



## **Human Rights Situation in Georgia**

### **2019 Assessment**

Human Rights Education and Monitoring Center (EMC) assesses human rights situation this year and believes that this year was the most difficult year in political, social and legal terms during the Georgian Dream's administration, which has deepened political crises and social frustration in our society.

Important positive developments this year were the adoption of the Organic Law on Labor Safety, which expanded the state's mandate to control the situation in terms of safety at the workplace. In addition, legislative changes to improve the mechanism for combating discrimination and improving the Ombudsman's mandate, as well as the regulation of harassment and sexual harassment, all took place this year. Activities of the Gender Equality Council under the Parliament of Georgia and the positive reforms towards the establishment of the State Inspector Service and strengthening of the Human Rights Department of the Ministry of Internal Affairs should be positively evaluated. The positive changes mentioned above are largely the result of significant international commitments or important efforts by the country's international partners, which undermines the political capacity for proper implementation of reforms and their real impact on the human rights situation in the country. However, in spite of the significant innovations mentioned, the current year was characterized by substantial human rights challenges.

This year, the issue of gross violations of freedom of assembly and excessive use of force by the police against the participants of the protest, has been raised. The dispersal of the June 21 protest resulted in mass human rights abuses and persecution, which was not followed by a proper investigation of violations by the system and recognition of the systemic flaws. Quite the opposite, the ruling political team sought to politicize the issue and thereby override public concern.

Following the events of June 21, the social protest managed to derive significant political promises from the ruling party, which called for a full proportional system for the 2020 parliamentary elections, with a zero barrier. Such an electoral system would have allowed for the breakthrough of the existing polarized political field, the emergence of new political groups, and the creation of a fairer and more inclusive political agenda. However, during the autumn session, the Georgian Dream did not fulfill this public promise, and the electoral reform failed at the parliament, in their words, due to opposition from majoritarian members of the party. The decision resulted in the departure of key members from the ruling political team and an internal crisis in the party. Protests by civil society groups and political parties moved to the streets. Under these circumstances, the government does not seek to facilitate the political dialogue and, largely through the use of radical political rhetoric and police forces, tries to maintain the existing political status quo. It is noteworthy that the signs of political instrumentalization of the police in

the current processes have acquired alarming signs and diminished the social significance of the reforms initiated in the MIA system.

The tendency to politicize the Prosecutor's Office and the Court, unjustified persecution of political opponents, harassment of the media and the rise of so-called clan influence in the judicial system are a clear manifestation of the collapse of state institutions and their use for party-political interests.

The government seeks to overcome economic crisis in the country by large-scale privatization of state-owned facilities, conducting large-scale hydroelectric projects, and supporting labor migration, which is a crude continuation of neoliberal economic policy and which lacks the resources for sustainable social and economic development.

In the wake of current political crisis, it has become increasingly difficult to support social reforms and the political agenda focused on the real needs, concerns and interests of people. Growing economic inequality, profound difference in the quality of life in cities and villages, extremely weak and unequal education system, and increasing migration should push the government for radical social reforms, however, these issues are not even part of the political agenda. It is unfortunate that this year also significant changes to reform the Labor Code failed to be initiated.

2019 was a critical year for the Pankisi Gorge. On April 21, a large-scale policing event, to support building of the HPP, was planned by the MIA in the Gorge, while the ongoing political negotiations on the HPPs were not exhausted. The existing public mistrust, resulting from Temirlan Machalikhvili's deprivation of life and the apparent ineffective investigation, has deepened following the events of April 21. The local community was referring to the excessive concentration and intervention of police resources in favor of the interests of the private company, in the construction of HPPs, which, according to them, ended with an armed conflict between the community members, on November 27 this year. Against the development of the unique democratic processes that have begun in the Gorge, such decisions by the state substantially undermine the region's development potential, and returns the politics to security and punishment discourse.

Political activity of the anti-democratic violent groups, whose homophobic and other types of violence are being tolerated and condoned by the law enforcement system, has again been felt this year. The political activities of these groups as a whole leave an impression of their political instrumentalization by the state, through promoting artificial conflicts and excessive use of their activities in the political agenda.

2019 was also a difficult year in terms of the human rights protection in the occupied territories. While the rhetoric of normalization and confidence-building seem to be on the rise in the governmental political discourse, the situation in the conflict regions is getting worse. From September 2019, due to the ABL checkpoint closure in Akhlagori, humanitarian crisis in the region has been created and the locals lack access to the basic medical and social resources. As a result, one person died in Tskhinvali due to the lack of adequate medical care. In the same period, de facto authorities of South Ossetia arrested Dr. Vazha Gaprindashvili, who is currently being held in Tskhinvali prison. So-called border closures in Akhlagori were linked to an attempt to set up Georgian police in the village of Chorchana. Ongoing talks on the issue show that the conflict-related negotiations have increasingly been stripped of the political and civilian dimension, and have largely focused on communication between the security services.

## **Labor policy**

Due to the high-profile workplace deaths, the issue of labor safety was the most politicized aspect of the labor policy in 2019 as well. The (now organic) Law of Georgia on Labor Safety, passed in 2018, and the enactment of important provisions of the Law in September of this year, created a legislative basis for the labor safety policy, and especially effective labor inspection. In response to the public outrage over the deaths of the workers, a thematic inquiry group was set up in the Georgian Parliament on labor safety in May, and since August, integrated monitoring and inspection teams, including the representatives of the Tbilisi City Hall, the Labor Inspection and the Ministry of Economy, have been formed. The monitoring groups have inspected more than 200 construction sites and found violations in most cases.

However, recent data suggest that legislative changes and the activation of monitoring systems have not had a significant impact on the statistics of fatalities and injuries, resulting from industrial accidents. This is especially significant given that in Tkibuli, where, only in 2018, 12 people were killed and 9 seriously injured, the coal mining process has been suspended from July 2018, in accordance with the Prime Minister's order, until the completion of the relevant engineering and technical expertise.

Proactive Labor Inspection, institutional independence and empowerment, adequate number and qualifications of inspectors, regional representation, development of an adequate mechanism for sanctions at the level of construction in the municipalities other than Tbilisi, the foreseeability of rules and policies in relation to the criminal responsibility for breaching safety rules, and the effectiveness of investigations, a narrow understanding of the notion of safety at work (psychosocial hazards and risks at the workplace are not included) and more, remain a challenge

Still, essential problem is the fact that the labor inspection mandate does not extend to other areas of labor rights, which places workers in the service sector, who are victims of systemic exploitation, in a particularly vulnerable position.

In terms of protection of workers' rights, in addition to such important issues as the regulation of working time, the improvement of the rules against discrimination or for the maternity leave, in the framework of labor law reforms, broadening of the mandate of the Labor Inspector Service and its institutional strengthening was also planned. However, after four working meetings in October and November, political processes in the country delayed the initiation of a package of laws and therefore the possibility of guaranteeing civil labor to workers was postponed for an indefinite period.

During the past year, there have been several significant cases of worker resistance, characterized by principled strikers, effective articulation of specific requirements, and acts of solidarity. In this regard, the strike in Chiatura is notable for its solidarity by a large part of the city, which ultimately ended with the promise of meeting the demands by the Georgian Manganese employees, including a 35% increase in salaries. The battlefield was also in Tkibuli, where miners refused to leave the mines, without the increase in salaries. The negotiations were successfully completed after the involvement of the Ministry of Economy and Sustainable Development of Georgia. It soon became clear that a new company would be taking over by the Tkibuli mining enterprise and that it would take [responsibility](#) for the implementation of safety standards in the Tkibuli shafts.

However, the most prominent was the strike of the Social Service Agency social workers demanding the elimination of gaps in the social service system. The importance of social workers' resistance was that, ultimately, it served to improve the social service system, to create more equitable, effective and humane human rights and social protection mechanisms and policies. Despite the agreement reached with the Ministry, many of the problems of social workers and, consequently, of their beneficiaries - the most vulnerable groups in society - remain unresolved.

### **Homelessness**

Despite the 2017 record in Constitution, on the level of principles, that the state should ensure access to adequate housing, and the 2018 commitment under OGP, to elaborate strategy and action plan to eliminate homelessness, the state, till this day, does not have a concrete vision in terms of tackling the problem of homelessness. Challenges remain: Improving legislation; Defining the notion of homelessness according to international standards; Estimating the number of homeless people and producing relevant statistics; Research on the causes of homelessness (including the impact of the gambling industry and the practice of usury on the prevalence of homelessness) and the challenges faced by the various social groups in this regard; adoption of a relevant strategy and action plan on the basis of such research; Creation, extension and / or diversification of relevant housing services.

### **Rights of Persons with Disabilities**

The state's formally declared will to guarantee the rights of persons with disabilities has not actually reflected on their legal situation to date. Discrimination and marginalization remain part of the daily lives of people with disabilities.

5 years after ratification of the Convention on the Rights of Persons with Disabilities, the state has no uniform, systematic policy, consistent with International standards, on the protection of persons with disabilities.

A prominent positive step in 2014-2015 was the legal capacity reform, with the abolition of the institution of guardianship people with psychosocial needs were to be allowed to lead their own lives and make important decisions. However, much of the reform has not yet been put into practice, and for the most part the de facto guardianship system is still in place in the country.

One of the most pressing and continuing problems is people living in large mental institutions, in degrading conditions. Despite the state's declared policy of deinstitutionalization, there are no tangible results in this regard.

### **Construction of hydropower plants**

The state does not have the energy, including hydropower, development strategy and / or plan, which would, in a systematic and uniform manner, taking into consideration the general context of development, define the country's water resources development vision and the relevant standards. As of today, 117 hydropower projects are under construction across the country.

Essential challenge is the lack of a systematic approach and strategy for renewable energy development; Faulty and non-transparent legal norms for planning and implementation of HPP construction; Inadequate

involvement of the local communities, affected by the project, and the independent experts in the decision-making projects; Deficiencies of the project environmental and population impact assessments; the lack of standards / norms set by environmental / safety legislation, disregard of the international best practice and use of outdated Soviet-era norms; HPPs' failure to comply with the minimum standards, obligations set out in the permit documentation and compensation measures and the inadequate response by the state.

Specifically, regarding the construction of HPPs in Upper Svaneti, EMC assessed the human rights impact of HPP construction and identified challenges related to the right to property and utilization of public space, freedom of expression of the HPP construction opponents, access to public information, and labor rights.

### **Selection and Appointment of Supreme Court Judges and the Court Reform**

On December 24 last year, the High Council of Justice presented the Parliament of Georgia with a [list](#) of ten candidates for the Supreme Court. The selection of candidates was conducted in a blatant and swift manner, with clear procedural violations, and the final list clearly reflected the interests of the influential group of judges.

In light of public and political pressure, Parliamentary Committee on Legal Affairs no longer discussed the matter in an expedited manner, and those nominated by the Council themselves refused the nomination of their candidacies. At the Spring Session of 2019, the Parliament of Georgia began to regulate the selection and appointment of judges and to work on draft amendments to the relevant normative acts to this end. Unfortunately, even with these changes, the legislators failed to create a fully-fledged legislative framework that would impose certain barriers and restrictions on an influential group of judges. The bill tabled in Parliament was strongly [criticized](#) by the Coalition for an Independent and Transparent Judiciary, much of the criticism was also shared by [authoritative](#) international organizations such as the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights.

Finally, the authors of the draft law only considered part of the recommendations presented and important issues such as the nomination of a candidate by open ballot and a reasoned decision; Eliminating conflicts of interest in the decision-making process by the High Council of Justice; Inadequate involvement of non-judge Council members in the decision-making process and [etc.](#) still remained unresolved

The re-selection of candidates at the High Council of Justice was carried out in accordance with the aforementioned flawed legislation and naturally, there were numerous violations [identified](#) in the process. Finally, 20 candidates were selected and submitted to Parliament of Georgia by the Council, and during the Autumn Session open committee hearings were conducted for individual consideration of the candidacies. The Parliament of Georgia has not yet made a final decision on the candidates, but the committee hearings have clearly identified problems in relation to both, the specific candidates and the judicial system as a whole.

The process of selecting and appointing judges to the Supreme Court is crucial for the Georgian justice system, and the end result of these processes largely determines the degree of judicial independence and political neutrality.

Bill known as the "Fourth Wave of Judicial Reform" was also introduced at the Georgian Parliament in the fall of 2019. The draft law improves a number of issues related to the discipline of judges, as well as

the process of selecting students for the High School of Justice. However, the bill still fails to define the rules for appointing the Court chairs, fails to ensure proper transparency of disciplinary responsibility of the judges, and to provide for the publicity of [sessions](#) of the High Council of Justice.

### **Criminal Justice**

The depoliticization of law enforcement agencies remains a major challenge in the country. In light of the 2018 constitutional amendments, resources have been put in place for the prosecutor's office to make in-depth changes and to strengthen the functions of collegial bodies within the agency, ensuring the balancing of the Chief Prosecutor's uncontrolled power. Unfortunately, the changes to the Prosecutor's Office [did not completely eliminate](#) these problems and the rules of appointment of the Chief Prosecutor were left almost unchanged, this leads to insufficient insurance against decision-making with unilateral political interests. To this end, the reform of the Prosecutor's Office remains open and requires further parliamentary work.

One of the active topics in 2019 was the reform of the investigation system. In particular, the clear separation of investigation and prosecutorial competencies during the investigation process, the creation of robust investigative agencies and the provision of comprehensive, objective investigation with higher standards. With the initiative of the Ministry of Internal Affairs, a large-scale reform project is being [conducted](#), however, in light of the political developments and staff changes in the agency, this work process has not led to any concrete reforms or legislative changes and the creation of well-established, effective and objective investigation system still remains a challenge.

In terms of criminal justice, a noteworthy positive news is that the State Inspector Service has been operational since November 1, 2019, which will be able to independently investigate specific types of crimes committed by the law enforcement. National and international organizations have been requesting for the creation of such an agency for many years and this organ will play an important role in preventing abuse of power or ill-treatment by the police / Prosecutor's Office. It is noteworthy that the Georgian Parliament has postponed the authorization of the investigation capacity of the organ [four](#) times before, leaving many events in 2019, including possible cases of excessive use of force by the police on June 20-21, beyond the scope of the jurisdiction of the agency.

### **Assemblies, manifestations, and administrative offenses**

Amid the dynamic and often aggressive political situation created in the country in 2019, large-scale gatherings and demonstrations were frequent. The events of June 20-21 are particularly noteworthy when spontaneously gathered protesters were rallying against the Russian MP Sergei Gavrillov speaking at the Georgian Parliament building and the him taking the seat of the chairperson of the parliament. The demonstration eventually led to mass clashes between the citizens and the police, when the state clearly used disproportionate force against the demonstrators, and as a result many civilians [sustained injuries of varying severity](#).

In order to ease the difficult political situation created, the Speaker of Parliament resigned, and the ruling political party made a public promise to hold the 2020 parliamentary elections in a fully proportional manner. These steps have played a positive role in stabilizing the political situation. However, in November this year, constitutional changes on the proportional electoral system [were failed](#) by the ruling political force, which was followed by large-scale demonstrations in front of the Georgian Parliament. In

this case, the aim of the demonstrators was to picket the parliament building and in this way push the government to fulfill its promise made several months earlier.

It is noteworthy that disproportionate use of force was also used by the police during the November protests, which often served to [demonstrate power](#). At the same time, mass detention of demonstrators has become a general trend. Against this background, a particular problem is the fact that case proceedings of persons detained under administrative law have usually been processed with [fundamental human rights violations](#). Another trend, which has been exacerbated in 2019, is the so-called counter-protests. When, during demonstrations against the government, organized groups emerge that are opposed to the protesters and are usually distinguished by an aggressive, violent rhetoric and actions. Unfortunately, the law enforcement agencies fail to provide effective measures against these groups, leaving the [impression of their politicization](#).

Disproportionate force by the police against the demonstrators, on the one hand, and their virtually zero response to the aggressive actions of the counter demonstrators, on the other hand, as well as flawed conduct of the court proceedings of the detained persons could have a chilling effect on the realization of the right to freedom of manifestation and assembly and the enjoyment of the right to freedom of expression, in general.

### **Drug Policy Reform Failure - Another Unfulfilled Promise and Significant Risks to Human Rights Violations**

The state's approach to drug related offences may be more lenient compared to the previous years, though existing policies and practices continue to focus on punishment and repression. In 2019, in fact, not even one step was taken in terms of the fundamental reform of drug policy. In this regard, the President's moratorium on pardon was even more severe, as it was often through the mechanism of pardon that drug users were able to escape unjustly long prison sentences. The need for drug policy reform is still in place, especially given that many convicted persons are currently serving prison sentences for purchase and possession of a small dose of narcotics intended for personal use.

### **The legal status of ethnic minorities**

In 2019 there have been no significant positive changes in terms of the protection and integration of ethnic minorities. Routine activities planned by the state in terms of integration policy do not substantially address the real political and social challenges faced by the ethnic minorities, and with low, "imaginary" political participation of the minorities, it becomes increasingly difficult to properly articulate the needs, concerns and interests of the disadvantaged groups.

State policies towards ethnic minorities, instead of the principles of protection, equality and inclusion, are largely based on problematic perspectives such as **security, geopolitization and cultural dominance**. State policy fails to see the **deep and structural inequality** that exists in relation to ethnic minority groups due to historical ignorance and practices of domination. Under these approaches, however, the state does not have special positive policies (including special mechanisms for enhancing political participation, employment promotion policies, proactive approaches to social protection) that would create systemic and institutional opportunities to combat the said challenges.

Problematic and discriminatory statements against ethnic minorities by senior officials were again heard this year. The [statement](#) of the Chairman of the Parliamentary Committee on Education, Science and Culture, which linked the Azerbaijani community of Georgia to the neighboring country, was noteworthy. Another [symptomatic case](#) was reported in Parliament this year when a member of the Parliament reprimanded the Sheikh of the Supreme Religious Administration of Georgia's All Muslims of Georgia for not speaking Georgian and indicated that if he is a Georgian citizen, he should speak Georgian.

The EMC's active work in Kvemo Kartli region shows that Georgian language domination policies have severe social consequences for the local Azerbaijani community. Enhancement of the state language teaching policy is essential, though for years local self-government and territorial authorities [have not provided](#) the resources for translating materials into Azerbaijani, which has led to exclusion of the majority of the local community from local politics. A recent [study](#) by the Institute for Social Studies and Analysis (ISSA) shows that almost 70% of people in minority-populated regions have never addressed the local municipalities with either collective or individual needs. Political participation of women in the region is an even more serious problem.

In the villages of Kvemo Kartli, access to vital resources (land, drinking and irrigation water) and basic social programs remains a [problem](#), which clearly increases the social vulnerability of ethnic minorities.

The lack of pre-school education infrastructure is problematic in these regions. The quality of education in public schools, in the regions densely populated with minorities, is dramatically low and unequal, which deprives these groups of appropriate development opportunities. Until now, the Ministry of Education has not developed a specific vision and policy that would specifically address the general education challenges for the ethnic minorities.

The employment rate of young people educated with the support of the 1 + 4 program is also low and it is unfortunate that the state has no special employment support policy for this group (beyond the state internship program).

Evident practices of state culture domination in ethnic minority areas are noteworthy, which are clearly visible in the local cultural policy, including through the “rewriting” of local [celebrations](#) and [weak representation of minority cultures](#).

Significant social implications of the 1 + 4 program should be highlighted, including the creation of a unique resource of young, well-educated activists in the region who [create](#) interesting experiences of political self-determination and organization.

2019 was particularly difficult for Pankisi Gorge. On April 21, the Ministry of Internal Affairs [planned a large-scale policing](#) event to ensure the construction of the HPP in the Pankisi Gorge, while the political negotiations on the HPPs had not yet been completed. It is noteworthy that throughout the year the police and the SSSG, through [threatening the local leaders](#) and activists and summoning them to the police departments, actively sought to weaken the protest against the construction of the HPP cascade. Deputy Minister of Internal Affairs was involved in the ongoing negotiations on HPPs, completely unlawfully. After the April events, the construction of the HPP was temporarily suspended, but the state did not set up a democratic consultation process to assess the construction of the HPP cascade and its social and environmental impact.



Throughout this period, the active intervention of the police and the SSSG in the issues surrounding the construction of SSSGs and the strategy of creating and encouraging internal interest groups in the process, increased the risks of internal conflict in the community, which, according to locals, ended in armed conflict (with heavy casualty) between the local groups on November 27.

The ongoing investigation into Temirlan Machalikashvili's death this year has not yet yielded any significant results. The Machalikashvili family still does not have the status of the victim's successor and access to a substantial part of the case file. Interrogation of senior officials, including the head and deputy head of the SSSG, in August, [showed](#) that the investigation was in fact formal. This year, the EMC [filed a complaint](#) at the European Court of Human Rights, the case has been communicated to the Georgian government already. Another manifestation of injustice towards the Machalikashvili family was the [arbitrary detention](#) of their family member, Maurice (Hussein) Machalikashvili, during the events in front of the Parliament, on June 21, who is still in detention.

The case of Machalikashvili's deprivation of life, as well as the large-scale policing operation on the HPPs, are examples of a demonstration of power that historically characterizes the policies of various governments in the Pankisi Gorge. Repressive special operations in the valley create insecurity, fear and alienation among the locals. However, these severe cases of punishment and repression are accompanied by the complete inaction by the government and / or rhetoric of unjustified legitimacy and normalization of the use of force (in this respect, the current Interior Minister's statement that he would have used more force against the opposition of the construction of the HPPs, is symptomatic). State seeks neither legal nor political mechanisms to promote social security and confidence building in the local community.

In the Gorge, there is a growing tendency of migration of the locals, which has to do with the crisis and hopelessness in the Gorge in recent years.

In the wake of the crisis in the Pankisi Gorge, the authorities have not taken appropriate steps to tackle the existing social frustration and distrust. Despite number of recommendations on reverting to policies based on equality and sustainable development, instead of repressive and control-oriented approach, the government lacks the political will and resources to pursue such policies. The draft project on the Pankisi Gorge Development Plan, developed by the Office of the State Minister for Reconciliation and Civic Equality, is more like a compilation of the routine work of different agencies, rather than a vision based on a real social change and positive development.

In recent years, the local activists have been trying to change the management policy structure, by using various privileged groups in the community, to make it more democratic, participatory and open. However, as the government does not change its approach to the Gorge and still operates under an undemocratic security and control mechanisms, social change for local activists becomes difficult to achieve and the belief in change is weakened.

### **Church, freedom of religion, and non-dominant religious groups**

Many of the challenges in terms of the protection of the rights of religious minorities (including existing non-secular and discriminatory funding practices, lack of restitution policies in relation to the religious minorities) were still relevant this year.

Moreover, this year, initiatives aimed at worsening the legislative standards and safeguards related to the Freedom of Religion have found their way in the agenda (including the adoption of a special law on

religion, ban on Muslim women to wear religious paraphernalia, initiative to scrap military exemptions for the non-dominant religious clerics from joining compulsory military service). These initiatives were suspended largely due to the advocacy by religious organizations and human rights actors.

Reports published this year by [ECRI](#), [FCNM](#), the [Oslo](#) Coalition, the international expert invited by the UN and the EU, Maggie Nicholson point to the weak trust in the State Agency for Religious Affairs and the problem of control and favoritism-based approaches in the work of the agency. Despite the criticism and [recommendation](#) by significant number of religious organizations, the government has not abolished this body or transformed its mandate and policy so far and is still trying to maintain the current problematic status quo.

This year the process of building a new mosque in Batumi showed an interesting dynamic. On September 30, 2019, the Batumi City Court made a historic [decision](#) on the construction of the mosque and found the Batumi City Hall's refusal to build a new mosque discriminatory and unlawful. However, the Batumi City Hall appealed the decision and again used a strategy of delaying the process. The construction of a new mosque in Batumi is a historic demand of the Georgian Muslim community, and it is coming from a weak political and cultural representation of Islam and inadequate recognition and protection of the Muslim rights, however the government does not respond to this problem adequately and continues to ignore it.

This year, the problem of severe human rights situation of the Muslim community in Adigeni municipality was again evident. The state [unlawfully and unjustifiably transferred](#) the pasture lands (approximately 8 ha) belonging to Muslims living in the villages of Kikibo and Dertseli in Adigeni municipality to the Patriarchate. The existing land is a vital resource for Muslim peasants, and losing the land [further aggravates](#) the already difficult social situation of the families living in the highlands. Despite the number of attempts by EMC to negotiate a fair solution, the problem remains unresolved. At this stage, the EMC is currently litigating this case in the courts. Following the religious conflicts in the village of Chela in 2013, in the village of Mokhe in 2014, and in the village of Adigeni in 2016, this case again demonstrates the grave legal situation of the Muslim community in the region and the need for timely and systematic state intervention. However, in a situation where state policy on freedom of religion has been essentially delegated to the organization which, in itself, has problematic ideas and approaches, it is difficult to expect positive change.

Catholic shrine in Akhalkalaki was [damaged](#) again this year, which is a continuation of similar acts of vandalism in the region in previous years.

In 2019 [cases](#) of religious indoctrination were again revealed in public schools of high mountainous Adjara. During a meeting with school principals and the representatives of the Eparchy of Skhalta in the local resource center in Keda village, school principals made problematic statements about the students' "return and conversion to their native religion".

This year there was also a [crisis](#) in the Orthodox Church. Public statements by influential clergymen of the Patriarchate, including (former) Bishop Jacob and Chkondidi (former) Bishop Peter Tsaava, indicated the possible influence of the authorities on ongoing church processes and the existence of violent and canonically unacceptable sexual practices in the church. The aforementioned statements have not been properly investigated, and the crisis in realm of the Patriarchate has not become a prerequisite for internal reflection and reform. By punishing critical bishops, the Synod maintained the status quo and suspended the discussion of serious allegations. It is noteworthy that the decision / recommendation of the Synod on

October 31, 2019, on the pardon of Archbishop Giorgi Mamaladze, after several years of deliberation by the Synod, has not yet been decided by the President of Georgia

### **LGBTQI human rights situation**

2019 was a particularly difficult year for LGBTQI persons. Throughout the year, there have been serious cases of violence, incitement to violence and rights violation of LGBTQI people largely by organized violent, anti-democratic groups. Existing violent homophobic practices have not been challenged by the state either by effective preventive and law enforcement approaches, or by rhetoric based on equality and a strong respect for human rights. Moreover, the history of the activities of the said anti-democratic groups and their active involvement in anti-government protests raise the risk that these groups are politically exploited by the government and hence, they are given immunity.

Despite positive changes in state legislation (including positive changes in the Law on the Elimination of All Forms of Discrimination) and institutional approaches to discrimination on the grounds of sexual orientation and gender identity in the recent years, issues concerning LGBTQI people remain politicized and they are not given an opportunity to realize their rights on an equal footing with others. It is also problematic that the Gender Equality Council at the Parliament completely excluded the work on the protection against homophobia and the rights of LBT women, from its agenda.

In terms of the institutional reforms carried out, the efforts by the Ministry of Internal Affairs to improve and institutionalize the policy on combatting hate crimes (creation of a special division at the Ministry responsible for coordination and monitoring) should be positively assessed, however, the effective investigation of the past crimes and the high profile cases remain a challenge. In the process of the investigation of some homophobic violence cases, there have been accusations against "both parties" and instances of arbitrary prosecution of LGBT people. At the same time, work at the MIA on the prevention of hate crimes and on the protection of victims is substantially enhanced. It is noteworthy that the Council of Europe (including ECRI, [the Committee of Ministers](#), which is monitoring the enforcement of the European Court's judgment in the case of *Identoba and others v. Georgia*) calls on the government of Georgia to set up a special division with a mandate to investigate and provide direct response to hate crimes.

The state still [fails to safeguard](#) the freedom of assembly of LGBTQI people and openly disregards their rights in that regard. On May 17, 2012 and 2013, the International Day Against Homophobia and Transphobia, crackdown on the peaceful manifestation of LGBTQ people remained unanswered by the state. [Violent acts](#) against the organization [Tbilisi Pride](#) and their supporters in June 2019 also remained unanswered. The state failed to respond to the November 2019 violent acts by the anti-democratic groups inciting hatred, in relation to the [screening](#) of the film *And Then We Danced*. Apparent violent calls by leaders of ultraconservative groups and the organization of violent groups did not become a [prerequisite](#) for the use of legal mechanisms against them.

The government does not adequately understand the grave political and social consequences of homophobia and does not take the systematic steps needed to tackle it, requiring a change in the knowledge and sensitivity of public officials and professional circles, and strengthening of the human rights-oriented public policy.

### **The grave legal situation in the occupied territories**

At the end of 2019, the difficult human rights situation and humanitarian crisis of people living in Akhgori were particularly problematic. On September 4, 2019, de facto authorities of South Ossetia closed the checkpoint (the so-called Razdakhtan checkpoint), creating a severe social and humanitarian situation for Georgians and Ossetians living in Akhgori. The checkpoint is still closed. In isolation, locals have limited access to adequate medical care, pensions and food. They fell out of contact with their families living in Georgia and found themselves in complete isolation, especially this concerns the elderly. Young people were denied the right to education. Tragic deaths of several people have been reported in Tskhinvali due to the lack of proper medical services. It is noteworthy that on December 2, the de facto regime of South Ossetia [softened](#) the regime on the closed border at Akhgori and made it possible for the severely ill and pensioners to cross the checkpoint, with special lists. However, this decision concerns a limited number of people and many locals still face significant social challenges.

The crisis was further aggravated by the [detention of Dr. Vazha Gaprindashvili](#), on November 9, 2019, who still remains in the detention facility in Tskhinvali. Linking Vazha Gaprindashvili to the Russia-Georgia War in 2008, by the Tskhinvali De Facto regime, and the doctor's non-recognition of the so-called border, create risks that the case will be given a political connotation, which increases the risk of ill-treatment and longer detention of Dr. Gaprindashvili.

It should be noted that despite [number of recommendations](#) made by the human rights actors, the Georgian Government has not addressed the European Court of Human Rights to request the use of a provisional measure (Article 39 of European Court Rules) in response to the difficult situation in Akhgori and largely relied on the political and diplomatic mechanisms, which has not led to a significant result so far.

The [persecution of Tamar Merakishvili](#), who lives in Akhgori, by the de facto regime of South Ossetia, has been a problem throughout the year. Despite the local court repeatedly suspending Tamar Merakishvili's investigation, the de facto Prosecution is [resuming](#) the investigation and launching new proceedings. The lack of substantiation and the content of the charges against Tamar Merakishvili, show the political nature of the ongoing criminal prosecution against her. According to Tamar Merakishvili, the Georgian authorities have not taken adequate measures in the international format to get much needed support for her case.