



The Social Justice Center assesses the human rights situation in 2021

December 10 is International Human Rights Day. Annually on this day the Social Justice Center publishes a report on the state of human rights in the country and summarizes the current year.

2021 in Georgia was marked with an ongoing political crisis, which neither the April 19 Agreement mediated by the international partners nor the 2021 local self-government elections could resolve. The agenda that was solemnly focused on the political crisis has completely missed the following issues:

- Disturbing human and social consequences of the pandemic;
- The dire social and economic situation in the country, which has been exacerbated by the unprecedented scale of inflation;
- Issues related to the reforms aimed at protecting human rights and equality.

Political polarization and radicalization were particularly intense in the context of self-government elections of 2021. In the pre-election period, the campaign strategies of the parties were rather reflecting state of emergency, and completely ignoring real challenges and needs of the regions and cities. Antagonism and hostile rhetoric have taken over the political and media space, and neither public nor political means were found to alleviate this state. On the contrary, the shortcomings observed in the elections and the developments around the third president of the country that were evolving at the same time further contributed to the radicalization of the situation. The factor of Saakashvili deepened the state of polarization and weakened the political influences and electoral results of small political parties even more.

The political polarization and undemocratic internal processes inside the ruling party have substantially damaged the process of Europeanization in the country. After the appointment of Irakli Gharibashvili as a Prime Minister, the leaders of the ruling party started making disturbing statements about the country's international partners. Moreover, the relations with the European Union are clearly in crisis, which is confirmed by the harsh and alarming statements made by number of members of European Parliament.

The decisions made by the authorities after Mikheil Saakashvili's return to Georgia were deeply problematic. Meaning the decisions of restricting a right to a fair trial and refusing to provide adequate medical treatment for the prisoner on a hunger strike. Given the politicization of the existing justice system and the clan structure, it is clear that the judiciary will not be independent and fair to Mikheil Saakashvili. This fact not only violates the rights of the individual, but also makes it impossible to make a fair assessment of the past and to cultivate consent in the society about it, which is another cause of political polarization and conflict.

The tendency that after the elections the ruling political party is trying to put pressure on the newly elected opposition MPs in some Sakrebulo in order to consolidate power is disturbing. In this context, special attention should be given to the death of Nugzar Putkaradze, a newly elected member of the

Batumi City Council who was [pressured](#) to act in favor of the interests of the ruling party. A similar trend is evident in Dmanisi, where there are also signs of pressure on the opposition council member, [Ramiz Ramazanov](#).

Transcripts published in September 2021, which allegedly indicates the mass illegal eavesdropping by the State Security Service, once again uncovered the excessive role of the security services in the political system and their scale of penetration into micro-social relations that creates the heaviest sense of control and mistrust in society.

Anti-crisis aid and direct monetary compensation for those who lost their jobs as a result of pandemic restrictions that were issued on the expense of increased state debt to some extent responded to the severe social and economic crisis in the country. However, ensuring social aid for persons enrolled in informal economies and providing quick and adequate response to large-scale strikes and various types of workers' protests is still a challenge for the state. Throughout the year large-scale protests of environmentalists is visible in different regions. On sight, the local population resorted to extreme forms of protest, hunger, and even days-long picketing, to which the state responded by ignoring or repressing, restricting the right to protest and freedom of movement in the main protest localities.

The radicalization and violence of ultra-right groups has dreadfully emerged again in 2021. The tolerant policies and impunity for the violence perpetrated by these groups has been practiced by the state over the years and it has further increased the threats posed by these groups. In this regards, particularly disturbing was the mass, pre-organized violence orchestrated by the leaders of the Alt-Info group on July 5-6, 2021 during the anti-Pride rally, which resulted in the restriction of the rights and professional activities of 52 journalists, including, violence against several of them. It should be noted that the investigation of the events is still [sporadic](#) and it is not clear whether there is a political will to impose legal responsibility on the organizers of the violent gathering. Against this background, the establishment of parties and televisions by these groups and the entry of sharply anti-democratic, unconstitutional forces into the field of institutional politics are the matters of government's political responsibility.

This year we have again saw social conflicts with religious and ethnic connotations in our country. This, unfortunately, once again did not become a locomotive for a positive transformations and substantial reforms in the policy of equality and integration for the government. Moreover, the pre-election processes in the regions with high ethnic minority presence and the experience of their political instrumentalization by the authorities have once again demonstrated the weak policy of integration of these regions, exclusion from democratic participation and the political intentions of peripheralization.

It is clear that in the context of policies of political polarization, weak democratization and integration, it becomes virtually impossible to work on important political issues related to the peaceful transformation of conflicts and moving the reconciliation policies to a new level.

Thus the deep and unresolved political crisis and polarization, the undemocratic attempts of the ruling political team to remain in power, the pandemic, the deep economic crisis and the inflation have substantially worsened the living conditions and human rights condition of our citizens. It is obvious that the state is not able to respond to various types of social conflicts and grievances with the long-term social and legal reforms, which ultimately create an unstable political and economic environment and produce social despair.

In the social report the aspects of human rights are presented thematically.

Failed justice reform

Despite 4 waves of justice reforms, the Georgian judiciary is still unable to resist internal and external influences. Today, the judiciary is governed not by the interests of the judiciary but by narrow partisan and intra-corporate interests. A clear confirmation of the issue being highly problematic is the April 19 Agreement, which emphasized the need for [systemic justice reform](#).

Unfortunately, in 2021, the expansion of the influences of the ruling party and the intra-clan in the court continued. Contrary to the spirit of the April 19 Agreement, the [process of forming](#) a new composition of the Supreme Court continued and 10 judges were appointed for life in the country's highest court. Unfortunately, in this case, as well, the appointment of the judges was conducted with defective processes and the decisions on the candidates were made not on the basis of professional criteria, but on the basis of party or clan loyalty.

The activities of the most important body of the justice system - the High Council of Justice - remain problematic. The decisions related to the management of the system and personnel still are being made by the Council based on the narrow-clans interests, and the level of trust of [public and professional groups](#) in this body is extremely low.

It should be emphasized that as a result of the decision of the ruling party, 5 non-judicial members have not been appointed to the Council so far, which further reduces the possibilities of external control and transparency over the activities of this body and relies the functioning of the Council entirely in the hands of intra-clan.

While the Georgian judiciary was harshly assessed by the [local](#) and [international](#) actors, this summer the Coalition for Independent and Transparent Judiciary developed a concept of judicial reform. The concept, radically changes the logic of governing the judiciary, reinforces the need for political consensus in the process and, at the same time, focuses on rearrangement of the judiciary personnel so that the system can actually gain public trust.

Law Enforcement System and Repressive Criminal Policy

This year, the institutional reforms of the law enforcement system, the prosecutor's office and the police have also been substantially suspended. The inaccessibility of these agencies and the lack of cooperation with civil society organizations continue to be a challenge. The main problem remains the instrumentalization of the Prosecutor's Office and the Police for political purposes and the use of these bodies to suppress public and political protests.

The country's criminal policy still fails to act in the current social and economic context. This problem is especially acute in case of [property and drug crimes](#), in which the logic with which the state leads is to punish and isolate, instead of supporting citizens with social or economic needs.

As previously noted, work on reforming the [investigative bodies](#), [drug policy](#), police, and ensuring political neutrality of the prosecution was also halted in 2021. In this regard, the April 19 Agreement highlights the need to reform the prosecution service - in particular the need to develop a rule for the appointment of the Prosecutor General, which would reduce the risk of political influence in the process. Unfortunately,

the [bill initiated](#) by the ruling party on the election of the Prosecutor General was suspended at the first hearing in the parliament, as the Georgian Dream annulled the April 19 Agreement.

On the one hand, the [disproportionate, unjustified use of police force](#) during peaceful demonstrations was also topical this year. Particularly problematic in this context are the [amendments](#) to the Code of Administrative Offenses and the increased length of administrative detentions, which further increases the risks of [police audaciousness](#) and unjustified violation of citizens' rights. On the other hand, police inaction was evident during the events of July 5-6, 2021 when ultra-conservative groups organized violence against dozens of peaceful activists and journalists.

Security and violation of one's right to personal life

The [politicization](#) of the State Security Services of Georgia (SSSG) and its [instrumentalization](#) for political purposes remains a grave problem. In September of this year, illegally obtained files were leaked to the media, where details of personal communications of clergy, journalists, lawyers, diplomats or representatives of other public groups were processed. The problem of illegal eavesdropping has been criticized by civil society organizations for years, but the files released this year have once again shown the scale and severity of the problem. It has also become obvious that these covert eavesdropping practices result from the existing [legislation and institutional arrangements](#) that, on the one hand, provide the State Security Service with an excessive and uncontrolled powers and, on the other hand, do not impose effective external control mechanisms overseeing its activities.

Unfortunately, the response of law enforcement agencies to illegal eavesdropping / surveillance is [extremely ineffective](#) and the ruling party has so far refused to use the tools at the disposal of the parliamentary to investigate the issue and identify problems. Consequently, the activities of SSSG are still out of control area, and in the current context of weak accountability and oversight tools, the risks of violating citizens' privacy or other rights are extremely high.

Condition of non-dominant ethnic groups

The year 2021 has not brought significant changes in the protection of rights, civic equality, and integration of non-dominant ethnic groups. Only a few positive developments are worth noting. This year, the government of Georgia has approved a ten-year state strategy (2021-2030) for civic equality and integration.

It must be said that despite the unchanging public positioning of state agencies, the language and pathos of the Strategy were critical and self-reflective. Nevertheless, the Strategy [document](#) does not contain substantially new and significant visions and plans, which clearly reduces expectations of significant policy change in terms of building an inclusive and equitable society. In addition, based on our observations, in 2021 the issues of non-dominant ethnic groups were more frequently covered in the public space and media than in previous years, which is more the outcome of local activists, public organizations and media.

In January of this year, tensions arose between the population of the second Kesalo village in Marneuli Municipality and representatives of the Marneuli and Hujab Eparchy. The local peasants demanded the right to use the agricultural land that was located around the village and was on the state balance, but they were refused by the local Eparchy. Although both the central and local governments had a prompt reaction to engage into the discussions, it did not produce significant results for the locals. A few weeks later, the Eparchy blatantly began cultivating the disputed land without any agreement with the locals.

Despite the promises, the conversation about the [needs](#) of the local peasants to use more land did not even follow.

In March 2021, to the request of the youth of the Azerbaijani community of Georgia to remove curfew on March 21 so that the population could celebrate the traditional public holiday- Nowruz to the fullest extent, the Georgian government replied negatively. In the same year, the Parliamentary Initiative of the community centers and young activists to declare March 21 an official holiday was also rejected by the Parliament of Georgia.

In March 2021, the formation of the Council for National Minorities under the Diaspora Committee in the Parliament of Georgia became the basis for significant [criticism](#) from ethnic minorities and civil society. The activists from different ethnic groups launched a campaign with the slogan "I am not a diaspora" thus reminding the state of the importance of seeing them as the citizens.

The May 16-17, 2021 confrontation in Dmanisi Municipality, which ignited from the domestic matters later [escalated into](#) a severe confrontation between the ethnic groups, was one of the most difficult experiences that unveiled weaknesses in the process of civic equality and integration. Beyond the police response in Dmanisi, the state has not taken preventive and transformational steps to restore inter-community trust and strengthening a cooperation.

The 2021 local elections and the pre-election period [were marked](#) with the significant challenges in regions populated with non-dominant ethnic groups.

There were still signs of weak democracy and politics of peripheralizing used by the authorities in these regions. In the Samtskhe-Javakheti region, opposition candidates refused to run in the elections due to the pressure, and in several polling stations the ruling party did not even have a rival on the ballot. In Kvemo Kartli, the influence on the voters through violent practices and social control was still visible.

Although the issue of obtaining Georgian citizenship was once again raised during the elections for the thousands of people historically living in Javakheti who automatically [lost their Georgian citizenship](#) due to the labor migration to the neighboring countries a few years ago, the issue was not resolved this year too. The [issue of citizenship](#) of Muslim Meskhetians that some repatriated families are denied access to the basic social and political benefits, also, remains unresolved.

In 2021, members of the Azerbaijani community as a legislative initiative and a part of the **Give Me Back My Surname** campaign collected up to 27,000 signatures to provide a legal basis for removing Russian surname-endings (ov / ev, etc.) from their surnames and reclaiming their authentic surnames. Unfortunately, the Parliament of Georgia did not approve the initiative cause of superficial and formalistic reasons. This decision is [brought](#) to the Court of Appeals.

The current year has been difficult in the Pankisi Valley. There is a growing migration and a social hopelessness in the valley, which, in our estimation, is related to the special operations carried out by the authorities in the recent years, the undemocratic governance in the region, and the difficult economic situation.

This year, the European Court of Human Rights continued to review the case of Temirlan Machalikashvili's death, where the Georgian government continued to provide unsubstantiated and [misleading](#)

[information](#) to the Court. It was alarming when the local elder, [Jabrail Khangoshvili](#) was denied citizenship and then a residence permit. This showed obvious signs of political interest and inconsiderateness.

The state of freedom of religion

Any promising changes or decisions regarding the state of religious freedoms has not been made by the government this year.

In early 2021, another case of religious oppression of the Georgian Muslim community was reported in the village of [Buknari](#) (Chokhatauri Municipality), which transformed into inter-community conflict.

The outrage of the local Orthodox community was caused by the fact that a mosque was opened in a private house, which eventually took a violent turn. Police arrested 2 people in various episodes of verbal threats and violence.

Prior to the escalation of the conflict, the local government tried for several weeks to normalize the situation, but it did not have enough resources and public trust to prevent the conflict, and by the time the central government intervened it was already late. Inter-community relations on the ground are still problematic at this point and there are obvious signs of alienation and isolation. Nevertheless, the government is not taking positive steps to restore confidence and transform the conflict. The conflict in the village of Buknari echoes the logic and narrative of non-recognition of the Georgian Muslim community and religious persecution in eight villages [Tsikhisdziri (2011), Nigvziani (2012), Tsintskaro (2012), Samtatskaro (2013), Chela (2013), Mokhe (2014), Kobuleti (2014), Adigeni (2016)] that have taken place in the past.

It is important to note that this year the European Court of Human Rights [ruled](#) a very important decision with which it was recognized that the police restricted the rights of Georgian Muslims in October 2014 in the village of Mokhe.

The issue of building a new mosque in Batumi was on the agenda again this year. Like the Batumi City Court, despite the Court of Appeals acknowledging the illegal and discriminatory decision of the Batumi City Hall not to build a new mosque in Batumi, the Batumi City Hall [appealed](#) the decision to the Supreme Court and again resorted to delaying the process. This once again demonstrates that Batumi self-government does not recognize the religious rights and needs of the local Muslim community.

The current year was, as well, a crisis year for the Orthodox Church. In April 2021, the Ninotsminda religious boarding house became an epicenter of [tension](#). Boarding house administration and Archbishop Spiridon Abuladze did not allow the Public Defender to enter the boarding house for a monitoring. This right was previously restricted to social workers of the State Care Agency. Following this process, the former beneficiaries of the boarding house began to speak publicly about the violence they had experienced. Following a court ruling on June 5, 2021, the state was authorized to remove the children from the boarding house. The prosecutor's office has launched an investigation into the cases of violence, but its results are not yet known to the public. These processes have once again raised the issue of deinstitutionalization and urgent reform of religious boarding houses.

Unfortunately, the violent counter-demonstration organized against the rally announced by Tbilisi Pride on July 5-6, 2021, again, saw the mobilization of a part of the Orthodox clergy. Some of them even openly made remarks encouraging violence. In those days, in its public statements the Patriarchate called on the

public to mobilize. Parallel to the violent rally, Metropolitan Shio Mujiri, the co-patriarch, conducted a service of Paraklesis at the Kashveti Church [located in the same area where the rally took place].

The release of information about allegedly illegal wiretaps by the State Security Service on September 13, 2021, once again revealed the political and moral crisis inside the church. At the same time, the content of the widespread transcripts confirmed, on the one hand, the signs of mass and total control of the clergy by the authorities and, on the other hand, the open support and loyalty of the current heads of the Patriarchate.

The situation in Chkondidi Eparchy was [tense](#) again this year. The persecution of clergy that express critical views by the Bishop Stefane Kalaijashvili, who is an interim head of the Eparchy, and other related groups took on a more drastic form and led to their excommunication and expulsion from monasteries, as well as other forms of coercion.

This year, [chauvinistic](#) (statement by Andria Jagmaidze, the head of public relations of the Patriarchate, in which he noted that there is already an undesirable ethnic balance in Kvemo Kartli) and [anti-Semitic](#) statements were declared again from the high clerical hierarchs. There were also severe cases of violence against the journalists, which did not become a subject of action either from the state or the [patriarchate](#).

Human rights in conflict-affected regions

The human rights situation in the conflict-affected regions have not improve in 2021. The critical human rights issues that have persisted over the years continue to present an additional burden on the daily lives of the people living here. The fact that the Office of the State Minister for Reconciliation and Civic Integration set up a closed group of experts for working on updating the engagement strategy and action plan in 2021, can be considered as a positive development. These policy documents were adopted by the government in 2010 after the August war of 2008 and they were supposed to be subject to revision at the every 6 months by working groups and every 3 years on a strategic level. However, 11 years after its adoption, it has not changed and is unable to address the severe current legal, humanitarian and social issues that have arisen in the conflict-affected regions and its surrounding villages. It is important that the government in this process critically reconsiders its peace policy and makes every effort to address the complex goals of conflict transformation that would be based on the principles of human security.

The legal and social situation in the conflict-affected regions and villages along the so-called boarder lines are still dire. Discriminatory practices against ethnic Georgians continue in Gali and Akhagori. In 2021, teaching in Georgian was completely [banned](#) in Gali schools. This decision virtually completed the process of Russification in Gali schools that had begun years before. Similar situation is in Akhagori educational sector.

It is still not possible to improve a transportation regime in the conflict-affected regions, which has led to a number of [tragic consequences](#) in 2021. The restrictions on freedom of movement, limited access to quality and rapid health care and other social services further aggravate the existing social issues. The practice of illegal detentions also continued as a result of restrictions on freedom of movement. The arrests of Zaza Gakheladze and Irakli Bebuia became publicly well known. People living near the conflict-affected areas are subject to constant fears of being kidnapped, arrested, their property being confiscated due to so-called crippling occupation. People that reside in the war-torn homes, near the so-called boarder lines sometimes live in humiliating and inhumane conditions. Most of them have limited access

to vital resources and basic social infrastructure, such as drinking water, irrigation water, pastures, clinics, and kindergartens. The authorities measure success in reconciliation and confidence-building based on the number of separate projects, while these projects are important and valuable their role in the conflict transformation process is relatively vague.

Although the rhetoric of confidence-building and reconciliation has intensified in Georgian political discourses since 2012, this has not transformed into a tangible legal and social progress for those living in and around the conflict-affected regions, and in some cases has even worsened.

It is important that in the process of adopting a new strategy and action plan, the government realizes the existing realities and bases its policies on complex approaches to conflict transformation and human security. This, firstly, means ensuring the personal security of individuals and protecting human rights; secondly, means a direct cooperation and dialogue with de facto regimes and, thirdly, maintaining and increasing access to social, health and education services, also through including the effectiveness of neutral witnesses.

The legal status of women

The rate of detection of violence against women and the consequences of domestic violence is increasing every year. In 2021, the fight against gender-based and sex-based violence was still relevant in the country. The responses from the Ministry of Foreign Affairs and from the Prosecutor's Office to the cases of violence against women should be assessed positively, together with the increased rate of investigation of the consequences of violence and the increased use of administrative-legal mechanisms against the perpetrator.

Despite significant steps taken by the state to combat the violence against women, the state's systematic work on preventing violence against women and domestic violence still remains a challenge in 2021 - it is fragmented in its reactions, and superficial and weak in tackling the root causes and structural challenges of violence. Policies related to violence against women require the interaction of complex measures. In relation to cases of violence, state institutions usually limit themselves to using only legal mechanisms against the perpetrator and refuse to investigate and eliminate the causes of violence. Such an approach does not change the dynamics of either violence against women or of domestic violence.

It remains a challenge for the victims of violence against women / domestic violence to make full use of social services, as the shelter for victims of violence / crisis centers can only provide shelter, psychologist services and medical requirements for a short period of time, which pushes women back into violence

or into poverty. Existing approaches do not include mechanisms for women's economic empowerment, in particular access to education, employment and other social services.

The investigation of cases of sexual violence and the improvement of legislation in this area remains an important challenge. The process of investigating such crimes is mostly delayed, in some cases gender-sensitive, unjustified questions are asked to women victims when communicating with the investigative bodies, and it remains a difficulty to conduct a forensic-medical examination within a reasonable time-frame and with the participation of a relevant expert, all of which in the end contributes to secondary victimization of the victim. It should be noted that local legislation is also problematic with regard to sexual offenses. Even though the punishment of sexual offenses is provided for by the Criminal Code of Georgia, the detection of a crime is entirely related to the physical violence, coercion or taking advantage of helplessness against the victim. Establishing sexual intercourse external to the conscious consent of the victim is not considered a crime. Such an approach runs counter to Georgia's international commitments and the requirements of the Istanbul Convention, which calls on Contracting States to criminalize the cases of establishing sexual intercourse without the consent of the victim.

The legal status of LGBTQI people

Fighting homophobia remains a challenge for our state. There is still a cultural stigma, economic oppression and lack of social sensitivity towards the LGBTQI community. Facts of discrimination manifest themselves at different social levels. However, the positive dynamics are also notable, and the increased rate of investigation by the Ministry of Internal Affairs of Georgia of hate crimes committed against LGBTQ people should be assessed positively. In recent years, the MIA has in most cases provided for the identification of perpetrators of crime, the investigation and prosecution process have revealed discriminatory motives, and the members of the community have been offered psychosocial services. However, these efforts are reflected only in responses to individual violence, while the police response in terms of realizing and protecting the civil rights of LGBTQI people is substantially weaker.

Despite the fight against the violence towards LGBTQI people, the state's adequate response to the practice of persecution of community members by various far-right groups still remains a challenge for the country. This is reflected in the disruption by ultra-conservative groups of the "March of Dignity" organized by "Tbilisi Pride" on July 5, 2021, and in the open violence against members of the community and journalists on the street, which unfortunately led to the death of TV-Pirveli cameraman Alexander Lashkarava. Regrettably, just as in the cases of violence against LGBTQ people by various religious and political groups in previous years, in this case as well the state has shown complete inaction. The Ministry of Internal Affairs failed to ensure public order and [legal response](#) to the organizers of the violence. Against this background, the establishment and registration of a political party by the organizers of a violent rally falls within the political responsibility of the government. The populist [statement](#) made by the Prime Minister Irakli Gharibashvili during those days was unconstitutional and anti-democratic, by which he actually allowed and normalized the July 5-6 violence. The political and

legal loyalty shown by the government to the far-right political groups as a whole shows signs of their political instrumentalization and is alarming.

Green Policy

The central issue in the direction of environmental and natural resources policy in 2021 was clearly the ongoing resistance movement in the Rioni Valley, which was both physically and legally in opposition to the construction of the planned hydropower cascade in Tskaltubo Municipality. The movement attracted the attention of the general public at the national level, as evidenced by the large-scale demonstrations in various cities and continuous rallies in Tbilisi, Kutaisi, the villages of Joneti, Namakhvani and Gumati. The [Namakhvani dispute](#) has, with unprecedented severity, put on the agenda the failures of the existing policy of **utilization of natural resources - in particular the hydropower potential**: the lack of transparency and the lack of democratic accountability.

The socio-ecological situation in the mining regions remains alarming. In 2021, the population of the village of Shukruti in Chiatura Municipality resorted to [an extreme form of protest](#). Through lip sewing and hunger strike, protesters demanded compensation for the damage to their real-estate as a result of the extraction of minerals, and in some cases, provision of alternative housing as a result of the irreversible damage to their existing housing and living environment. The resistance in Shukruti has revealed how profound are the challenges related to the struggle for environmental justice in regions that have historically depended on mineral extraction, where a complex licensed legal legacy, lack of ecological and geological information, inefficiency of environmental supervision, and the influence of the extractive company holding monopolistic political and economic power, make it difficult to protect the rights of local communities.

In addition, **new centers for mineral extraction** have appeared in 2021. Among these, particularly problematic is the case of Shkmeri in Racha, where in the summer of 2021 [new manganese study-and-mining licenses](#) were issued without the consent of the local population. Moreover, the issuance of these licenses in Shkmeri was preceded by criminal persecutions against the villagers, which resulted in the land expropriation from Shkmerian families and the imposition of financial fines.

The Kobi-Kvesheti road, which goes through the ecologically and culturally rich Khada Valley, is now under construction. [Locals claim](#) that the road restoration threatens [historic sites](#) - churches, castles, other memorials - and the valley's natural landscape. At the same time, the competence of the company implementing the project is questionable, and the compensation paid to the local population is extremely low. This case demonstrates how **the infrastructural projects designed without democratic accountability and participatory process** put the cultural and ecological heritage of many regions at risk of severe and irreversible damage.

In Georgia's biggest cities, Batumi and Tbilisi, where municipal procedures do not involve the citizens in urban policy-making and spatial planning, **the reduction of public areas and chaotic, undemocratic development** remain key issues. As a result, residents have to take legal action and engage in protests to preserve public goods, green spaces and cultural heritage.

In terms of **environmental pollution**, the problem of air and soil pollution with heavy metals was put on the agenda in industrial cities in 2021. Preliminary research conducted in Poti revealed cases of lead poisoning of minors related to environmental pollution. In Rustavi, the information collected by the local population confirmed the problem of alarming and multifaceted air pollution.

The aforementioned cases have revealed a number of obvious obstacles that hinder advocacy for environmental justice and sustainable natural resource management at both the local and national levels. In the cases of [Namakhvani](#), [Shukruti](#), and Shkmeri, **repressive measures** were taken against the locals, and demonstrators' **freedom of expression was restricted**. At the same time, the **court remains an ineffective mechanism** that, particularly in the context of the COVID 19 pandemic, does not respond promptly and effectively to abuses of the law and human rights protected by the constitution.

Despite these difficulties, environmental movements have achieved considerable success. The Rioni Valley Survival Movement forced the state to participate in the **mediation process** and acknowledge the problematic nature of the project by putting unprecedented public pressure on it. In addition, in 2021, **the Environmental Liability Law** went into effect, which, among other important innovations, requires the polluter to restore the damaged environment and establishes new standards of transparency.

Labour Policy

The current year was distinguished by the number of workers' strikes in the country. At the beginning of the year, couriers went on strike due to a unilateral alteration in the substantive terms of the contract. [Chiatura has also become a center of strike activity once again](#), where miners have been demanding safe working environment and improved working conditions for years. In the capital, the protest of **Tbiliservice** employees and the paralysis of this service resulted in the city-wide unsanitary conditions for several days. In this case as well, the workers [demanded](#) a safe working environment and fair pay. [People working in a bread flour factory](#) in Guria also went on strike for several weeks. The demand was to increase the amount of wages and improve working conditions. Employees at [Rustavi Nitrogen](#) went on strike for six days as well. The workers demanded an increase in wages and a guarantee that no repressive measures would be taken against the strikers. [People working on the highway's construction](#)

also went on strike for several days, demanding that minimum safety standards be followed and that compensation be increased.

Employee rights violations and non-compliance with safety regulations were still prevalent in the daily lives of those employed in the **Tkibuli mines**. A change in the pay system earlier this year forced several miners to resort to the [extreme forms of protest](#), with 11 of them refusing to leave the mine for almost 24 hours, putting their own health at risk. Later, two individuals [lost their lives](#) in the process of fortification construction at one of the coal mines in Tkibuli. Pandemic control in the mines also proved problematic. The uncontrolled nature of the imposed regulations resulted in infecting most of the employees precisely at the workplace.

Employees at the Ministry of Health's Social Agency, who have long complained about poor working conditions and [abuses of labor rights](#), were also on the verge of striking. Unfortunately, the Ministry from which the society expects the establishment of decent labor rights standards, itself as an employer fails to comply with the minimum labor law standards and pushes employees to strike. The social agency's workforce is still in the middle of a negotiating process.

In 2021, the pandemic reality once again severely exposed **the scale of informal employment** in the country and the critical challenges that workers face. Unfortunately, the state still lacks the effective leverage to investigate and identify the problems of these individuals and provide adequate assistance for them. This is demonstrated by the [challenges the state faces](#) in identifying and providing support for self-employed and informally employed people under the anti-crisis assistance plan.

The expansion of the Labor Inspection Service's authority, allowing it to oversee labor rights, was a significant positive shift in terms of labor rights protection in 2021. Since January 1, the Inspectorate has been able to react not only to labor safety issues, but also to [labor rights violations](#). The increased mandate of the Labor Inspection should have become a precondition for tangible improvements in the daily lives of workers, however, due to lack of adequate resources and a new obligation to oversee compliance with covid-regulations, the Labor Inspection is unfortunately still unable to fully meet the new mandate.

In 2021, the Centre for Social Justice continued to actively pursue strategic litigation in the courts to protect employees who had their rights violated. It is noteworthy that this year the Center has achieved several important victories in labor disputes. Particularly significant is the dispute over the **discriminatory dismissal of the participants of the protest against the construction of hydropower plants** [against the municipality of Mestia](#) that has resulted in victory. This decision is especially important in terms of protection against employment discrimination in labour relations, as it has been established that the plaintiffs were prosecuted for having a different opinion.

The dispute of the Social Justice Center **against Biblus has also ended with victory in all three instances.** In this dispute, the Social Justice Center represented employees who were accused of defamation by the company for speaking out about a hard and unregulated work schedule, low pay and unfair practice of fines. Another winning labor dispute concerned the **reinstatement of 3 illegally fired** social workers and compensation for their losses. The Center for Social Justice will continue to support those who have been illegally fired from the system and those whose labor rights have been abused.

This year, the Social Justice Center and GYLA appealed to the court to protect the labor rights of those illegally dismissed as a result of large-scale staff cleansing at the National Museum and its subordinate institutions after the appointment of [Tea Tsulukiani](#) as the Minister of Culture, Sports, and Youth. We believe that besides the gross violation of labor law by the employer and an act of removing undesirable staff from the management, this process also revealed the core purpose of these decisions being to control and censor the museum sphere.

The developments of 2021 have once again revealed the systemic, severe experience of workplace human rights abuses and the invisible or visible practices of employee exploitation, all of which are linked to the inconsistencies in labor policy and its fundamental shortcomings. These developments were not only individual labour disputes, but also a general social protest against the existing economic and social system, which has so far failed to ensure the minimum welfare and social security of employees.

Guaranteeing the right to adequate housing

As in previous years, combating homelessness and ensuring the provision of adequate housing has not become a priority for the central and local governments of Georgia in 2021 either. The state still has not developed a housing policy that would ensure the state's short and long-term response to the problem of homelessness. The government has not yet taken steps to determine the scope, forms and causes of homelessness, therefore effectively precluding the implementation of policies based on individual needs and the formation of standalone homelessness services, even at the level of individual municipalities.

Despite the Covid-19 and the necessity to provide safe and adequate housing for a vast number of groups, public policy this year was again static and ignored the challenges of people and households in need of housing.

This year as well, the government has once again failed to manage the process of **developing a national housing strategy and action plan** even to a minimal level. Unfortunately, no progress has been made in this area since 2019 (since the establishment of the Housing Policy Coordination Commission). In the absence of a policy, the **severe flaws of the normative framework** in the sphere of housing and eviction,

which prevents the existence of a system of protection and support for people and households in need, including those at risk of eviction, remains the most significant problem. An interesting process in this direction is **the initiation of work on the draft Social Code**, which, along with various concerns, also took into account the right to housing. This process started a few weeks ago and its substantive and procedural evaluation will take place during 2022. This year, the [lawsuit won](#) by the Center for Social Justice in the Supreme Court has resulted in **a favorable improvement** in housing regulations, with the court ruling that allocating 6.4 square meters space while providing accommodation is a violation of the right to adequate housing. Although this decision is an important step forward in setting housing standards, **it has not yet been implemented** by the Tbilisi Municipality. The lack of significant legislative guarantees, among many other problems, leads to the shortage of already scarce housing services available in a few municipalities. A clear example of disregard for the individual needs of people receiving housing services is the **Orkhevi housing within the territory of Tbilisi Municipality**. Up to 250 people located in this service are only formally provided with a roof; in fact, they [have to live](#) in inadequate conditions due to constant noise, limited access to infrastructure and services, and congestion. Despite the severity of the problem, Tbilisi Municipality has not taken any measures to support the residents and offer them adequate housing.

Regarding legislation and practice, the current year has been particularly interesting in terms of [evictions](#). In the context of the COVID-19 pandemic, evictions are still subject to a moratorium, although the National Bureau of Enforcement has not stopped registering evictions and filing proceedings. Furthermore, the Bureau has received at least 1,800 eviction cases, which, in parallel with a lack of support mechanisms, **will result in waves of evictions around the country** once the moratorium is lifted. Despite the moratorium, bypassing the National Bureau of Enforcement, debtors are being pressured by creditors and commercial banks to release property without a formal enforcement procedure - further evidence of the existence of a **predatory monetary-credit system** in the country.

Unfortunately, rather than attempting to establish eviction standards and support mechanisms for evicted people, the state exacerbates their condition. The beginning of repressive measures and criminal prosecution against homeless and displaced families (6 individuals) in the Chugureti region, in **the so-called "Golden District" zone**, is a clear illustration of this, as well as a hazardous precedent. After the privatization of the area, instead of offering the households compensation or decent housing, the state threatened to evict them, and when they refused to stay on the streets, [criminal proceedings](#) were initiated against them. The interests of the accused are protected by the Center for Social Justice. In parallel with the above challenges, the state continues not to recognize the problem and lower the existing standards even further. For example, [the draft Code of Enforcement](#), which is currently under consideration in Parliament, not only does not include the relevant legal standards for eviction even at the minimal level, but also envisages a change that would allow enforcement police to evict bypassing the court - based solely on the property buyer's application. If approved, such changes, would reinstate the abolished police eviction regime in individual cases, which is a gross violation of human rights standards. On the other hand, [changes in the construction legislation have resulted in the criminalization of homelessness](#), in particular the imposition of criminal sanctions on the unauthorized

construction of housing for self-help by homeless people, which is a violation of Georgia's international obligations and the constitutional principle of the welfare state.

Protecting the rights of people with disabilities

Protecting the rights of people with disabilities and addressing their needs has not become a priority on the government's political agenda in 2021 either. Even 7 years after the entry into force of the UN Convention on the Rights of Persons with Disabilities, Georgia has not been able to transform its policy towards the members of this group and develop human rights-based approaches. Against the background of lack of priority, flawed legislative and institutional framework, extreme scarcity of services and stigma in society, we cannot single out even one area of disability rights that is not related to significant and systemic challenges or which has made significant progress in recent years.

As mentioned above, this year there are systemic challenges to the protection of the rights of persons with disabilities both at the legislative level and in terms of policy and institutional framework. **The Law on the Rights of Persons with Disabilities**, adopted in 2020, has so far failed to become an effective tool for protecting the rights of persons with disabilities. Moreover, the process of its implementation [can be described](#) either as delayed fulfillment of obligations by state agencies, or their non-fulfillment at all. For example, despite the statutory deadline of January 1, 2021, **a unified strategy and annual action plan for the rights of persons with disabilities** have not yet been developed and approved.

A significant challenge in the country is the existence of a medical model for assessing and implementing policies for persons with disabilities, which takes into account only the diagnosis and health condition of the person. Despite its commitments under the Convention, **the process of transition from a medical model to a social paradigm** has not begun this year. Due to the lack of implementation of the social model, the government still **does not have information on the needs of the disabled community**, which in itself excludes the possibility of creating and developing effective services.

A clear example of neglecting the challenges facing the community is **the shortcomings of the monetary benefit instrument allocated to persons with disabilities - the so-called social package**. In January of this year, people with disabilities and organizations [appealed](#) to the government to increase their benefit, taking into account the difficulties caused by the COVID-19 pandemic, high inflation, and the minimal amount of the social package (for some groups its amount is below the subsistence level). Despite the legitimacy of the request and the severity of the challenge, the government has not responded.

On the other hand, an important event in the field of protection of the rights of persons with disabilities was **the establishment of the Interagency Coordinating Committee for the Implementation of the**

Convention on the Rights of Persons with Disabilities on November 29, meeting the obligation which was imposed on the government as early as 7 years ago, at the time of ratification of the Convention. Despite the importance of such a mechanism, the government still [has not created guarantees for its effective work](#), including the allocation of sufficient financial and human resources, the avoidance of conflicts of interest, and the involvement of persons with disabilities in decision-making.

An important positive development was **the ratification of the Additional Protocol to the Convention** on the Rights of Persons with Disabilities by Parliament on 5 March 2021, which allows persons with disabilities to appeal to the UN Committee on the Rights of Persons with Disabilities in the event of a breach of their rights. Despite the importance of ratifying this Protocol, it should be noted that the legislation did not provide for the possibility of a person with a disability receiving compensation from a state as a result of an appeal to the UN Committee.

In addition to the above-mentioned systemic shortcomings in the policy for the protection of the rights of persons with disabilities, a particular challenge in the country is [the functioning of the mental health system](#) and support for people with psychosocial needs, which became even more problematic [during the COVID-19 pandemic](#). Unfortunately, the government has not taken into account the burden of the pandemic on the mental health of the population and the development of additional services in this regard has not yet become part of the policy to combat the pandemic.

In addition, the government **has not adopted a mental health strategy** that so far exists only as a working version and in many areas does not address human rights-based approaches and relevant international standards. The state has also not taken appropriate measures **to implement capacity reform**, which deprives more than 6,000 support recipients of the opportunity to make decisions independently in practice.

The clearest example of the failure of state policy is **the unchanging practice of institutionalizing people with disabilities** on psychosocial and intellectual grounds. In Georgia, more than 1,000 people are subjected to such a regime, **living in institutions in isolation for years**, in an environment that violates their rights and dignity, while the government still [spends](#) 55% of its total State Mental Health Program budget on specialized establishments and makes insufficient efforts for dismantling such institutions and developing community services.

Instead of the state realizing its commitments in the direction deinstitutionalization, the regulatory problems and the relevant agency's inadequate management of mental health services have further increased the risks of institutionalization this year. In particular, in the summer of 2021, **the existing psychiatric stationary department at the Evex Clinic was [closed](#)**, and the Ministry was unable to replace it. As a result, out of three multi-profile clinics opened in Tbilisi years ago, only one was left to provide services - Clinic N 5, while outside Tbilisi only Terjolamedi operates in Imereti, which provides stationary

services to the members of community with psychosocial needs. Due to insufficient state support, problematic mental health program content and service funding deficiencies, it is unknown to what extent the remaining two clinics will be able to function effectively.

An important initiative to dismantle large-scale institutions is the ongoing process of **developing a strategy and action plan for the deinstitutionalization of boarding houses for persons with disabilities**. However, it should be noted that such a **strategy has not yet been developed** in relation to psychiatric institutions, which delays solving the problem in this direction for an indefinite period of time.

