



FEBRUARY



MARCH



APRIL

MAY



JUNE



JULY



**HUMAN RIGHTS EDUCATION AND
MONITORING CENTER (EMC)
REVIEW
2016**

EDITOR'S COLUMN

Political fight for Court

SOCIAL RIGHTS PROGRAM 1

The strike of Tkibuli miners.....1

Labor safety: High indicators of injury
and death in workplace.....1

Non-recognition of the right to housing and
harsh conditions of homeless persons2

Reform of legal capacity system and flaws
in its implementation3

Strategic cases in court.....3

INSTITUTIONAL REFORMS
SUPPORT PROGRAM 4

Blackmail on personal life.....4

Hasty and flawed reform of the constitutional court.....4

Crisis in the system of common appointments:
Delayed reform and hasty appointments
of judges.....5

Auditorium 115: Security officers in the university space.....5

Political neutrality of the police:
Influence of the personnel policy on the
independence of the police system.....6

Strategic cases in court6

CIVIL AND POLITICAL RIGHTS PROGRAM 7

Challenges of the Muslim community7

Policy of financing religious organizations.....8

Legal aid and empowerment of discriminated religious groups.....8

Escalation of Homo/Bi/Transphobic violence.....9

CRITICAL POLITICS AND
SOLIDARITY PLATFORM 11

Critical Politics and Solidarity Platform.....11

Forum: "Social and political aspects of discriminations:
"Theory and Practice".....1

Publications	12
--------------------	----

Research and art stipends.....12

Public discussions.....12

Blogs.....12

DONORS AND PARTNER ORGANIZATIONS 13

Coalitions.....13

Donors, partner organizations and ongoing projects.....13



POLITICAL FIGHT FOR COURT



The judicial system, especially, constitutional justice, is going through difficult times. Political processes and attempts at influencing the court lead to the discreditation and complete politicization of these institutes. The legitimacy of court is under question, leaving hardly any resources for the system to overcome legal and political crises. These processes could prepare grounds for uncontrolled actions of the political power and deterioration of human rights situation.

Political antagonism towards the Constitutional Court especially increased during the last year, coinciding with the discussions of well-known, sensitive cases (the Board of the Public Broadcaster, detention of Gigi Ugulava, covert taping and surveillance, the case of Rustavi 2, etc.). The process started several months ago, with verbal attacks, and continued by public criticism towards the chair and certain judges. Consequently, the Minister of Justice voiced the initiative of reforming the Constitutional Court, resembling a “responding” action of the Government, discontented with certain decisions. In the end the “promise” of the minister was fulfilled by the adoption of a severely flawed law by the Parliament.

Unfortunately, during the past months, the political system and the state apparatus failed to show will and resources to distance from narrow partisan processes. The statement of the chair of the court about blackmail with covert surveillance footage was left unresponded by the Prosecutor's Office. Similarly disregarded were the demonstrations unlawfully organized in front of the houses of several judges.

The chair of the court again publicly spoke about pressure on certain judges, again pointing to another deep and grave crisis. The future of the Constitutional Court largely depends on the resolution of this crisis. The burden is wholly on the shoulders of the Prosecutor's Office, which should manage to improve the situation created in the past months due to its inaction and gain public trust towards the ongoing investigation. Otherwise, the outcomes of the investigation will not be recognized.

However, the court should also remember its role and take responsibility over the current situation. It should act in accordance with the interests of the judiciary system, which implies effective conduct of justice, discussion and resolution of cases without unreasonable delay, and recovering of the working process inside the court, instead of discrediting the institution as a whole.

Sopho Verdzeuli
Institutional Reform Support Program Director

THE STRIKE OF TKIBULI MINERS

The Tkibuli strike showed the systemic, grave experiences of human rights violations in workplace and the invisible practice of employee exploitation, related to the ineffectiveness of state mechanisms created to protect labor rights.



The strikes of miners in Tkibuli mine in February developed into wide-scale social protests. The Tkibuli strike showed the systemic, grave experiences of human rights violations in workplace and the invisible practice of employee exploitation, related to the ineffectiveness of state mechanisms created to protect labor rights.

The Tkibuli process also showed that these events represented social discontent against the existing economic and social system, which failed to ensure minimal welfare and social security for employees, rather than a labor dispute among parties.

The main request of the workers on strike was 40% increase of the extremely low remuneration and improvement of the conditions which were hazardous for health and life, as well as security standards. However, after the agreement between the parties, the enterprise took the obligation of 10% increase of salaries and a general obligation of reassessing labor safety conditions.



Documentary Film: Tkibuli – “Town Who Dared to Strike”

EMC was expressing solidarity with the workers on strike and, simultaneously with active consultations to the strike committee, was actively actualizing the issue of reassessing labor policy through permanent communication with different actors and the media.

LABOR SAFETY: HIGH INDICATORS OF INJURY AND DEATH IN WORKPLACE

The Labor Conditions Inspection Department does not respond to the grave challenges existing in the sphere of labor and does not represent an effective mechanism for monitoring labor conditions or identifying violations.

Due to nonexistence of labor safety policies and effective execution mechanisms, the number of injuries and deaths in the workplace remains extremely high. Low remuneration, overtime and unpaid work, unregulated work schedule and different forms of labor exploitation remain as accepted, regular practice.

A large part of the reforms and legislative amendments in the sphere of labor policy since 2013 proved ineffective in dealing with existing challenges and failed to ensure the improvement of the situation of employees. The Labor Conditions Inspection Department does not respond to the grave challenges existing in the sphere of labor and does not represent an effective mechanism for monitoring labor conditions or identifying violations. The inspection system has no access to workplaces without prior agreement from the enterprise, its authority does not cover assessment of the full spectrum of labor rights and the recommendations issued are not binding for the enterprise. Within the scope of the Universal Periodical Review (UPR), EMC was advocating for the creation of an effective labor inspection mechanism.



Photo Project: Industriology: in Chiatura

Georgia unconditionally accepted the recommendation which relates to the necessity of additional measures to support social dialogue in Georgia and the strengthening of the protection of the economic rights of employees, including through creation of an effective labor inspection mechanism, which will be equipped with execution functions.



Video: Demand Strong Labor Inspection!

In the first half of 2016, EMC organized 8 working meetings in Tbilisi and regions (Zestaphoni, Tkibuli, Tchiatura); workers, activists, and journalists attended the meetings. EMC also prepared two public overview documents and a brochure on the labor inspection department and labor safety issues.

NON-RECOGNITION OF THE RIGHT TO HOUSING AND HARSH CONDITIONS OF HOMELESS PERSONS



Illustration: Victoria Lomasko

In June, the Government of Georgia approved the Human Rights Action Plan for 2016-2017, which, like previous years, does not reflect the chapter on the right to housing, thus illustrating the failure of the state to recognize homelessness as an important challenge. With the nonexistence of legislative guarantees or policies

To this day, there is no state policy, legislative framework, or vision for mobilizing relevant financial resource or institutional systems against homelessness.

against homelessness, homeless persons live in harsh conditions. They either do not have housing or live without permission in facilities envisaged for non-residential purposes. Such facilities, usually, do not satisfy elementary requirements of adequate housing.

To this day, there is no state policy, legislative framework, or vision for mobilizing relevant financial resource or institutional systems against homelessness, making the identification of the needs of the homeless and formation of adequate policies in response impossible. In addition to non-recognition, the states continues using

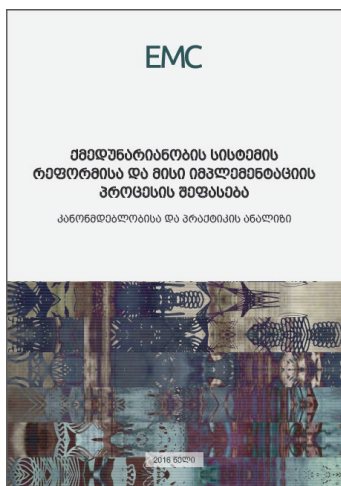
repressive mechanisms towards homeless groups and excludes groups unlawfully inhabiting state facilities from social benefits.

On June 1 and 6, EMC joined protest demonstrations of socially vulnerable homeless groups in front of the Ministry of Economy and Sustainable Development. The main requirement of the protesters was the recognition of the rights of homeless persons by the state and elaboration of relevant policies to the end of accessibility of right to housing. Socially vulnerable homeless groups also require the elimination of legislative amendments which envisage that persons occupying state facilities for residential purposes are unable to receive socially vulnerable status and the related assistance.



Photo: „Netgazeti“, Action of Homeless People

In addition to expressing solidarity and actualizing the issue before the media, with the aim of raising awareness towards homelessness and absence of housing, EMC prepared articles, blogs and infographics, which were disseminated through EMC's platforms and different informational channels.



REFORM OF LEGAL CAPACITY SYSTEM AND FLAWS IN ITS IMPLEMENTATION

Regardless of the inadvertently positive content of the reform, its execution faces significant challenges and does not mitigate the risks of violating the rights of persons with psycho-social needs.

In the first half of 2016, the Parliament of Georgia drastically changed the understanding of legal capacity and substituted the system of replacing personal will with a mechanism supporting decision-making. Regardless of the inadvertently positive content of the reform, its execution faces significant challenges and does not mitigate the risks of violating the rights of persons with psycho-social needs. Judicial practices of the ongoing period clearly show that, in most cases, the interpretation of separate norms by the court directly opposes the essence of recognition of a person as a support recipient and repeats the content of the terminated system of legal capacity.

In the first half of 2016, the Parliament of Georgia drastically changed the understanding of legal capacity and substituted the system of replacing personal will with a mechanism supporting decision-making.

An important problem is the blanket concept of expert conclusions prepared a multidisciplinary team, which opposes the principle of using individual approach. In addition, the compliance of state institution functions, capabilities, and resources with reform objectives, with the aim of appropriate implementation of the reform, which would have ensured actual activation of the system supporting decision-making, was not ensured.

EMC's research study, which assesses the new legal capacity system, identifies the main legal shortcomings and problems of implementation process and issues recommendations to relevant state agencies.

STRATEGIC CASES IN COURT

In the reporting period, EMC submitted two appeals before common courts:

- Inaccessibility of the webpages of the Ministry of Labor, Health and Social Protection and the Social Service Agency for persons with vision impairment and low vision;
- Illegitimacy of blanket closure of the materials and outcomes of inspection by the Department of Labor Conditions Inspection.

EMC also litigated 6 cases before administrative organs, common courts and the Constitutional Court, with the aim of protecting socially vulnerable groups.

BLACKMAIL ON PERSONAL LIFE

The videos and threats to disseminated such videos again point to the inefficiency of the investigation and encourage new crimes in the sphere of protection of privacy.

In March 2016, the dissemination of personal life video footage and threatening videos in the Internet activated the issue of covert listening and surveillance. In the pre-election context, such blackmail significantly questioned the perspective of peaceful and democratic development of processes and produced the feeling of vulnerability in the society. On the facts of discovery of thousands of recordings obtained illegally in the past, the investigation has been ongoing for several years. However, the final results of the investigation remain unknown. The videos and threats to disseminated such videos again point to the inefficiency of the investigation and encourage new crimes in the sphere of protection of privacy. The decision of the Constitutional Court of April 14, 2016, fully satisfied the constitutional appeal of the This Concerns You campaign and the current system of surveillance and listening was declared unconstitutional. However, the execution of the decision was delayed till March 31, 2016, so the Parliament has this time for systemic and institutional reforms.

INSTITUTIONAL REFORMS SUPPORT PROGRAM



For timely and comprehensive execution of the decision of the Constitutional Court, the This Concerns You campaign (where EMC is an active member) prepared a package of legislative amendments, which envisages fundamental reform of the covert listening system and creation of guarantees for the protection of privacy.



In this process, EMC, together with its partner organizations, elaborated statements for reforming the security sector, which includes the reassessment of the functions of the State Security Service, spreading of effective judicial control on counter-intelligence activities and strengthening parliamentary oversight on the security sector.

HASTY AND FLAWED REFORM OF THE CONSTITUTIONAL COURT

The draft law still includes the mentioned problematic provisions, which will negatively influence effective activity of the Constitutional Court and the right of timely implementation of justice.

In March 2016, by the initiative of the Human Rights Committee of the Parliament of Georgia, a package of legislative amendments regarding the [Constitutional Court was registered](#). This package envisaged hindrances to the effectiveness of the activities of the Constitutional Court and creation of procedural barriers. The mentioned initiative was preceded by numerous critical and harsh statements of high-level officials towards the Constitutional Court, which was related to the well-known cases discussed by the court during previous months. Therefore, a legitimate assumption raises that the initiated flawed amendments were caused by the discontent of the government towards concrete cases.

Unfortunately, the draft law was prepared in a hasty, non-transparent manner. The amendments were critically evaluated by the Coalition for Independent and Transparent Judiciary, as well as the Venice Commission, agreeing with the ideas of the Coalition on this issue.

The President of Georgia used the power to submit motivated notes to the draft law. However, several important issues, listed below, were not included in these notes:

- Unreasonably high quorum for the discussion of the constitutionality of the organic law;

- Unreasonably complicated procedures for terminating the norm;
- Harsh regulation of the exhaustion of the ten-year period of the judge;
- The procedure for transferring cases to the plenum by a single judge.

Regardless of sharing the president's notes, the draft law still includes the mentioned problematic provisions, which will negatively influence effective activity of the Constitutional Court and the right of timely implementation of justice. Therefore the Coalition appealed to the Constitutional Court on June 13, 2016 regarding the four above-mentioned problematic provisions.

As a member of the Coalition and the vice-chair organization, EMC was actively involved in court discussions.

CRISIS IN THE SYSTEM OF COMMON COURTS: DELAYED REFORM AND HASTY APPOINTMENTS OF JUDGES

The ongoing crisis was further fueled by the hindrances to the reform process and unreasonable delay of “third wave” draft laws.

In the first half of 2016, the crisis in the court became even more apparent through observations of the activities of the High Council of Justice and the Conference of Judges. In the beginning of 2016, the Council, violating the law, dismissed the former chair of the Tbilisi City Court, Mamuka Akhvlediani, due to critical statements made by him towards the head of the Supreme Court and the following disciplinary proceedings. During the previous months, the Council continued organizing selection competitions on the basis of flawed legislation and procedures, leaving the impression of appointing judges in an arbitrary, forced manner. In response, a “Public Initiative – Stop Judicial Appointments!” began, and the Coalition appealed to the Constitutional Court, requesting the declaration of the norms regulating selection and appointment of judges as unconstitutional. The Court discussed the case on June 14, 2016. The ongoing crisis was further fueled by the hindrances

to the reform process and unreasonable delay of “third wave” draft laws, accompanied by backroom deals and negotiations. As a result, [draft laws of the “third wave”](#) and an array of positive provisions were changed. However, the draft laws are not adopted by the third hearing. With these challenges in court, the Coalition, with active involvement of EMC, prepared a legislative initiative package, which envisages changes in the rules for appointment and selection of judges, as well as distribution of heads of court, as well as elaboration of a temporary model of case distribution. The mentioned draft laws were presented before the public on a public forum on May 13, 2016



Public Forum – Judges' Selection/Appointment System

AUDITORIUM 115: SECURITY OFFICERS IN THE UNIVERSITY SPACE

The State Security Service is one of the most closed, non-transparent institutions, The refusal of the Parliament left the questions regarding the activity of old-fashioned security officers unresponded.

In 2015, in parallel with the reforms of MIA and Security Service, the issue of security officers was changed and specified in the legislation. However, monitoring and evaluation was not conducted on whether all agencies complied with the regime envisaged in the law “On Security Service” or whether security officers were maintained in any institutions. After reforming the Security Service, the issue of security officers was stressed critically for the first time during the student protests in Tbilisi State University,

by the representatives of “Auditorium 115,” who pointed to old-fashioned security officers inside the university. Similar cases were reported by several other universities. With the request to create an investigation committee to study the issue of old-fashioned security officers, several NGOs addressed the Parliament; however, the initiative was declined. The State Security Service is one of the most closed, non-transparent institutions, The refusal of the Parliament left the questions regarding the activity



Photo: Strike of Audience 115

of old-fashioned security officers unresponded. In parallel with the activation of student protests, several members of “Auditorium 115” publicly stated that due to their activities, the law enforcement system was interested with their family members and acquaintances.

On the basis of received explanatory notes, EMC addressed the General Inspections of MIA and Security Service with the request to conduct an investigatory study. However, the General Inspections ruled that no misconduct had taken place in relation to any of the activists. EMC is continuing legal procedures on the mentioned cases.

POLITICAL NEUTRALITY OF THE POLICE: INFLUENCE OF THE PERSONNEL POLICY ON THE INDEPENDENCE OF THE POLICE SYSTEM

Unreasonably wide competence of the Minister of Internal Affairs in personnel policy and exclusive, exceptional authority.

In relation to the reform of police and security sectors, EMC prepared an overview of the main challenges of the personnel policy of the MIA. The overview also discusses the issues of appointment, promotion, personnel changes, discipline, and dismissal of police officers. The [overview](#) shows that for the purposes of depoliticization of the police system, steady and formalized personnel policies, exempt from the influence of political officials and open and transparent for public monitoring, bear special importance. Presently, the main challenges of the personnel policy of MIA are:

- Ambiguity of main procedural issues, caused by non-regulation of a large part of issues on the legislative level;
- Unreasonably wide competence of the Minister of Internal Affairs in personnel policy and exclusive, exceptional authority;



- Decision of main personnel issues by one person, without the involvement of a collegial organ;
- Insufficient independence and distancing of the General Inspection from the political authority.

EMC prepared an overview of the main challenges of the personnel policy of the MIA.

STRATEGIC CASES IN COURT

During the past few months, EMC addressed the Constitutional Court with several constitutional appeals:

- Unfair definition of the amount of drug substances for personal use and disproportionate punishment for personal use;
- Automatic deprivation of rights for persons convicted of drug crimes;

EMC was also litigating several important cases in common courts, appealing:

- The refusal of the High Council of Justice to transfer audio/video recordings of interviews with candidate judges, as well as decision #308 of the Council, which envisages that interviews take place in a closed session;
- The fact of classifying the number of persons employed in the Security Sector and provisions of separate departments;
- The refusal of MIA to issue information on certain public officials and statistical information on the appointment and dismissal in MIA.

The case against MIA was completed successfully. Litigation continues on other cases. In addition, in June 2016, EMC used the amicus curiae institute and sent its opinions to the Constitutional Court regarding one of the ongoing cases related to the availability of court's acts.

CHALLENGES OF THE MUSLIM COMMUNITY



Photo: „Liberali”, Pray under the Open Sky

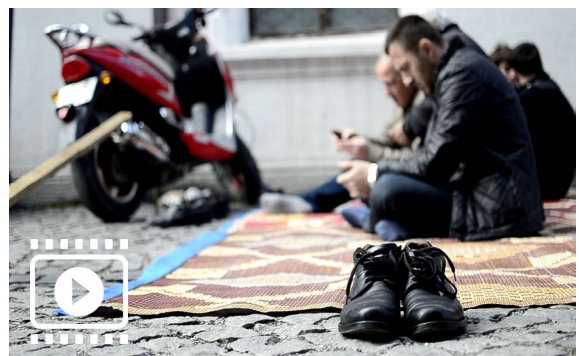
Control-based policy increases alienation between the Muslim community and religious institution, as demonstrated during the process of requesting the construction of a second mosque in Batumi.

control over the Administration of Muslims of All Georgia, i.e. by establishing the State Agency on Religious Affairs and adopting a rule for financing four religious organizations. Control-based policy increases alienation between the Muslim community and religious institution, as demonstrated during the process of requesting the construction of a second mosque in Batumi. After the financing policies came into force in 2014, through active involvement of the State Agency on Religious Affairs, Muslim religious leaders requested a Mufti residence and a building for Madrassa, instead of a second mosque, thereby opposing the historic need and requests of the community. In this context, the Muslim community started a self-organized process and, in the beginning of 2016, addressed the relevant state agencies on behalf of the initiative group, with the request to allocate a land space for the construction of a new mosque in Batumi. The Prime Minister's promise on meeting the community and considering their needs, remained a promise. In the process of building the second mosque, EMC actively supports the self-organized group of Muslims, both legally and through public advocacy.



Reportage: Continual Demand of Muslim's in Mokhe

Since 2012, seven religious conflicts with similar political and social narrative have occurred towards Georgian Muslims (Nigvziani (2012), Tsintskaro (2012), Samtatskaro (2013), Tchela (2013), Kobuleti (2014), Mokhe (2014), Adigeni (2016). In 2016, a third religious conflict occurred in Adigeni Municipality (Adigeni village). The reason behind the conflict was the initiative of the Muslim community to build a cemetery. A group of local Christians attacked the most active members of the Muslim community, causing physical injuries. On the second day of the incident, the Christians organized demonstrations against the opening of a Muslim cemetery, using Islamophobic rhetoric. With the participation of Muslim and Christian religious leaders, the local Government quickly resolved the conflict and managed to allocate a separate space for Muslims on the territory of the village cemetery. After the resolution, the Prosecutor's Office terminated the investigation without any justification. EMC was studying and monitoring the conflict and providing legal aid to Muslim victims. The religious conflicts revealed the existing challenges in terms of political and social integration of Muslims and the structural reasons of oppressions. With the dominant ethno-religious nationalist ideology and aggressive Christianization in Adjara, the identity of Georgian Muslims is especially marginalized. The cyclical nature of these conflicts essentially results from the ineffective and non-secular policy of the state. Most of the conflicts are effectively conserved and the Muslim community is unable to restore its rights. The state responded to these challenges by strengthening



Reportage: Pray under the Open Sky

EMC gives legal and public advocacy support to Muslim self-organized groups. EMC's criticism about State policy towards Muslim community, including insufficient and harmful activities of human rights by the State Agency for Religion Issues is mainly shared by such important institutions as Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, European Commission against Racism and Intolerance (ECRI) and the U.S. Department of State.

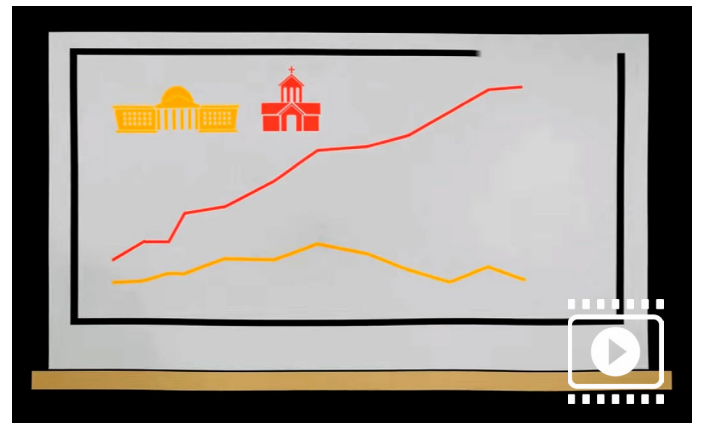


Financing of the Patriarchate of Georgia, initiated by the previous Government, still continues. In addition to transfer of large-scale real estate and direct subsidies from the budget, the Orthodox Church receives large amounts of financial and material aid from the budget of local municipalities and the Government reserve funds. In addition, direct financing that four religious organizations (Muslim and Judaic communities, and Catholic and Armenian Churches) receive, have been doubled in 2016. According to EMC, the existing practices of financing religious organizations are discriminatory, grants exclusive preference to the Orthodox Church and openly violates the constitutional principle of separation between religious organizations and the state. In addition, the practices of financing bear political connotations, representing a tool of gaining political and social support of the Church and of controlling certain religious communities. With the previous Government, the radical increase of financing from the budget and reserve funds coincided with pre-election periods and political crises. With the current Government, similar correlations are not apparent. However, the policy has essentially remained the same, and the affiliation and loyalty towards the Orthodox Church has been more apparent on the political and institutional level, pointing to the deepening of non-secular church-state relations.

POLICY OF FINANCING RELIGIOUS ORGANIZATIONS

According to EMC, the existing practices of financing religious organizations are discriminatory, grants exclusive preference to the Orthodox Church and openly violates the constitutional principle of separation between religious organizations and the state.

In 2016, EMC submitted an appeal to the Constitutional Court, arguing on the unconstitutionality of financing of the Church from the budget due to its incompliance with religious freedom, property rights, equality, and secularism standards. In addition, on behalf of the Church of Evangelical Faith, EMC is appealing on the unconstitutionality of the decree of the Government which regulates the rule of financing four religious organizations. According to EMC, the main norms of the decree are discriminatory, include high risks of interference in the autonomy of religious organizations, and oppose the constitutional standards of secularism.



Video: Church Financing Policy

In 2016, EMC submitted an appeal to the Constitutional Court, arguing on the unconstitutionality of financing of the Church from the budget due to its incompliance with religious freedom, property rights, equality, and secularism standards.

LEGAL AID AND EMPOWERMENT OF DISCRIMINATED RELIGIOUS GROUPS

EMC is implementing a program of strategic litigation on issues of religious freedom and legal aid for discriminated religious organizations. In addition to the above mentioned cases, EMC also litigated the following cases in 2016:



CIVIL AND POLITICAL RIGHTS PROGRAM

- Discriminatory refusal of the Rustavi City Hall to issue construction permit for a Catholic Church: On the mentioned case, the Rustavi City Court satisfied the appeal of EMC, submitted on behalf of the Catholic Church. Importantly, the Rustavi City Hall submitted an appeal of the decision, demonstrating its discriminatory policy and interests to delay the construction process. While the state fails to implement restitution policy towards religious minorities and 5 historically Catholic churches are occupied by the Orthodox Church, limiting the process of construction essentially complicates enjoyment of religious freedom;
- The case of Muslim boarding school in Kobuleti and allegedly discriminatory treatment towards Muslims: EMC is litigating a case against several individuals and the Ministry of Internal Affairs (MIA). The Batumi City Court has been discussing the case for 1.8 years, and the hearing has not been concluded yet. The state fails to ensure effective investigation of persecution of Muslims by certain individuals and professional negligence by police officers. The Muslims do not even have a victim status, which essentially complicates monitoring of the ongoing investigation. EMC is planning to appeal to the European Court of Human Rights;
- Unlawful detention of Muslims by the police in village Mokhe and use of excessive force: the investigation is still ongoing. Regardless of identification of specific police officers by the victims, persecution has not been initiated and, in spite of EMC's appeals, the Prosecutor's Office refuses to grant victim status to Muslims. EMC is currently preparing an appeal for the European Court of Human Rights, where it argues on the violation of Article 3, Article 8 and Article 9 of the European Convention, as well as 14 in relation to the above-mentioned articles. In relation to Article 9, plaintiffs argue regarding the nonexistence of restitution policy towards religious minorities and the ineffectiveness of the State Agency on Religious Affairs;

■ On the case of prohibiting religious sermons in the Ilia State University, EMC represented the administration of the university before the Public Defender. The appeal, based on the anti-discrimination law, was submitted by a large group of students, who requested space inside the university for a lecture cycle of T. Gignadze. The Public Defender did not find discrimination in this case;

■ On the facts of alleged discriminatory treatment and limitation of Muslims during border crossing, EMC appealed before the Public Defender on behalf of several Muslims and on the basis of the Law on the Elimination of all Forms of Discrimination;

■ After a neo-Nazi attack on the Vegan Cafe Kiwi, on the case of alleged discriminatory treatment by the property owner, EMC appealed to the Public Defender on behalf of the cafe administration and on the basis of the Law on the Elimination of all Forms of Discrimination;

■ On alleged indoctrination and discrimination practices in the Nigvziani public school EMC appealed to the Public Defender with a request to issue a general statement, on the basis of the Law on the Elimination of all Forms of Discrimination.

In order to increase the knowledge and capacities of religious organizations, in 2016, EMC organized a training cycle in Tbilisi, Pankisi, Akhaltsikhe, and Batumi. The trainings were interdisciplinary, including speeches from political and social sciences in addition to human rights. In addition, guidelines on religious freedom from the perspectives of national legislation and international human rights law.

To show the rights situation of religious minorities and criticize the influence of the church on political and social spheres, EMC prepared several important articles and multimedia products.

ESCALATION OF HOMO/BI/ TRANSPHOBIC VIOLENCE

The state fails to ensure secular, human rights-based policies and often is openly loyal towards the dominant religious group and discourse.

Photo: 'Liberali', 17 May

The rights situation of LGBTQI persons has not improved. they still remain subject to systemic **violence and discrimination**. The politicization of LGBTQI issues and strengthening of homophobic discourse increases oppression and marginalization of the community. In the first half of



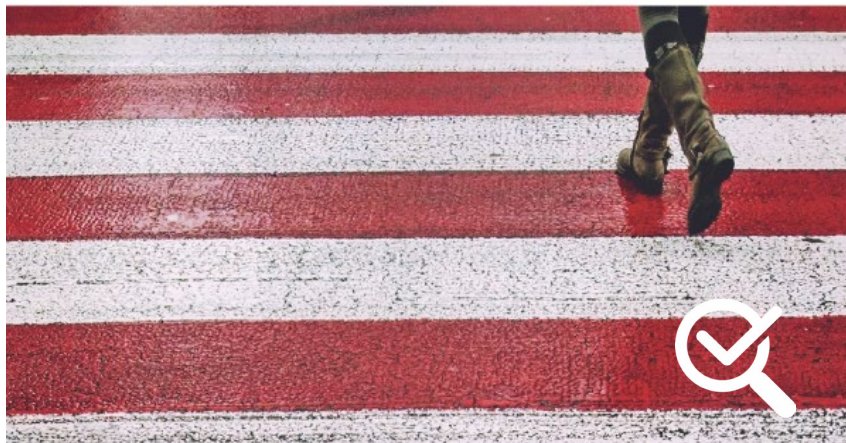
2016, the homophobic and anti-LGBT agenda produced by different social, religious and political groups was most clearly identified in **the discussions on the constitutional amendments and the referendum**. The state fails to ensure secular, human rights-based policies and often is

openly loyal towards the dominant religious group and discourse.

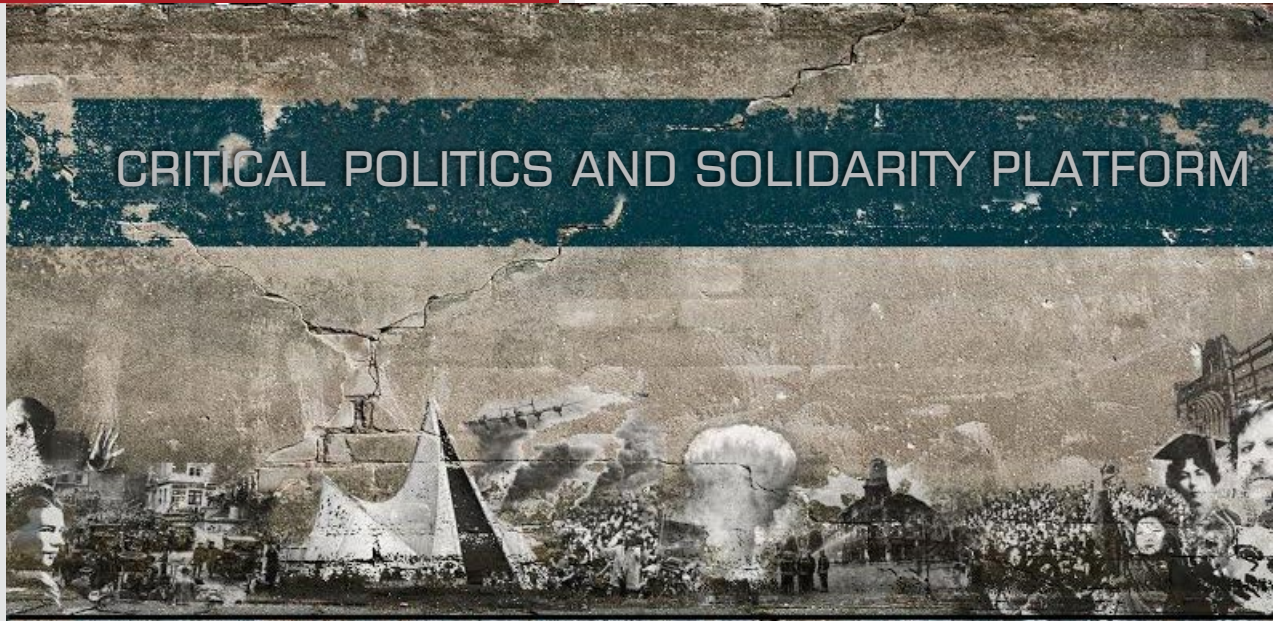
Similarly, to previous years, the LGBTQI community was again unable to enjoy the constitutionally guaranteed freedom of peaceful assembly and expression [on May 17, 2016](#), the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT). The state failed to provide sufficient security guarantees for the community and activists, due to which several activists tried to express protest through critical inscriptions near the building of the Patriarchate. As a result, these activists were detained under administrative law. Importantly, on May 17 and related days, homo/bi/transphobic violence escalated, but [the state failed to respond effectively](#).

In order to identify, document and advocate on the rights of LGBT persons, EMC implemented several important activities:

LEGAL SITUATION OF LGBTI PERSONS IN GEORGIA



- In 2015, EMC conducted research [“Legal Situation of LGBT Persons in Georgia.”](#) related to the existing situation of LGBT persons and the fulfilment of rights guarantees. To the end of implementing the recommendations prepared under the scope of this research, EMC and its partner organizations, the Heinrich Boell Foundation and Women's Initiatives Supporting Group (WISG) are organizing active advocacy;
- EMC was representing the seven activists detained according to Article 150 (Arbitrarily altering the appearance of a self-governing unit) and Article 173 (Non-compliance with a lawful order or demand of a law-enforcement officer, military service person, officer of the Special State Protection Service or enforcement police officer or commission of any other illegal act against such person). Importantly, the court did not recognize the activists as administrative offenders in the part of non-compliance with order/demand of a law enforcement officer. In addition, on behalf of the LGBTQI activists detained on May 17, 2016, EMC appealed to the General Inspection of Mia regarding the inappropriate behavior of the police officers. EMC focuses on the unreasonable use of detention and facts of homophobic language and violations of religious neutrality by the police and asks the General Inspection to study the case and rule disciplinary liability of specific police officers.
- On the case of violations of the rights of peaceful gatherers enjoying the freedom of assembly on May 17, 2013, EMC submitted an amicus curiae on the case of 4 persons, where it indicated the shortcomings in the ruling of the first instance court and called for the court to make an objective decision
- EMC provides legal aid and represents several victims of homo/bi/transphobic crimes. In addition, EMC systemically studies state policies on hate crimes, in order to prepare a strategy and guideline on fighting against such crimes for the police.
- EMC was monitoring the investigation and court hearings of the case of Sabi Beriani, a transgender woman, and actively communicated with the Prosecutor's Office together with WISG. In the part of deprivation of life, the Court of Appeals upheld the decision of the first instance court. EMC is planning to study this case and advocate, including via international legal aid instruments.
- Under the second cycle of Universal Periodical Review (UPR), EMC and the SRHR coalition (Identoba, Tanadgoma, Hera XXI), were advocating on LGBT rights. It is important to note that an important part of the recommendations was reflected in the recommendations given to Georgia by member states. Together with the coalition, EMC continues advocating the implementation of these recommendations on the national level.



However, the attempts of activism and mobilization remain as weak expressions of resistance. Activation of large masses and facilitation of real social changes remains problematic.

During the past 5-6 years, social protest and activism occupied important place in the Georgian public space. The number of students, activists, and citizens critically responding to the unfair social, economic and cultural policies of the state and persons of power is increasing. In the conditions of the dominance of populist, rightist-nationalist and liberal discourses, civil society is trying to elaborate alternative visions to support the formation of equal, solidarity society. However, the attempts of activism and mobilization remain as weak expressions of resistance. activation of large masses and facilitation of real social changes remains problematic.

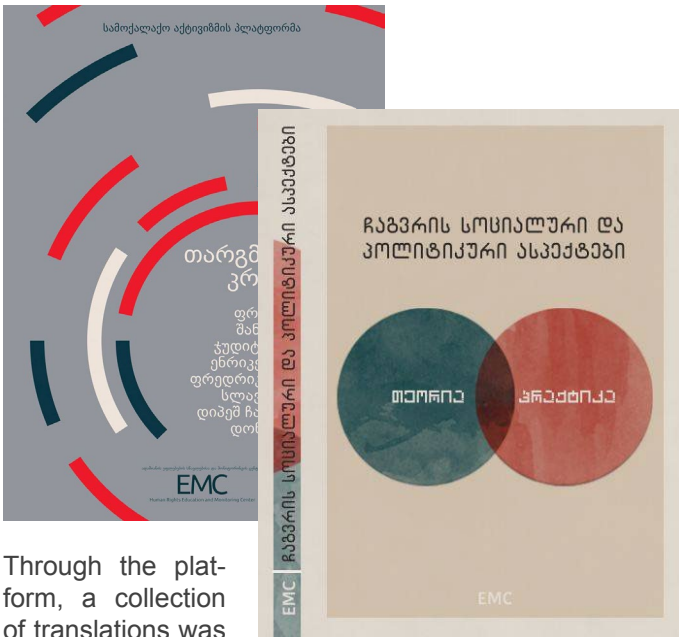
Critical Politics and Solidarity Platform aims at studying and assessing the experiences of international and regional social movements. Within the program, a platform was created in order to analyze the problems of oppressed groups and their inclusion in political agenda. On the other hand, the platform critically reflects on the discourses and ideologies producing the existing oppression and elaborates action plans and facilitates of social changes.

FORUM: "SOCIAL AND POLITICAL ASPECTS OF DISCRIMINATION: THEORY AND PRACTICE"



In the beginning of 2016, EMC organized a five-day forum with the participation of local and international experts. The working themes were social inequality, religion and politics, and gender and sexuality. The aim of the forum was to create reflection in the society, produce knowledge and create space where interested persons would be able to exchange ideas, visions, and working priorities in a discussion format.

PUBLICATIONS



Through the platform, a collection of translations was prepared, uniting texts on social, political, gender and critical theories. The publication was not only disseminated online, but also included in higher education syllabi and spread in different non-academic, activist and civic circles.

Within the scope of the forum, a publication "Voices of the Oppressed: Theory and Practice," uniting the themes discussed during the forum, was disseminated in different groups and educational facilities.

BLOGS



The platform published more than 10 blog posts by academics, researchers, activists, and students.

The blog posts included:

- Homelessness;
- Industry and industrial labor;
- Social and economic problems related to the diversification of labor markets;
- Manifestation of Neoliberalism and capitalism;
- Religious minorities and hegemonic discourses;
- Gender and sexual emancipation politics;
- Strikes, demonstrations and student movements;
- Issues of center-periphery, asymmetry of power and inequality.

RESEARCH AND ART STIPENDS

Through an open competition of the stipend program of the platform, 9 researches were approved on issues of religion and politics, gender and sexuality, social inequality, marginalized groups and marginalization, intersectional forms of oppression, etc. In addition, public presentation of three art researches and art projects, planned for September in Tbilisi and three regions, was also financed. The stipend program aims at using the findings of research for actualization and advocacy of these themes, as well as sharing the themes with the society and specific communities. It is important to identify, critically analyze and advocate the forms and reasons of oppression of marginalized groups through the combination of research and art.

PUBLIC DISCUSSIONS:



In order to assess and critically reflect on the ongoing political and social agendas both locally and internationally, it is important to create free thinking spaces which will support the generation of critical ideas. To this end, the platform is trying to organize public discussions, offering open political-debate platforms and facilitating public discussions on actual, fundamentally important issues. In the reporting period, 4 public discussions were organized:

- Problem of localization of discourses and crisis of solidarity in the Georgian reality;
- Art: aesthetics and social practices;
- Radical potential of social rights: fight of Via Campesina for the right to food;
- [Crisis in Turkey: beyond geopolitical perspective.](#)

DONORS AND PARTNER ORGANIZATIONS COALITIONS:

Coalition for independent and transparent judiciary

National platform for drug policy


Campaign “This Concerns You”

“Coalition for Equality”

Coalition/platform “No to Phobia”

LGBT solidarity network in Georgia and Armenia

DONORS, PARTNER ORGANIZATIONS AND ONGOING PROJECTS:

	Embassy of the Netherlands	94,435.00 EUR 66,389.40 EUR	“Advancing Tolerance, Religious Freedom and Human Rights in Georgia” Protection of Police Political Neutrality
	Heinrich Boell Foundation, South Caucasus Regional Office	58,506.00 EUR 32,000.00 GEL	Solidarity Network for LGBTI in Armenia and Georgia Spotlight on Heavy Industry
	Advancing CSO Capacities 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
	National Endowment for Democracy (NED)	31,850.00 USD	Dissenting Voices: Combining Academia, Art and Activism
	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
	Canada Fund for Local Initiatives (CFLI) of the Government of Canada	23,870.00 CAD	Supporting the Protection of the Rights of Marginalized Groups through Public Discussions and Civic Education
	Open Society Foundations	160,000.00 USD	Individual Freedoms and Rights in Policing and Criminal Justice System
	Open Society Georgia Foundation	15,200.00 USD	Police Transparency in Georgia
	Council of Europe	16,050 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	78,744.00 USD	Increasing Access to Justice for Discriminated Religious Communities

ადამიანის უფლებების სწავლებისა და მონიტორინგის ცენტრი

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