

REVIEW OF EMC'S WORK

AUGUST

2016

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER



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WEAK LABOR POLICY



Difficult human rights situation of employees and ineffective labor policy remain as important problems. Existing situation continues to stay the same in this regard which can be proved by the frequent resistance of employees in the recent period, especially those who work in industrial and service sectors.

The government, similar to previous experiences, avoids its responsibility. Today, clear examples are the cases of Rustavi's Azoti, Supermarket "Fresco" and Bookstore "Biblusi Gallery" where the state attempted to present all three facts of employees' protest as only individual labor disputes and tried to avoid its direct role of implementing policy that prevents labor rights violations and creating balanced and equal legal space among parties involved in labor relations.

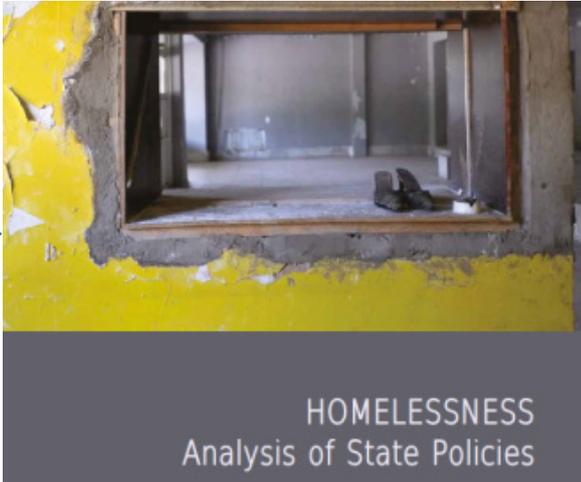
Such cases, formally, are indeed labor disputes. However, according to the employees who describe working conditions and demands, it becomes obvious that labor exploitation is not exceptional incident that happens in a specific employment places and it has more of a general pattern/character. Moreover, these cases clearly demonstrate the gaps in the labor legislation and the problems of the state policy that gives employers possibility to fully exploit labor force.

The systemic oppression at the employment places puts special emphasis on the state's responsibility and its proactive role. The experience shows that only judicial authority for ensuring labor rights is not enough. Therefore, it is essential to establish an effective labor administration system in the country that will prevent labor rights violation incidents and will give the state possibility to respond timely to such cases. Changing labor policy, which includes increased effectiveness of the labor administration mechanism, will highly be one of the main directions of the Association Agenda between Georgia and the EU during 2017-2020 which can be considered as an important instrument to influence the state's weak policy.

Lina Ghvinianidze
Social Rights Program Director

HOMELESSNESS AS AN UNRECOGNIZED PROBLEM FROM THE STATE

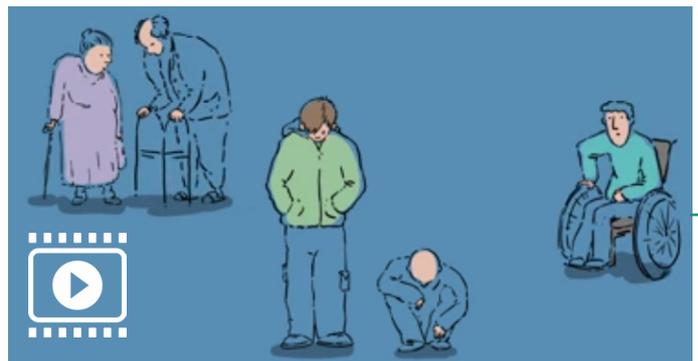
Furthermore, the research showed that services of fighting against homelessness are not well developed in Georgia and long-term services do not exist at all. Attempts made by several municipalities to provide temporary housing services for solving urgent needs of homeless people, can neither solve their problems, nor transform their conditions.



The state policy towards homeless people has not changed even to a minimum extent. Homeless people and persons without adequate housing are still in grave human rights conditions. Non-existence of perspective on how to fight against homelessness and absence of adequate legislation as well as not processing statistics still remain as fundamental problems in this sphere.

The research study "Homelessness: Analysis of State Policies" which was conducted in 2016 by EMC, has showed many important and acute problems. According to the research findings, central government has removed responsibility regarding the issue of homelessness. Moreover, weak politics on the municipal level results into ineffective and completely fragmented approaches towards homeless groups. Furthermore, the research showed that services of fighting against homelessness are not well developed in Georgia and long-term services do not exist at all. Attempts made by several municipalities to provide temporary housing services for solving urgent needs of homeless people, can neither solve their problems, nor transform their conditions. At the same time, existing services are discriminatory towards many people who have individual needs and excludes them from group that gets the service. Not having housing has especially negative impact on persons with psycho-social needs, adults with

disabilities who have reached age 18 and are not under the care of the state and are the victims of domestic violence. Within Tbilisi, different forms of homelessness has been identified which are characterized by different extent of physical, legal and social dimensions. Reproduction of homelessness happens on the structural, institutional and family relations levels which is connected to territorial relocation, inaccessibility of health services, unemployment or inadequate employment, non-existence of housing services and/or inadequacy and other systematic or structural factors. EMC's research study which is qualitative research of homeless households and assessment of existing legislation and politics, includes recommendations for relevant agencies of central and local government regarding implementing housing policies. With the support of EMC and active participation of the Public Defender's Office as well as permanent demonstrations held by socially vulnerable groups in June of this year, up to 250 families were given legal opportunity to have electricity on their factual addresses. This decision was made by the Tbilisi Mayor's Office. Above-mentioned families have lived in state-owned locations without any basic communication for 4 years. In one of the buildings, electronic communications have already been restored. For the purpose of raising awareness about the findings of the research study, EMC has prepared video in which the main challenges regarding homelessness and state politics are shown.



Video: Homelessness, Unrecognized Problem of the State



Photo: "Netgazeti", Demonstration of Homeless People

-  Homelessness-Analysis of State Policies
-  For Tbilisi's squatters, things must change

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LABOR SAFETY POLICY SHOULD BE REVIEWED

Non-governmental organizations (NGOs) and professional unions have appealed joint statement to the Parliament of Georgia and the Government to prevent violation of human rights and reform immediately labor inspection mechanism.

Weak labor safety policy has caused alarming results in the recent period. Due to unprecedented increase of incidents of workers' death and injuries, society reacted and demanded for guaranteeing labor rights as well as required the state to take responsibility. Non-governmental organizations (NGOs) and professional unions have appealed joint statement to the Parliament of Georgia and the Government to prevent violation of human rights and reform immediately labor inspection mechanism. To demand strengthening of the labor inspection, EMC together with professional unions, activist groups and other supporters organized demonstration "Labor Policy should be reviewed" in front of the Administration of the Government of Georgia.



Regarding issues of labor policy and labor safety, EMC published 3 policy documents/reviews and 4 public discussions, 1 photo exhibition and 2 working meetings.



Documentary: "Chiatura 187 km"

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WORKERS PROTEST IN ZVARE

The case of Zvare is one of the first precedents of workers' collective resistance at the construction works.



Workers protest in village Zvare, Kharagauli region, who are employed at construction works of the railway station, is an important issue. Employees refused to continue working due to unbearable working conditions and high risks of unsafe environment and demanded to protect basic labor rights. After several strikes and resistance, the agreement was reached among employers and employees according to which company, which is responsible for the construction of the railway, agreed to comply certain guarantees determined by the Labor Code. The case of Zvare is one of the first precedents of workers' collective resistance at the construction works. At the same time, this example showed clearly how the state company "The Railway of Georgia" ignored the rights of employees.

Taking into account that railway construction works were conducted by the specific company within the contract made with the "The Railway of Georgia", the state company was obliged to monitor human rights conditions of the employees, however during whole process, "The Railway of Georgia" was denying this responsibility. During the workers' protest, EMC supported the process of defending employees' human rights through monitoring ongoing developments on site, providing legal consultations, making public statements and solidarity demonstrations.

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IMPLEMENT
REAL
POLITICS!

ახალი პარლამენტი
ახალი პოლიტიკა
ახალი სტრატეგია!

The concept of the demonstration was to create corridor of public demands and to deliver specific messages to the members of the parliament

Current year, due to the parliamentary elections, was especially important. For the purpose of influencing agenda of the legislative body and articulating real social needs, on the first day of parliament gathering, EMC together with professional unions, Green Fist, Women's Gaze, Self-organized Network, Auditorium 115, Tbilisi Solidarity Network, White Noise Movement and Young Greens organized demonstration in front of the Parliament.

The concept of the demonstration was to create corridor of public demands and to deliver specific messages to the members of the parliament. The **main demands** of the demonstration and manifestation "Implement Real Politics" were the following:

- Create effective labor inspection;
- Introduce principles of green economical politics;
- Implement fundamental reform of education;
- Start welfare-based economic development;
- End repressive drug policy.

ASSESSMENT OF LABOR INSPECTION MECHANISM AND EMPLOYEE'S HUMAN RIGHTS SITUATION IN GEORGIA

Current labor inspection mechanism does not respond to the existing challenges regarding labor rights and significantly differs from the international standards defined by the ILO or experiences of other countries.



An Assessment of the Labour Inspection Mechanism and a Study of Labour Rights Conditions in Georgia

Researching on labor inspection mechanism and employees' human rights conditions were important tasks during the reporting period. One part of the EMC's research, examines the labor inspection mechanism and critically assesses its mandate and work based on the local legislation, international standards and models that exist in different countries. The second part of the research is regarding labor relations and labor rights conditions in different sectors of employment (fossil extraction and processing industries, railway transportation sphere, manufacturing industry and service sector). The research showed that creating the Department of Labor Inspection after almost ten years of abolishing labor inspection, was an important step, however, according to the research, current labor inspection mechanism does not respond to the existing challenges regarding labor rights and significantly differs from the international standards defined by the ILO or experiences of other countries.

In fossil extraction and processing industries, also in railway transportation sphere, respondents talk about urgent needs of safety and health protection, also inadequate regulations and problematic issues connected to compensation. As for the manufacturing industry and service spheres, difficult challenge is regarding half-time and precariat employment, separating employees' authorities, intensity of overtime work and inadequate policy of penalties towards workers.

In response to systemic violations of labor rights and for implementing broad reform of labor inspection mechanism, EMC put forward recommendations for state agencies.



An Assessment of the Labour Inspection Mechanism and a Study of Labour Rights Conditions in Georgia

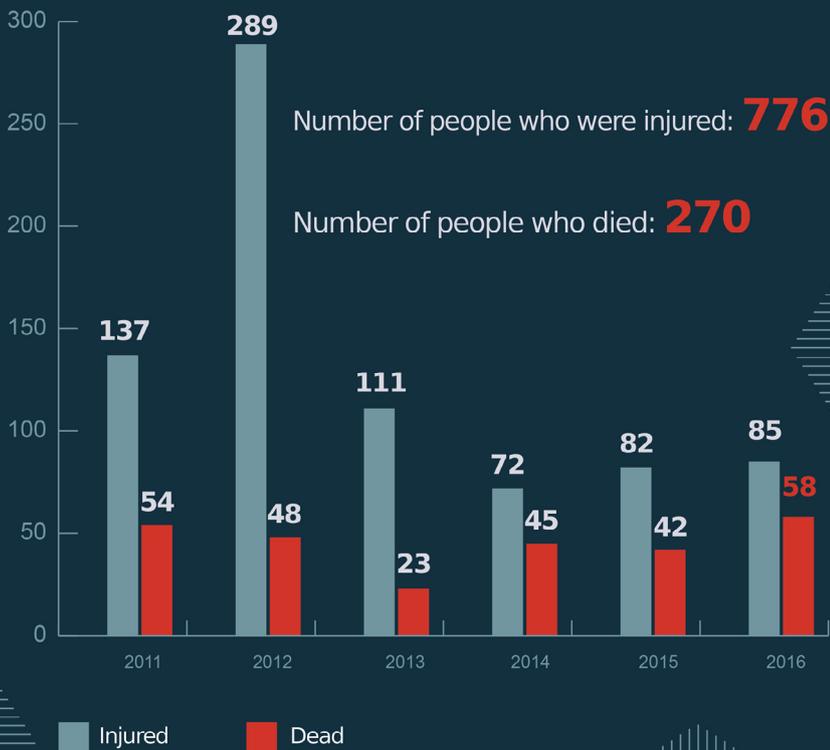
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PARTS OF INTERVIEWS WITH EMPLOYEES THAT WERE CONDUCTED WITHIN THE RESEARCH STUDY

- *"Just imagine, now it is 40 degrees Celsius outside. The situation is extremely intolerable and the kiln, a big kiln with the diameter of 10 meters working on 10 MW. It can even melt a stone and we have no ventilation. Last year they brought a fridge for us to drink cold water, not to die."*
- *"When an employee gets injured, the company always tries to persuade him to say that he was not injured at work saying they will support you in everything, take a sick leave, you can even take a month after the sick leave and then you can get back to work without any problems."*
- *"If you don't want, you are free to leave. No one urges you to work. Lots of people are willing to start work here who will be satisfied with the conditions that you have."*

INCIDENTS THAT HAPPENED AT THE WORKING/EMPLOYMENT PLACES 2011-2016

Number of people who were injured and died due to incidents that happened at the working places



Source: Ministry of Internal Affairs of Georgia and Human Rights Education and Monitoring Center (EMC)

საქართველოს ადამიანთა უფლებების განვითარებისა და მონიტორინგის ცენტრი
EMC
Human Rights Education and Monitoring Center

In April 2015, Department of Labor Conditions Inspection was created for supervising labor safety issues at the working places. However, as statistics show, according to the number of people who were injured and died due to incidents at the working places has not decreased. On the contrary, this number has increased while the Department is still functioning. In 2016, due to incidents that happened at the working places, 58 people died and 85 employees were injured.

STRATEGIC LITIGATION

During the reporting period, EMC has started four strategic litigation cases. Among these cases, 2 cases were applied to the Constitutional Court of Georgia, 1 to the Public Defender of Georgia and 1 to Common Courts.

- EMC demands through the constitutional claim to recognize unconstitutionally those regulations that do not give men who work in the private sector to use so called [paternity leave](#) and to have right of relevant compensation.
- EMC demands through the constitutional claim to recognize unconstitutionally those regulations that restrict homeless persons to register in the unified database of families that are socially disadvantaged and to receive assistance for living and other social benefits.
- EMC has appealed to the Public Defender of Georgia to determine discrimination on the issue of restricting social package for people with disabilities.
- EMC represents the interests of the family who lives in the building which is on the state owned land and was arbitrarily constructed. EMC demands to invalidate the legal notice of the Mayor's Supervisory Department regarding dismantling the building which violates the right of housing of family who lives in the building.

For the purpose of defending the rights of employees, homeless people and persons with disabilities, the organization has proceeded additional 11 legal cases in common courts, the Constitutional Court of Georgia and administrative organs.

REPRESSIVE DRUG POLICY



"Mother, you have stayed alone, but what can I do?" -An extract from the letter from Demur Sturua

The suicide case of Demur Sturua was one of the most tragic events in 2016 which showed once more the repressive and violent nature of the drug policy as well as the whole police system from a different angle. This case also clearly indicated the working methods of law enforcement agencies that are based on intimidating, blackmailing and persuading/forcing citizens to cooperate. Starting from the day when this criminal justice case became publicly known, EMC was representing the interests of Demur Sturua's family. The organization prepared several public statements regarding the legal assessment of the case in which EMC asked from the Prosecutor's Office to take concrete investigatory steps, ensure safety of family, suspend policeman's authority and timely detain accused policeman. At this stage, the case is sent to the court and currently the claim is under substantial consideration. Unfortunately, even after Demur Sturua's case was disclosed, the state did not take any systemic steps to end the inhuman drug policy. Together with maintaining repressive regime on the legislative level, police actively uses its leverage in everyday practices. EMC's review on drug testing in streets has showed that forced drug testing still remains as repressive police instrument during which several issues are especially problematic:

- The basis of taking person for drug testing and large scale use of operative information by the police;
- Use of administrative detention and delay for many hours of people who have to be tested in improper places;
- Groundless restriction of rights and facts of mistreatment.

EMC, as a member of the National Platform on Drug Policy, is actively working on fundamentally changing drug policy and legislation and is involved in preparing legislative package. For this purpose, EMC organized 2 day workshop, where members of the National Platform on Drug Policy discussed the content and scale of legislative changes. Apart from this, the organization participated in enlarged meeting of the Health Committee at the Parliament of Georgia, where the National Platform on Drug Policy presented to the members of the Health Committee their opinions, including on legislative package, which will be finalized and presented in a short period of time. The legislative package is not confined to policy liberalization of only one specific drug or abolishing concrete type of punishment. Its aim is to legally regulate following issues: consumption/keeping any kind of drug substance, sanctions regarding consumption of drugs, forced drug testing, quantities of drug substances, civic rights of those people who are sentenced to drug related crime and other issues.

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PRE-ELECTION ENVIRONMENT

Sadly, the cases of secret video tapes that were released shortly before the elections and also in the first half of 2016, have not been investigated. This also shows once more that law enforcement system is not ready to respond in a qualified and objective way to this type of crime, especially when such crime has clearly political context.



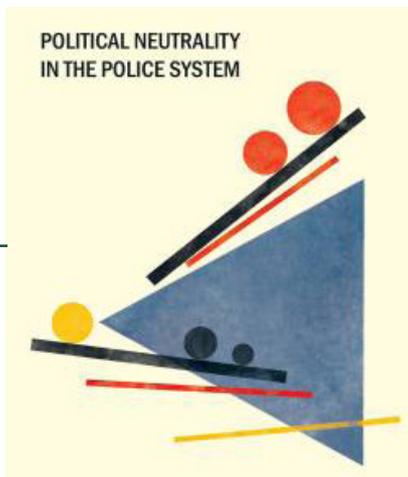
Photo: "Netgazeti" Mariam Nikuradze

Significant part of events that happened in 2016 took place within the pre-election context. Disseminating illegal tapes of private life in internet which was happening several days before the elections, had a significant influence on pre-election environment and generally on political processes Campaign “This applies to you”, in which EMC was actively involved, stated its position that it is unacceptable to influence pre-election environment through sharing covert video tapes. Sadly, the cases of secret video tapes that were released shortly before the elections and also in the first half of 2016, have not been investigated. This also shows once more that law enforcement system is not ready to respond in a qualified and objective way to this type of crime, especially when such crime has clearly political context. Regarding the pre-election context, due to public accessibility of election programs of majority of political parties, EMC had opportunity to assess perspectives of the political parties’ on the following issues:

- Reforms in justice sector;
- Reforms of the State Security Service and police system;
- Drug policy in the programs of political parties;
- Issues regarding reform of the criminal justice.

During the pre-election period, EMC also prepared and published brochure “What should we know when we make contact with police?” in which main rights and protection guarantees were included on the following issues: administrative detention; drug testing; stopping and checking; questioning as witness and other issues.

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POLITICAL NEUTRALITY OF POLICE

The Law Enforcement System is highly centralized and the power of the minister as a political figure is unbalanced;

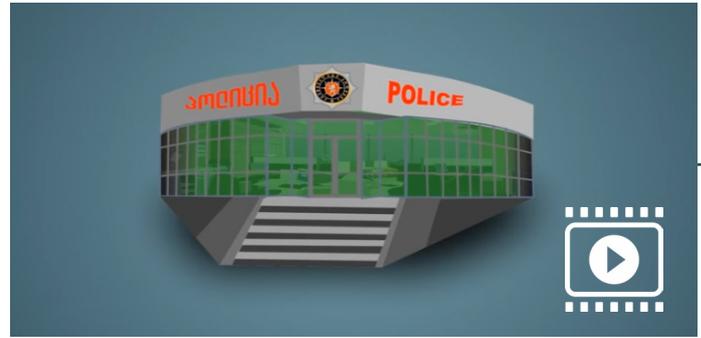
Taking into account the pre-election period, the issue of political neutrality of law enforcement agencies was again very actual, especially because there was violence and confrontation with political opposition. EMC has studied political neutrality in police system for one year and published the research findings in September 2016. According to the public speeches of officials from the Ministry of Internal Affairs and Human Resources Department, following findings/results can be identified:

- The Law Enforcement System is highly centralized and the power of the minister as a political figure is unbalanced;
- Regulating issues of human resources is not clear and largely is determined by the order of the Minister. Furthermore, the involvement of the minister in human resources politics is unreasonably broad;
- Certain police instruments (for example, forced drug testing, administrative detention and other issues) has many gaps and is so vague that it helps police to act willfully and simplifies use of police instruments for political goals;
- Internal and external mechanisms of control is very weak which increases the risks of impunity.
- Also, based on the police practices, several interesting observations were made:
 - Within the framework of the research study, systemic problem of violence towards political opposition, their leaders and active members has not been identified;
 - Within the monitoring process, using excessive force by the police and taking measures to react towards these facts during activities organized by the political opposition (protests, manifestations, etc) have not been found;
 - However, the research study has shown that there has been use of repressive police power by the police towards individual activists/civil society groups;

The research has also shown police inertness and ineffectiveness towards political and civil society groups during the cases of violence. As a rule, violence was used by individuals and in some cases, this could be considered as organized.

Such situation, compared to previous years, could be characterized as having modified form of “political violence”.

For the purpose of disseminating findings of the research study widely and raising awareness, EMC also prepared video in which existing challenges of political neutrality in the police system is explained in a simple way.



Video: What prevents the creation of politically neutral police?!



Political neutrality in the police system

FUTURE REFORMS IN THE LAW ENFORCEMENT SYSTEM



After the results of the parliamentary elections were announced, EMC organized roundtable discussion where reforms that have to be implemented in the law enforcement system were discussed as well as perspectives of implementing such reforms within the new parliament.

After the results of the parliamentary elections were announced, EMC organized roundtable discussion where reforms that have to be implemented in the law enforcement system were discussed as well as perspectives of implementing such reforms under the new parliament. During this meeting, EMC presented its document which was regarding recommendations that were given on the local and international level with respect to reforms in the police system and Prosecutor’s Office.

Regardless of reforms that were implemented in the recent years in law enforcement agencies, (separating Ministry of Internal Affairs and the State Security Service in 2015; changing the rule of selecting-appointing chief prosecutor and other issues) several issues still remain challenging:

- Depolitization and institutional development;
- Accountability and mechanisms of responsibility;
- Prevention of excessive use of force;
- Adequate protection of personal information and private life;
- Using compulsory mechanisms;
- Reforms in investigatory and prosecutor’s systems.

The document, which was prepared by EMC, combined all recommendations made by local organizations, experts, international organizations and Public Defender of Georgia regarding these issues, as well as obligations that are foreseen by the documents of local politics.

JUSTICE SYSTEM

History of discussing legislative package has shown that agreeing on certain statutes, was the issue of political bargaining which was going on behind the closed doors.

The Parliament of Georgia finished discussions on the “Third Wave” of justice reform by the end of 2016 and adopted it by the third hearing. Parliamentary discussions on [this legislative package has lasted](#) for more than one year and during this period, content of certain changes were reviewed without open discussions and participation. History of discussing legislative package has shown that agreeing on certain statutes, was the issue of political bargaining which was going on behind the closed doors. As an example, by the end of discussion on changes in parliamentary legislative package, change regarding the circle of judges who will not be affected by the examination period. Introducing changes in an unprepared and prompt manner intensified existing critique towards the draft law and finally, the process was finalized by the President’s veto.

Delaying reform process and weakening the content of the draft law has supported deepening the crisis in the court system, strengthening certain powerful groups which gave the Higher Council of the Justice possibility to adopt decisions on important issues in a hurried way, without justifications and with procedural gaps.

STRATEGIC LITIGATION

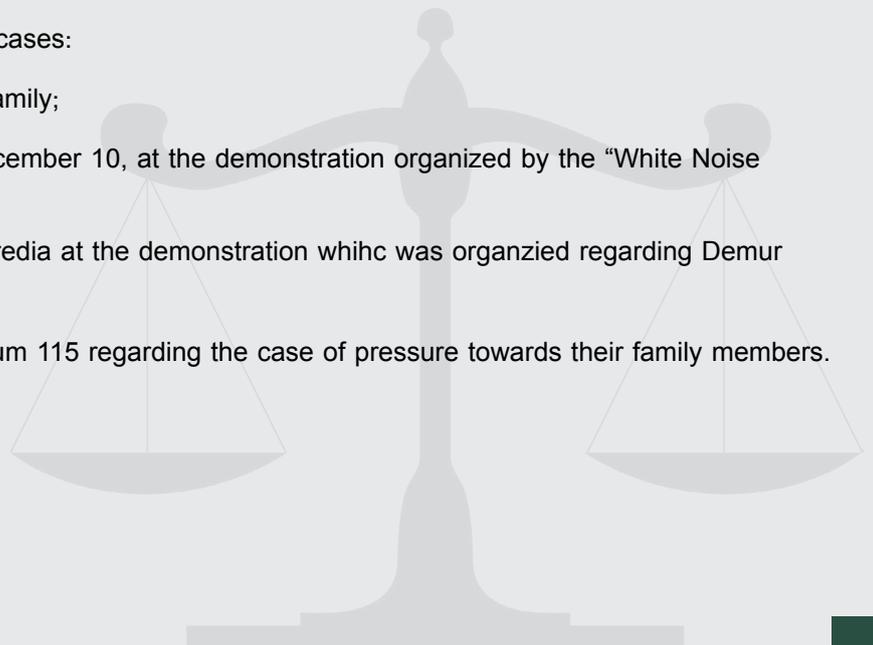
During this period, EMC was continuing strategic litigation on the issues which were regarding repressive drug policy, possible pressure on activists by the police and unjustified detentions. Also, the organization is currently involved in the legal case against the Higher Council of the Ministry of Justice, State Security Service, Ministry of Internal Affairs, Prosecutor’s Office, Tbilisi City Court. The purpose of these legal cases is to ensure accessibility of public information.

During last months, EMC has started to conduct several important and strategic cases and applied to the Constitutional Court of Georgia:

- Recognizing existing police raid as unconstitutional;
- Has filled an amicus brief arguing about the accessibility of court decisions;

EMC was also involved in conducting following cases:

- Representing the interests of Demur Sturua’s family;
- The case of activists that were detained on December 10, at the demonstration organized by the “White Noise Movement”;
- The case of activist who was detained in Samtredia at the demonstration which was organized regarding Demur Sturua’s case;
- Defending the interests of members of Auditorium 115 regarding the case of pressure towards their family members.

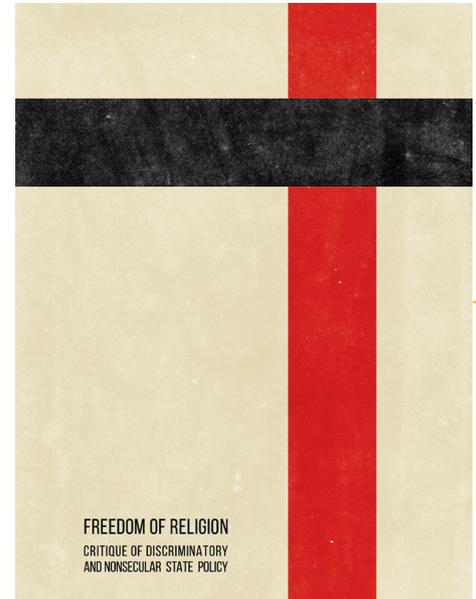


During the reporting period, existing situation regarding equality in the country was still problematic. In the pre-election period, politics of equality and rhetoric has weakened and human rights and social situation of the discriminated groups was presented to a lesser extent in public debates which was largely due to the loyalty towards the dominant group. Moreover, the government through proposing the Constitutional Initiative on marriage and publicly discussing this initiative, politically instrumentalized existing homophobic conceptions and further promoted predisposed sentiments.

ANALYSIS OF THE ACTIVITIES OF THE STATE AGENCY ON RELIGIOUS AFFAIRS

Due to obvious ineffectiveness of the State Agency on Religious Affairs and even more, in some cases, tensed problems, civil society and religious organizations question the necessity of having agency with such mandate.

During current period, it became obvious that the State Agency on Religious Affairs is very ineffective. Even though, the Agency is under the direct control of the Prime Minister and it should have significant resource of political influence on processes, this agency still could not solve important problems and disputes regarding religious freedom that should refer to the non-existence of relevant political will. EMC's research shows that institutions that have such mandate as the State Agency on the Religious Affairs, that as a rule, function in the post-Soviet countries and regardless of their weak competences, in reality are controlling religious organizations. According to the analysis of the experiences of those European countries (Germany, France, Italy) based on which the Agency justifies its role and importance, shows that the mandate, competence and working strategy of the State Agency of the Religious Affairs is different in essence. Contrary to the agencies that work on religious freedom in the above-mentioned countries, the State Agency on Religious Affairs is less focused on working regarding religious freedom, pluralism, guarantying religious neutrality and achieving the goals of integrating religious groups. Due to obvious ineffectiveness of the State Agency on Religious Affairs and even more, in some cases, tensed problems, civil society and religious organizations question the necessity of having agency with such mandate. This opinion was put forward by some religious organizations during EMC's organized conference "Main challenges regarding Religious Freedom in Georgia". Representatives of different Muslim communities have openly talked about how the State Agency on Religious Affairs implements the controlling policy towards Muslim religious organizations as well as tendency to increase alienation between community and official religious institutions.



It should be mentioned that The Council of Advisors that is created within the framework of the State Agency on Religious Affairs, composed mainly by theologians and academics, does not really function. Many members of the Council of Advisors emphasize that they have certain critics and dissatisfaction towards the State Agency.

During recent period, the process of temporary transfer and official registration of historic and iconic buildings has started, however, it should be noted that this process was only formal and mainly includes currently functioning, non-disputable buildings. At the same time, due to discriminatory law regarding state's property, above-mentioned buildings are transferred not with guarantying ownership but having temporary use.

Within the context of cumulated dissatisfaction and critique towards the State Agency on Religious Affairs, EMC's research shows intensive use of salary bonuses in the State Agency. Based on the information requested, the head of the State Agency receives salary bonuses regularly and its amount is almost equivalent to the salary.

It should be emphasized that after EMC's conference, five religious organizations that receive state funding, including Patriarchate of Georgia, organized press conference, where they discussed the importance of the State Agency on Religious Affairs and emphasized that situation regarding religious freedom has significantly improved. Participants of the press conference and the statements, which they made, can be considered as a clear indicator of the control and manipulation of the State Agency of Religious Affairs towards religious organizations.



HUMAN RIGHTS SITUATION OF THE MUSLIM COMMUNITY

Photo: "Samkhretis Karibche"; Village Mokhe, Muslims are praying outside of the disputable building

MOKHE

Human rights situation of the Muslim community is still acute. Developments in the village Mokhe showed systemic oppressive practices and made visible the state's ineffective and discriminatory policies. For the purpose of determining confessional and historic owner of [the disputed historic building in the village Mokhe](#) (Adigeni Municipality), the State Agency established special commission in 2014. This commission did not meet the goals that were identified in the statute and decided on the 1st of December, 2016 that the disputed historic building would not be given to any religious community and it would have only status of cultural heritage, possible title would be "disputed iconic building". Such decision caused dissatisfaction among members of the Muslim community. For protesting the ineffectiveness of the commission and problems connected to opening mosque in a private house in the village, members of the Muslim community pray under the open sky next to the historic building every Friday. To solve this problem, the commission offered Muslim community property to build a new mosque or money for redemption. However, local Muslims refused this offer and demanded to determine the historic and iconic origin of the building and transfer to the real owner. Up until now, the relationship between the Christian and Muslim community is very tensed. Every Friday, fragmented conflict incidents happen in the village. Under current dissatisfaction conditions, the government does not have perspective on how to solve the dispute and strategy to deescalate existing alienation and tension between the Muslim and Christian communities. Ongoing dispute regarding iconic building in Mokhe is in essence the result of the Restitution Legislation and non-existence of consistent, non-discriminatory policy. The case of Mokhe demonstrates that the issue of returning property, which was confiscated during the Soviet period from religious organizations, is an urgent matter. However, in the case of Mokhe, the state refused to solve restitution problem even in a fragmented way. It should be noted that according to the Human Rights Action Plan, the State Agency on Religious Affairs has the obligation to solve disputes regarding historic iconic buildings but until now, it does not have perspective and policies on how to solve these disputes. In this regard, inertness of the state should be due to its loyalty towards the dominant religious institution.

At the same time, it should be noted that previous statements of the State Agency on Religious Affairs, that it would try to restore trust and deradicalize relations between the involving parties, is obviously weak and ungrounded. Taking into account the composition of the Commission, which included representatives from only the Patriarchate of Georgia and Mufti Office of Georgia and excluded those persons that were identified and supported by the Muslim community to join the Commission, it showed that the existing format could not restore trust between the involved parties. Moreover, withdrawing the process from the legal framework by the State Agency and conserving the dispute has created much more risks of controversy in the village. [One more dispute happened](#) in village Mokhe. Possible fact of abuse was revealed in Mokhe Public School when the Director of the school asked Muslim school girl to take off scarf. Abovementioned incident was followed by the protest of other school children. They started to wear hijabs to demonstrate solidarity. It should be emphasized that the new school director who was appointed from September 2016 was actively positioning on behalf of Christian community during conflict in Mokhe. While documenting human rights conditions of Muslim school children, EMC has revealed other facts of discriminatory abuses. On behalf of school children, EMC has appealed to the Ministry of Education within the framework of disciplinary legal proceedings and Public Defender of Georgia as anti-discrimination mechanism.



Photo: "Samkhretis Karibche"; the Second day of the Protest

While documenting human rights conditions of Muslim school children, EMC has revealed other facts of discriminatory abuses. On behalf of school children, EMC has appealed to the Ministry of Education within the framework of disciplinary legal proceedings and Public Defender of Georgia as anti-discrimination mechanism.

KOBULETI



Photo: "Netgazeti"; Boarding House in Kobuleti

The conflict regarding the boarding school of Muslim children in Kobuleti is still conserved. The Government of Georgia did not use legal and political instruments to solve the problem. For this reason, the Muslim community up until now cannot open the boarding school. The investigation regarding the use of threat towards the administration of the boarding school is ineffective and relevant persons do not have the status of victims. After two years of legal investigation, on September 19, 2016, Batumi

City Court made decision based on the complaints of the administration of the boarding school and other persons. According to this decision, fact of discrimination by defendant private persons was determined but the responsibility of the Ministry of Internal Affairs was not identified. At this stage, the case of discrimination is proceed at the Appeal Court of Kutaisi. The Appeal Court left unchanged the decision regarding private persons of the Batumi City Court. As for the responsibility of the Ministry of Internal Affairs, the case was sent to Administrative Chamber. On September 19, 2016, the Public Defender of Georgia based on the Law of Elimination of All Forms of Discrimination, due to the discriminatory inactivity of connecting sewerage system to the building of boarding school, while discussing EMC's statement, determined the fact of discrimination from the side of LTD Kobuleti Water and Kobuleti Local Government. Defendants have not taken any measure to comply with the decision of the Public Defender of Georgia.

BATUMI



Photo: "Batumelebi"; Praying in the Mosque in Batumi

For the purpose of building new mosque in Batumi, Muslim community asked the Government of Adjara to give land but the Government declined this request. Therefore, an initiative group self-organized and managed to buy the land in Batumi through credit and their own money. Up until now, the Muslim community tries to collect necessary money. It should be mentioned that EMC, on behalf of the Initiative Group, appealed to the Public Defender of Georgia as Anti-discrimination Mechanism. **In the statement**, EMC emphasizes that under the conditions when the Government permanently gives lands and buildings in tens to the Patriarchate of Georgia, not giving land to Muslim community to build new mosque clearly shows discriminatory politics of the state.

Taking into account the development in Mokhe, also different positions of Mufti Office of Georgia and community as well as open loyalty of Mufti Office of Georgia towards government, once more shows that the state has influence and possible control on Mufti Office of Georgia .

HUMAN RIGHTS CONDITIONS OF LGBT PERSONS

Regardless of visibility and systematic nature of hate crimes, the state's approach towards violence based on Sexual Orientation and Gender Identity (SOGI) is still fragmented, unsystematic and incidental.



Photo: "Netgazeti"; Transgender Day of Remembrance

In the second half of 2016, the issue of holding referendum regarding narrowing the definition of marriage in the Constitution of Georgia became an acute issue, especially during the pre-election period and was transformed as one of the main topics on the political agenda. Specific political groups produced political homophobia in an organized way in public discourse which resulted in a reduced positive perspectives towards LGBT human rights, weakened the process of recognition of LGBT community as a social group and undermined the chances of implementing policy that is based on human rights. While producing political homophobia, practices of violence towards LGBT/queer persons still continued and got worsened. A clear example of such cases could be the fact of **severely beating and mutilating** transgender woman on October 14, 2016 that resulted in death of the victim. Regardless of visibility and systematic nature of hate crimes, the state's approach towards violence based on Sexual Orientation and Gender Identity (SOGI) is still fragmented, unsystematic and incidental. Ministry of Internal Affairs and Prosecutor's Office do not have consistent and effective preventive policy towards homo/bi/transphobic violence and special operative guidebook that would help police officers to identify crimes. It is important that during ongoing period, EMC was actively advocating for the creation of specialized agency working on SOGI crimes within the Ministry of Internal

Affairs that would support from the side of law enforcement agencies effective response, generating in-depth statistics on crimes based on SOGI and in the long run, preventing such crimes. EMC, as co-organizer, participated in the conference organized by the Human Rights Secretariat at the Administration of the Government under the aegis of the Council of Europe. The conference was regarding existing legal challenges and needs of transgender persons. On November 10, 2016, Transgender Day of Remembrance, EMC within the framework of "Coalition for Equality" joined the demonstration and called the state to investigate effectively the cases of violence towards transgender persons as well as to plan effective ways to change existing discriminatory policy and approaches. EMC has developed guidelines on the investigation and prevention of hate crimes for the Ministry of Internal Affairs. The document was prepared with the help of international expert and includes the methods of fighting against homo/bi/trans-phobic crimes as well as instructions on how to identify discriminatory motive .

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ACTIVITIES THAT ARE CONNECTED TO INCREASE CAPACITIES AND ORGANIZE DISCUSSIONS

"Through Different eyes": Religion and Women in Adjara

There were several important seminars/discussions held on the issues of gender, sexuality and politics organized by EMC:

- Two trainings for LGBT activists and representatives of community organizations were organized. During these trainings, they discussed systemic problems that exist in politics and society, including challenges of queer movement and past experiences. During same period, two day training was conducted for media representatives on LGBT human rights and issues of political homophobia.
- Working meeting “Searching for the Idea of Emancipation” which aimed to create horizontal and free intellectual space to start discussions on human rights situation of Muslim women. Muslim women who came different regions talked about their situation and challenges.
- Within the framework of the meeting, participants discussed Lila Abu-Lughod’s text which was translated specifically for this working meeting. Also, during meeting, the discussion was regarding documentary regarding Religion and Woman in Adjara. This documentary was coordinated by EMC.
- Working meeting/discussions on the issues of gender and politics for women politicians. The aim of the working meeting was to actualize invisible issues and challenges that are connected to women’s needs and priorities and support advocacy of these issues. Within the framework of the working meeting, women politicians and queer and feminist groups met with each other, where they discussed their perspective on women’s needs, goals and priorities.

STRATEGIC LITIGATION

During the reporting period, Civil and Political Rights Program has proceeded up to 20 cases on freedom of religious, discrimination and homo/bi/transphobic crimes, included following important strategic litigation cases:

- Due to the excessive use of force by the police in Mokhe while arbitrarily detaining members of the Muslim community and later on, ineffective investigation of incidents, [EMC has appealed](#) to the European Court of Human Rights (ECHR) on behalf of four persons. ECHR has already started communication with the Government of Georgia. EMC is proceeding this legal case with the partner organization European Human Rights Advocacy Center (EHRAC);
- On behalf of LGBT activists who were detained on May 17, 2016 at the Patriarchate of Georgia, EMC has prepared application for European Court of Human Rights in which EMC argues that the freedom of LGBT activists and community was restricted for marking the International Day Against Homophobia and Transphobia (IDAHO) and on arbitrary detention and mistreatment of LGBT activists by the police on May 17 while using alternative forms of protest. EMC proceeds this case with the European Human Rights Advocacy Center (EHRAC);
- The case of transgender woman Zizi Shekiladze ,who was severely beaten up on October 14, 2016 and later on, this person died on November 23 due to life-threatening injuries, EMC filed an Amicus Curiae to the Criminal Justice Chamber of the Tbilisi City Court and requested to assess possible hate motive and take it into consideration while determining the criminal legal responsibility;
- EMC filed an Amicus Curiae to the Supreme Court of Georgia regarding the case of transgender woman-Sabi Beri-ani who was killed in 2014. In the Amicus Curiae, EMC has reviewed the practices of common courts and asked the Supreme Court to assess systematically the legal conditions connected to the right of necessary self-defense. The Supreme Court announced its decision on December 30, 2016 and declared that the accused person was guilty according to the Article 108 of the Criminal Code (deliberate murder) by which the Supreme Court changed the decision of the Court of Appeals according to which the act of defendant was considered as a necessary action of self-defense;
- EMC, on behalf of the Initiative Group which was formed around the issue of building new mosque, addressed the Public Defender of Georgia as the Anti- discrimination Mechanism due to possible discriminatory refusal from relevant agencies such as the Government of Georgia, Government of Autonomous Republic of Adjara, Batumi City Hall, regarding the issue of land allocation for building new mosque in Batumi;
- EMC was defending the interests of victims before the investigatory bodies on the brutal attack on Turkish and Arabic cafes at the Aghmashenebeli Avenue;
- On behalf of the Administration of the Kiwi Cafe, on the case of possible discrimination from the owner of space of Kiwi Cafe, EMC has addressed to the Public Defender of Georgia on the bases of Law on the Elimination of All Forms of Discrimination.



Illustration: Tamar Nadiradze; One of the fragments from the book "Nameless" that was prepared within the framework of one of the projects of EMC

RESEARCH AND ART SCHOLARSHIPS

For ensuring that these attempts do not stay as a one-time activity and become part of the political agenda, together with the activist experiences, it is necessary to analyze structures of oppression and conduct in-depth research to elaborate alternative ideas and implement them in practice.

For this purpose, EMC implemented the project: "Oppressed Voices: Research, Art and Activism for Social Changes". Through this project, EMC gave opportunity to early-stage researchers and artists to receive research and art scholarship through open competition and work on issues that are interesting for them and important for society. Within the framework of the project, 9 research studies were financed. The Collection of Scholarship Research was published that consisted 4 research works. In addition, 3 art works were created which aimed to show social, political and cultural issues through multimedia and visualization.

The involvement of youth and students in the informal politics has increased in recent years. They are trying to resist the dominant ideology, which is based on unequal distribution of resources, social exclusion, hegemonic order and cultural domination, through activism and engagement in ongoing processes. However, for ensuring that these attempts do not stay as a one-time activity and become part of the political agenda, together with the activist experiences it is necessary to analyze structures of oppression and conduct in-depth research to elaborate alternative ideas and implement them in practice.

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FORUM



Forum that was organized by the EMC; Photo-Essay Exhibition

In October, EMC organized closing forum where researchers and artists had a chance to share their works with participants. Parallel to the public discussion, exhibition-installation of public works were presented where attendees could get familiarize with photo-essays, experimental book and video installation works.





Forum that was organized by the EMC; Research Presentations

The forum created a space, where persons who work in different spheres and have different interests, activists, artists, researchers, representatives of local and international non-governmental organizations gathered in one space and got involved in discussions about important topics such as the following: emancipatory potential of religion, positive alternatives of social politics of Georgia and other issues.

MEETINGS WITH EMPLOYEES IN REGIONS

Peripheral regions are excluded from political public space, therefore, it is important to return these peripheral regions in politics and balance power structure in this way.

Today, social connections are hierarchized, resources are mostly concentrated in the center, peripheral regions are excluded from political public space, therefore, it is important to return these peripheral regions in politics and balance power structure in this way.

Accordingly, regional and field visits are one of the most important activities for the Platform of Critical Politics. During the reporting period, several important regional meetings were held with employees who work in industries in Tkibuli, Zestaponi, Chiatura and Kutaisi. During meetings, films were screened, short lectures were delivered and discussions were held on main concerns and systemic problems that are very important for people who live in the regions. Discussion topics were the following: the role and responsibility of the state, the importance of social politics, inequality and uneven distribution of resources, the role of religion in everyday lives, gender issues and women's needs in industrial regions, etc.



Regional and field visits are one of the most important activities for the Platform of Critical Politics.

TRANSLATIONS

Due to scarce resources and the current flawed politics, educational institutions manage to translate only limited number of scientific works published by thinkers and academics in the recent period. Under these conditions, translating several texts in Georgian language is an important resource for students and scientists. Within the framework of the platform, translated texts were mainly focused on feminist critical perspectives. These texts were published and disseminated in internet sphere; In addition, they were included in the syllabuses of higher education institutions and were distributed among social groups and activist circles.

- Iris Marion Young -“A Critique of the Ideal Universal Citizenship”;
- Silvia Federici “Wages for Housework”;
- Christine Delphy & Diana Leonard“Still Part of Capitalism? Marxist-Feminist Perspectives on Family”;
- Cheryl Johnson Odim- “Common themes-Different Contexts: Third World Women and Feminism”;
- Carrol Harrington-“Governmentality and the Power of Transnational Women’s.

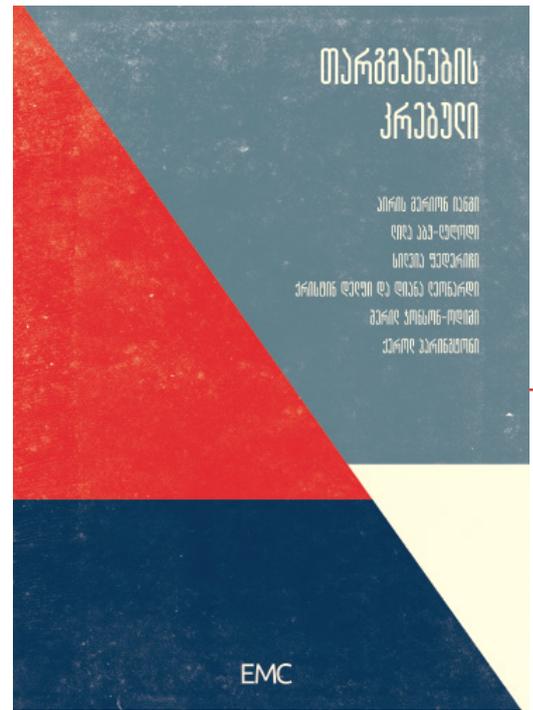


Photo: Salome Tsopurashvili; Chiatura: common view with 70 years of interval

One of the main directions of the Platform of Critical Politics is to create new knowledge and arguments on different important issues and intellectual perspectives as well as to reflect critically on ongoing processes. For this purpose, blogs, reviews and short articles are published from time to time. These texts were mainly focused on the following topics:

Labor and Social Politics issues in industrial and peripheral zones:

- Chiatura: Control and Hatred
- Industrial Map of Georgia and Industrial Economics
- Chiatura: Common View with 70 years of interval
- Antisocial politics in Georgia
- Education and Labor Market

Analysis of different forms of oppression, their manifestations and causes:

- Housing and Freedom: Limits and Perspectives of Activism fighting for the right to household

Reflection on hegemonic or dominant discourses and structural reconsideration:

- Against Innocence
- Dialectics of Religion and Class Struggle in Georgia
- Social Politics in Georgia: Interference/Non-Interference Beyond Debates

Intersectionality and Review of New Leftist Ideas:

- The red in the rainbow: sexuality, socialism and LGBT liberation

BLOGS

ჩვენ ამოცანათ
ცხოვრებას განსაკუთრებით
ხშირად უსაფრთხო და
ღირსეულ პირობებში

ჩვენ
ამოცანა
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CAMPAIGN: “WHAT DO YOU DEMAND?”

Chiatura was the city which was heavily affected due to these changes implemented regarding labor, minerals and environment protection.

Due to radical deregulation policies that were implemented in 2005-2006, conditions of workers, who were employed in heavy industry, service and informal sector, became severe because of diminished labor standards and reduced safety guarantees. These developments were followed by the changes that were introduced in the laws regarding fossils and environment protection, that were in line with neoliberal logic. These processes especially worsened situation in industrial cities. Chiatura was the city which was heavily affected due to these changes implemented regarding labor, minerals and environment protection. Campaign “What do you demand?” includes issues regarding labor and environment. This campaign, on the one hand, was based on the analysis of policy documents and on the other hand, it connected ongoing reforms in politics and macro level to the everyday lives of people who live and are employed in industrial zones and their difficult socio-economic reality.

Within the framework of video-campaign, 7 video products were created and disseminated in internet sphere regarding the following fundamental topics:

- Environment pollution and uncontrolled use of resources
- The necessity of creating labor safety and effective labor inspection
- Uncontrolled production of companies and corporations and existence of internal schemes
- Passive role of the state in the process of protecting workers and ensuring their safety
- Industrial zones that are facing natural catastrophes where there is high level of pollution and industrial waste is not adequately controlled
- Fatal results of professional diseases and non-existent state mechanism that would preventively approach this issue



Promo-video of the campaign

This campaign, on the one hand, was based on the analysis of policy documents and on the other hand, it connected ongoing reforms in politics and macro level to the everyday lives of people who live and are employed in industrial zones and their difficult socio-economic reality.

MEETING WITH WORKERS “LABOR AND RESISTANCE”

Social protest and resistance played an important role in recent developments in Georgia. However, different disclosures of oppression are still examined in a fragmented and isolated way. In December 2016, EMC organized 2 day working meeting “labor and resistance” with workers which aimed to connect specific cases of exploitation and global political and economic processes; Also, the goal was to show interconnectedness of oppression and see the whole picture. Topics of the working meeting were the following: social inequality and the necessity of protest, hegemony, forms of oppression, and state’s policy in the labor market and employment sphere. Workers and representatives of professional unions from Chaitura, Tkibuli, Zestaponi, Tbilisi Railway and Metro attended the working meeting. Interested persons and workers exchanged their ideas, perspectives and experiences in a discussion format.



Working meeting with employees “Labor and Resistance”

QUEER FORUM

The queer forum was one of the first attempts to support LGBT/queer community, community organizations and their supporters through offering safe and neutral space. The goal was to broaden discussion space, reconsider existing situation and start discussions.



Queer forum

Anti-homophobic demonstration and following counter-demonstration on May 17, 2012 became landmark moment for visibility of LGBT/queer feminism. After one year, when massive violence happened on the similar public gathering, the issue of LGBT/queer human rights became well-established topic on the public agenda. However, in the light of active politization of this issue and slow speed of development of LGBT/queer community, as well as small number of community members and weak consolidation, led to critically reconsider already existing experiences. For the purpose of reflecting on the above-mentioned issues and other challenges, EMC together with “Georgian Young Greens”, “Women’s Initiatives Supportive Group”, “Equality Movement”, “Temida”, “Identoba” co-organized first queer forum on December 11, 2017. The queer forum was one of the first attempts to support LGBT/queer community, community organizations and their supporters through offering safe and neutral space. The goal was to broaden discussion space, reconsider existing situation and start discussions. In the first half of the forum, participants talked about intersection of justice and axis of oppression, affective analysis of choices, also the phenomenon of homonationalism and other issues.

In the first half of the forum, participants talked about intersection of justice and axis of oppression, affective analysis of choices, also the phenomenon of homonationalism and other issues.

Second half of the forum was regarding identifying opponents and allies of LGBT/queer movement and strategic problems. The working meeting was focused on identifying the most important challenges for the community. It was agreed that these kinds of discussions will be continued. More forums and narrow format meetings, which will be concentrated on “one-issue” and in-depth discussions, will be organized. Among the described problems, visibility politics, its problematic and risk factors (including safety), as well as the importance of outlining common activist strategy and the necessity of having more coordination among activists.

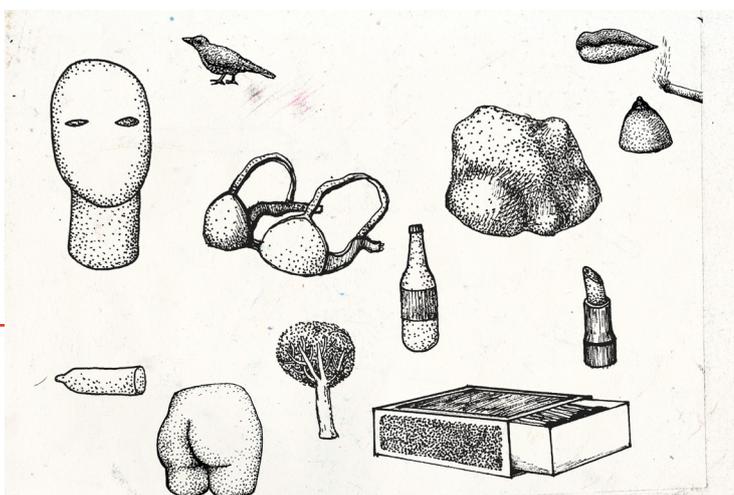


Illustration: Tamar Nadiradze; One of the fragments from the book “Nameless” that was prepared within the framework of one of the projects of EMC

SUMMING UP EMC'S WORK IN 2016

STRATEGIC LITIGATION

Constitutional Court	11
European Court of Human Rights	2
Common Courts	40
Administrative bodies	19
Public Defender of Georgia as the Equality Mechanism	10
Investigatory bodies/Prosecutor's Office	6

PUBLICATIONS

Research studies	7
Policy document/review	30
Collection of translated works	4

DISCUSSIONS/TRAININGS

Public discussion	15
Presentation/Forum	11
Training/Workshop	18

OPINIONS/MULTIMEDIA

Blog post/article	51
Documentary	4
Social video	6
Info graphics	7
Lecture/Speech	16

CAMPAIGNS

Campaign	5
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DEMONSTRATIONS

Protest	2
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DONORS AND PARTNER ORGANIZATIONS

COALITIONS

- LGBT solidarity network in Georgia and Armenia
- Coalition for independent and transparent judiciary
- National platform for drug policy
- “Coalition for Equality”
- Campaign “This Concerns You”
- Coalition/platform “No to Phobia”

DONORS, PARTNER ORGANIZATIONS AND ONGOING PROJECTS:

	Embassy of the Netherlands	94,435.00 EUR	Advancing Tolerance, Religious Freedom and Human Rights in Georgia
		66,389.40 EUR	Protection of Political Neutrality in Police system
	European Union	58,506.00 EUR	Solidarity Network for LGBTI persons in Armenia and Georgia
	Heinrich Boell Foundation, South Caucasus Regional Office	32,000.00 GEL	Spotlight on Heavy Industry
	Advancing CSO Capacitie and Engaging Society for Sustainability (ACCESS), EWMI, USAID	79,604.17 USD	Promotion of the development and implementation of the labor conditions and safety inspection mechanism
	Swedish Association of Sexual Education (RFSU)	717,000.00 SEK	Strengthening SRHR-based approach in the human rights framework of EMC through tailored capacity building and advocacy activities
	Open Society Foundations	160,000.00 USD	Individual Freedoms and Rights in Police and Criminal Justice System
	Open Society Georgia Foundation	15,200.00 USD	Police Transparency in Georgia
	Council of Europe	16,050.00 EUR	Incorporation of Gender Issues in Political Parties' Agendas through Strengthening of Women Candidates in Georgia for Parliamentary Elections of 2016
	Promoting Rule of Law in Georgia (PROLoG), EWMI, USAID	92,819.00 USD	Increasing Access to Justice for Discriminated Religious Communities
		6,660.00 USD	Truth behind the Curtain of Justice

ადამიანის უფლებების სწავლებისა და მონიტორინგის ცენტრი

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