on filming court proceedings for internet media in the Constitutional Court. Available [at the link](#)
98. Unregistered Union "Student Solidarity" and Irakli Kupradze against the Parliament of Georgia. Available [at the link](#)
99. A statement of the GYLA regarding the International Day for Elimination of Poverty. Available [at the link](#)
100. Opinions on the draft rules of procedure of the parliament of Georgia "On Amendments to the Rules of Procedure of the Parliament of Georgia". Available [at the link](#)
101. GYLA's successful advocacy campaign in Dusheti. Available [at the link](#)
102. GYLA will represent the participants of the rally illegally detained during the protest of the "Russian Law" in the European Court of Human Rights. Available [at the link](#)
103. GYLA appealed the issue of using rubber bullets to the Constitutional Court. Available [at the link](#)
104. GYLA reacts to the Public Defender's decision regarding Goga Razmadze's case. Available [at the link](#)
105. Municipality Sakrebulo started hearing the amendments to the rules of procedures based on the GYLA's recommendations. Available [at the link](#)
106. The High Council of Justice will not reappoint Nino Giorgadze, the judge of Bolnisi District Court, for life. Available [at the link](#)
107. GYLA appealed to the Constitutional Court against the fixed-term contracts concluded with associate and assistant professors of the university. Available [at the link](#)

108. The application of a woman and children who were victims of domestic violence was satisfied by the court. Available [at the link](#)
109. GYLA calls on the Ministry of Internal Affairs to ensure the freedom of assembly of persons participating in a peaceful protest at the Ministry of Environmental Protection and Agriculture. Available [at the link](#)
110. The members of the Mestia and Zugdidi City Councils started working together with the GYLA to plan result-oriented policies. Available [at the link](#)
111. GYLA joins the celebration of International Human Rights Day. Available [at the link](#)
112. GYLA appealed to the European Court against the declaration of a person as an administrative offender for a video clip he published on "Tik-Tok". Available [at the link](#)
113. GYLA filed lawsuits against the High Council of Justice and the High School of Justice. Available [at the link](#)
114. The European Court of Human Rights found the Russian Federation to have violated the right to life in the case of the murder of Giga Otkhoshvilia. Available [at the link](#)
115. The court ordered the Adjara Main Division of the Patrol Police Department to compensate damages due to the illegal arrest of a person. Available [at the link](#)
116. The court did not consider several persons arrested at the rally against the alienation of Racha forests as lawbreakers. Available [at the link](#)
117. Goga Razmadze appealed to the European Court of Human Rights and the Tbilisi City Court. Available [at the link](#)
118. The Tbilisi Court of Appeal overturned the decisions in favor of the persons injured as a result of the events that took place on June 20-21, 2019. Available [at the link](#)
119. With the GYLA's assistance, the child's wrongly terminated status of a disabled person was restored, available [at the link](#)
120. As the New Year approaches, the threats associated with the careless use of pyrotechnics are increasing. Available [at the link](#)