



GYLA joins the celebration of International Human Rights Day

On December 10, 1948, 75 years have passed since the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations. The daily struggle for the protection of basic human rights continues. The importance of this day once again convinces us that it is impossible to build a democratic state based on the principles of equality and the rule of law without the strengthening of basic human rights in everyday life and fighting to protect one's own and others' freedom.

2023 was an important year for the population of Georgia. On November 8, 2023, the European Commission recommended that Georgia be granted candidate status with reservations. These reservations, among others, include necessary reforms in terms of fundamental human rights and taking tangible steps that will significantly improve the daily life of people in the country.

We can summarize the challenges of human rights in 2023 in the following directions:

1. Increasing practice of shrinking space

This year, the situation of people working for the protection of human rights in Georgia has worsened and become dangerous. At the plenary session of March 7, 2023, the Parliament adopted the bill "On transparency of foreign influence" in the first reading with 76 votes against 13,^[1] which was aimed at discrediting and silencing the civil sector. At the same time, it had a sharp negative impact on the protection of human rights and social guarantees. Later, as a result of mass protests, the draft law was withdrawn,^[2] however, as a result of the evaluation of the legality and proportionality of the use of force by the state during the protests, it was revealed that the obligations recognized by the Constitution of Georgia, national legislation and international treaties were repeatedly violated by the representatives of law enforcement agencies.^[3] Among them, instead of individual and limited response to violations of a local nature, there were illegal decisions to disperse peaceful protests; In some cases, starting to use special means without prior warning; Violation of the obligation to separate law-breaking and peaceful participants during the disbandment of the rally and, accordingly, the use of special means; simultaneous and parallel use of special means; Using illegal and disproportionate force of special means (spraying pepper in the face, aiming water jets; aiming tear gas canisters); Verbal insults to peaceful participants of the rally, use of physical force, obstruction of professional activities of media representatives.

Despite the illegal use of police measures and mass illegal arrests, a large part of society unanimously said no to "Russian law" and no to limiting the space for civil society. Despite the introduction of the draft law, discrediting campaigns against human rights defenders continue throughout the year in various ways, according to the preliminary findings and recommendations of the United Nations Special Rapporteur (on the situation of human rights defenders), published on November 7, 2023.^[4]

The events that took place in 2023 and the force used by the state on various peaceful gatherings once again confirm that the freedom of assembly is excessively restricted, and this is done on the basis of the Code of Administrative Offenses, which

leaves people without important guarantees.

2. Media freedom

The situation in terms of physical security of critical media representatives has deteriorated. The investigative process is mostly characterized by a number of flaws. The absence of a zero-tolerance policy against violence, and, on the contrary, practices that encourage violence, including the impunity of perpetrators, have a devastating effect on the quality of media freedom. It is alarming that none of the organizers of the violence of July 5, 2021 has been brought to justice at this stage.^[5] This is confirmed by both local and international sources.^[6] The Freedom House report published in 2023 also testifies that the situation in the independent media classifier has worsened, the reason for which was the tendency of violence and harassment against critical journalists in Georgia.^[7] The rules for the accreditation of journalists in the Parliament adopted in 2023 and the legislative amendments to the Law on Broadcasting,^[8] which the Parliament adopts in an accelerated manner and without the involvement of interested parties, are problematic.^[9]

3. The practice of tracking and illegal wiretapping

After the high-profile events in 2021, in particular, after the spread of information about large-scale allegedly illegal secret listening-surveillance and general surveillance by the State Security Service,^[10] instead of conducting an effective investigation, in 2022 the legislation deteriorated further, in particular, the state's powers regarding wiretapping and surveillance were further expanded.^[11] Despite the clear call of a number of international organizations, including the United Nations ^[12] and the European Union,^[13] appropriate legislative mechanisms for improving the process of surveillance and data collection by state institutions have not been implemented, and there is not even any type of discussion on this topic in the Parliament of Georgia.

4. Human rights amid natural disasters

According to the official data of September 2023, 32 people lost their lives in the landslide that occurred in Shovsi, Racha on August 3, 2023.^[14] On September 8, 2023, a landslide and flood caused by heavy rain in Guria killed three people.^[15] These circumstances show that the state is not ready to deal with natural disasters and avoid the dangers arising from them. Until now, there are no early warning

systems in the country and other requirements defined by the legislation are not properly fulfilled.[\[16\]](#) In the conditions of climate change, when natural disasters are becoming more and more frequent and intense, it is necessary for the state to timely fulfill its positive obligations and protect the right to live in a healthy and safe environment.[\[17\]](#)

5. Legal status of those placed in a penitentiary institution

The presence of a criminal subculture in penitentiary institutions, as evidenced by the reports of the CPT and the Public Defender,[\[18\]](#) has a markedly negative impact on the realization of prisoners' rights and may amount to degrading and/or inhumane treatment. To date, the state does not have a strategy to fight the criminal subculture in penitentiary institutions. Based on the reports received by GYLA, we can say that access to somatic and psychiatric health care services for persons placed in penitentiary institutions is still problematic.

6. the so-called Legal status of residents of administrative border areas

This year, the facts of kidnapping and inhumane/humiliating treatment of Georgian citizens by the occupying forces were disturbing. On November 6, 2023, Tamaz Ginturi was killed by representatives of the occupation forces in the yard of the Lomisa temple near the village of Kirbali.[\[19\]](#)

7. Women's rights

According to the statistics of crimes registered in Georgia in 2023, domestic violence is one of the most common crimes in Georgia. The gender-specific homicide rate of women is still high. Despite the many steps taken to raise awareness against violence against women, the facts of sexual harassment and violence against female MPs by members of the Parliament of Georgia were disturbing.[\[20\]](#) However, existing legislation and practice fail to provide effective, victim-centered, gender-sensitive legal mechanisms for sexual violence. For women exposed to violence, justice is unavailable and/or difficult to access.[\[21\]](#) In Georgia, the legislative mechanism for the prevention of early marriage is weak, and the preventive response is often ineffective.[\[22\]](#) A disturbing example of this is the brutally murdered 14-year-old Aitaji. Faced with various forms of violence, women and girls with disabilities are still particularly vulnerable.

8. Equality

LGBT+ persons continue to experience discrimination in the fields of education, work, healthcare and social services, especially due to gaps caused by the lack of enforcement of existing legal norms. LGBT+ people are particularly vulnerable to stigma and violence. On July 8, 2023, anti-Western, violent groups disrupted the "Tbilisi Pride" festival and ransacked the territory of Lisi Wonderland.[\[23\]](#) The police did not provide preventive and crime response measures to protect public safety, still did not protect freedom of assembly and expression, and still allowed hate groups to spread calls for violence / carry out violent actions unhindered.[\[24\]](#) Unlike other social groups, LGBT+ people and their rights have not been mentioned once in the working version of the Human Rights Action Plan.

In the direction of the equality of religious associations, the changes implemented in the Defense Code in 2023 laid the foundation for a discriminatory arrangement, in particular, the clergy of the Apostolic Autocephalous Orthodox Church of Georgia will still be exempted from alternative labor service, while all other clergy will have to undergo non-military, alternative labor service.[\[25\]](#)

9. Labor rights

During 2023, due to difficult working conditions in the private and public sector, there was an active strike of employed persons. In 2023, the situation in the direction of labor rights especially worsened in the system of the Ministry of Culture, Sports and Youth of Georgia, where the mass dismissal of employees on the basis of reorganization, including on discriminatory grounds, began.[\[26\]](#)

10. Rights of the elderly

Similar to the previous years, during 2023, a number of problems related to the issues of social protection of the elderly were identified. The practice of arbitrarily withholding/deducting the state currency acceptable as a pension by the banking institution selected by the state was particularly problematic, which the court has repeatedly considered illegal.[\[27\]](#) Despite this, harmful practices persist, due to which pensioners have to litigate in court to receive their pension. In addition, it was problematic to inform the pensioner about the pension issues, which in some cases leads to the suspension and/or termination of the pension. It should be noted that

during the administration of pensions, pensioners were not informed in advance regarding a number of important issues, which often had a negative impact on their legal status. The payment of deferred credit obligations during the pandemic is still a heavy financial burden for the elderly, because their use of a grace period of several months significantly increased the unfairly high interest rate set for pension loans, the term of the credit relationship and the volume of obligations to be fulfilled every month.

11. Criminal justice

This year, as a result of the monitoring of criminal justice processes, it was revealed that judicial control is weak in relation to a number of guarantees, in particular: in relation to preventive measures, legality of detention and plea agreement. Most of the plea agreement sessions are still formal. Judges do not fully explain the rights associated with the plea agreement and do not properly investigate the legality and fairness of the sentence provided for in the plea agreement. Recently, the number of acquittals has increased, although this is mostly related to acquittals for family crimes among the cases monitored by GYLA. Additionally, one of the major challenges is the protracted litigation.

12. The right to education

The education system in Georgia is still facing big challenges. Under the influence of various factors, schoolchildren are deprived of the opportunity to receive education in accordance with international standards in schools.[\[28\]](#) Access to education also remains a challenge.[\[29\]](#) From the point of view of the relevance of the quality of education, the latest data of the international student assessment program, PISA 2022, [\[30\]](#) are noteworthy and thought-provoking. Feeding during school hours remains an unsolved challenge by the state.[\[31\]](#) The ongoing processes surrounding the appointment of school principals were noteworthy.[\[32\]](#)

[\[1\]](#) GYLA [\[1\]](#) study People Against the Russian Law on the Dispersal of March 7-9 Demonstration and Assessment of the Facts of Human Rights Violations Related to It,

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p.29, available at: <https://shorturl.at/mBHQ1>, [09.12.2023];

[2] IBID

[3] IBID p.8

[4] Available at: https://georgia.un.org/sites/default/files/2023-11/Statement_Geo.pdf?fbclid=IwAR21fk9NdH6s-PYb2OImgdL3F2oJOrQmUF7wjwMwq05HIWUk3wS_GbyCvhw, [09.12.2023].

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[6] 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.

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[12] Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, CCPR/C/GEO/CO/5, 2022, para 39.

[13] 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, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf?fbclid=IwAR1e0G9uJaVI0oY7GbjYXu2hmB8faH, [09.12.2023].

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