

Public Defender of Georgia

2022 Special Report on

Combating and Preventing Discrimination and the Situation of Equality



This document was prepared on the basis of Article 7 of the Law on Elimination of All Forms of Discrimination and is the 8th Report on the Situation of Equality and Combating and Preventing Discrimination

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Introduction

Despite the call made by the European Commission to the Georgian authorities in 2022 relating to the protection of equality of vulnerable groups, there was no progress in this direction last year. Moreover, the 2022-2030 National Human Rights Strategy submitted by the Government of Georgia to the Parliament of Georgia makes no mention of LGBT+ people along with various vulnerable groups. In addition, the Strategy does not include tasks aimed at promoting the civil integration of ethnic minorities either.

Another policy document that ignores LGBT+ people is the State Concept of Georgia on Gender Equality¹ adopted by the Parliament of Georgia. This document is an updated version of the 2006 Concept, and therefore it was expected that its content would be more progressive and oriented to human rights. However, the content of the new edition of the concept has a negative impact on the situation of gender equality in the country, as the goal of the concept is narrowed down to the gender equality of women and men, while LGBT+ people remain beyond the document.

Unfortunately, during the reporting period, discriminatory statements made by high officials, politicians and public figures² were quite common, which was harmful to equality.

It is welcome that there has been a positive trend since 2020 and in cooperation with UN Women, a number of public institutions³ introduced a sexual harassment prevention and response mechanism. They were followed by the Ministry of Education and Science of Georgia and the Georgian Public Broadcaster⁴ in 2022, although the Ministry of Internal Affairs, the Ministry of Finance and other agencies are still working on the development of this mechanism.

In the reporting period, the Public Defender considered 153 cases of alleged discrimination, most of which - 20% were related to alleged discrimination based on **dissenting opinion**. 13-13% of the applicants pointed to discrimination based on **sex/gender** and **disability**. 11% argued about discrimination on the grounds of **sexual orientation** and **gender identity**, while 10% argued about discrimination on the ground of **ethnic origin**. Protected ground of **nationality/citizenship** was found in 7%, and **political opinion** in 4% of the applications. Alleged discrimination based on **religion** and **trade union membership** was found in 2-2% of the cases. Disputes about discriminatory treatment on **other grounds** were relevant in this reporting period as well and accounted for 18% of the applications.

1 Resolution of the Parliament of Georgia on the Approval of the Gender Equality State Concept of Georgia, 22.12.2022, available at: <https://rb.gy/vbn7n5>

2 For detailed information, see the report, chapter 7.

3 Additionally see: <https://rb.gy/9nybsi>

4 Available at: <https://rb.gy/aa3cph>

1. Equality of women

During the reporting period, women were actively applying to the Public Defender about sexual harassment, which mainly took place in the workplace. The Public Defender monitored the examination of a number of cases of sexual harassment in public places by the Ministry of Internal Affairs of Georgia.

In addition, the players of women's football clubs were still unable to enjoy health insurance, neither were they compensated for the costs of procedures and medicines necessary for the treatment of injuries, which created the risks of causing irreversible damage to their health and professional activities. In addition, in the reporting period, the Public Defender's Office studied the issue of unequal prize money for men/boys and women/girls participating in one and the same category of the chess tournament.

1.1. Sexual harassment

In the reporting period, the Public Defender studied several cases of sexual harassment. According to the practice of the Office, in most cases, the harasser is a superior, however, sometimes, persons of the same rank or of lower positions also harass. In the reporting period, the Public Defender examined three cases of sexual harassment of women by their superiors. In two of the cases, victims had to terminate the employment relationship themselves and quit.

In one of the mentioned cases, the Public Defender established a particular form of sexual harassment - "Service for service (Quid Pro Quo)" for the first time.⁵ In the mentioned case, the head of the company indirectly hinted to the female employee that her career advancement depended on her behavior. With the request to impose administrative liability on the heads of the companies in the above-mentioned cases, the Public Defender's Office applied to the Labour Inspection Service⁶ of the Ministry of Labour and Social Affairs. The Office was informed by the agency that an administrative offence report was drawn up against both persons and the harassers were ordered to pay a fine.

Recently, more and more state institutions⁷ have been developing internal regulations⁸ to prohibit and respond to sexual harassment. At the same time, in the process of examination of cases by the Public Defender, more and more private organizations have been expressing their willingness to introduce a similar mechanism. Despite such a positive trend, the previous year's practice of the Office showed that in some cases, effective application of internal preventive mechanisms relating to sexual harassment is still a challenge in private entities. For example, in one of the cases studied

5 In "Quid pro quo" cases of sexual harassment, the harasser demands from the victim to have sex with him in order to keep or receive job benefits, implying that the refusal will negatively affect her. The recommendation of the Public Defender of Georgia of July 5, 2022 to the director of the construction and renovation company Factor Group, available at: <https://bit.ly/3icjsXK>

6 In accordance with Articles 75-78 of the Organic Law of Georgia Labour Code of Georgia, the Labour Inspection Service LEPL is authorized to impose administrative responsibility on the violator in case of detection of violation of the principle of non-discrimination, including sexual harassment.

7 In 2020-2021, as a result of cooperation between the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence and UN Women, sexual harassment response mechanisms were introduced in public institutions. The mechanism has been introduced in the following agencies: Ministry of Foreign Affairs of Georgia, Ministry of Regional Development and Infrastructure, Ministry of Environmental Protection and Agriculture, Public Service Bureau LEPL, National Statistics Office of Georgia LEPL, Office of Resource Officers of Education Institutions LEPL, Ministry of Economy and Sustainable Development, Prosecutor's Office, National Intellectual Property Center of Georgia, see: <https://bit.ly/3ibfgMy>

8 In order to eliminate discrimination, the employer is obliged to conform its activities, legal acts and internal regulations to the anti-discrimination legislation. At the same time, to respond quickly and effectively to all cases of alleged discrimination, to ensure the elimination of the consequences of discrimination and to create a discrimination-free working environment for the victims of discrimination. Law of Georgia on Elimination of All Forms of Discrimination, Article 4, Organic Law of Georgia Labour Code of Georgia, Article 11, part 9.

during the reporting period, it was revealed that the company failed to ensure proper protection of the employee's rights, despite the fact that there were screenshots of the correspondence, making it clear that the harasser used sexual phrases and offered sexual intercourse. The company believed that there was insufficient evidence to establish sexual harassment.⁹ After considering the recommendation, the company informed the Public Defender that it instructed its employees regarding non-discrimination, including sexual harassment. In addition, according to the company, the employees were informed that the administration would take strict disciplinary action against similar incidents. The company also expressed its willingness to tighten existing internal regulations in order to eliminate sexual harassment.¹⁰

As for sexual harassment in public places, the Public Defender studied two such cases in the reporting period, with the aim to assess how effectively the law enforcement agency had responded. As a result of the study, it was revealed that in both cases, reports were drawn up against the harassers and the cases were sent to the relevant courts for further consideration.¹¹ The Public Defender's Office also studied a case in which an applicant pointed to sexual harassment by the employees of the Police Department of the Ministry of Internal Affairs.¹² As the Public Defender's Office was informed by the Ministry of Internal Affairs of Georgia, the issue had been studied by the Ministry's General Inspection Department, on the basis of which, disciplinary responsibility was imposed on one of the persons for his unworthy behavior¹³ aimed at discrediting an employee or institution, against moral and ethical norms, and for his inappropriate action¹⁴ undermining the authority of the Ministry's system. However, it was important to evaluate circumstances in the context of sexual harassment. Therefore, the importance of the existence of prevention and response mechanism against sexual harassment was evident in this case too.

In terms of responding to the cases of sexual harassment, the reporting period included good practices as well. In one of the cases, a woman employed in a public agency indicated that she became a victim of sexual harassment by her superior. The agency started to study the issue, which was monitored by the Public Defender's Office in terms of the effectiveness of detection of discriminatory treatment and implementation of preventive measures. Immediately after the end of the examination, the Public Defender's Office was informed that the agency identified sexual harassment and gender-based discrimination against female employees of lower rank, on the basis of which, a recommendation was made to dismiss the harasser. The administration of one of the psychiatric institutions also terminated labour relationship with alleged harassers after a woman placed in the psychiatric inpatient unit pointed to sexual behavior of the nurse's aides.¹⁵

1.2. Funding for the treatment of injuries sustained by female athletes

In the last two years, the Public Defender has been repeatedly applied about challenges relating to the treatment of injuries sustained by players of women's football clubs. In the context of the European

9 Recommendation of the Public Defender of Georgia of August 29, 2022 to M.M. and the Director General of the Hotels and Restaurants Management Group - M Group, available at: <https://bit.ly/3icPc3H>

10 Available at: <https://bit.ly/3jTLBrC>

11 One of the mentioned cases concerned a video publicly spread in social space, showing a man hitting a passerby (woman) on the bottom on the street of Batumi and asking her to go with him, see: <https://rb.gy/3snjvm> The second case concerned an incident that happened in Khashuri

12 According to the applicant, one of the employees of the Police Department of the Ministry of Internal Affairs offered her a meeting, while another employee offered her friendship, in exchange for helping her in the communication with an insurance company and quick completion of the investigation. He also wrote a message to her twice via Facebook

13 Disciplinary Statute for the Employees of the Ministry of Internal Affairs of Georgia, Article 2, paragraph 2, subparagraph "d"

14 Disciplinary Statute for the Employees of the Ministry of Internal Affairs of Georgia, Article 2, paragraph 2, subparagraph "q"

15 Since the mentioned respondents eliminated the incidents of sexual harassment during the examination of the cases, the Public Defender did not make any decision relating to those cases.

region, this issue has been considered by the European Council as well, which believes that the challenge is largely related to the limited financial resources available to the clubs, which is why players are often personally burdened with the said expenses. And this is happening in the conditions when there is already a big gender wage gap in this field.¹⁶ As a result, smooth career advancement is much more difficult for female professionals.¹⁷ Female football players in Georgia face similar problems. The situation in the field of volleyball is noteworthy, where the treatment of injuries of even the players of the national squad is linked to the limited financial resources.¹⁸

The Public Defender emphasizes the obligation of sports federations to take measures in order to invest in the development of women's sports and actively promote gender equality.¹⁹ In this regard, it is important for the federations, with the active involvement of all stakeholders, to consider the introduction of an effective treatment financing mechanism, and to increase efforts in order to raise financial resources for the health care of female athletes.

1.3. Gender gap in prize money in chess tournaments

In terms of the equality of female athletes, the issue of unequal prize money for men/boys and women/girls participating in one and the same category was highlighted as a problem in the field of chess. In particular, within the framework of one of the open tournaments, in which women and men participated together, prizes were segregated by gender, which gave rise to the perception that in case of first place, a male chess player would receive GEL 1700 and a female chess player - GEL 900.²⁰ One of the female chess players participating in the tournament spread the relevant information.²¹

It is essential to address gender disparity in prize money or other remuneration of athletes and introduce appropriate mechanisms.²² This is especially important for chess players, who may have less access to other sources of income.

16 The fight for a level playing field – ending discrimination against women in the world of sport, Council of Europe, available at: <https://bit.ly/3GCQrCB> para 4, paras. 34-35

17 Ibid. para. 40

18 Letter No. 1/254/22 of the National Volleyball Federation of Georgia of December 20, 2022

19 The fight for a level playing field – ending discrimination against women in the world of sport, Council of Europe, p. 1, available at: <https://bit.ly/3GCQrCB>

20 Information is available at: <https://bit.ly/3IoQl2S>

21 Information is available at: <https://bit.ly/3ib7aUa>

22 The fight for a level playing field – ending discrimination against women in the world of sport, Council of Europe, p. 1, available at: <https://bit.ly/3GCQrCB> para. 36

2. Rights of persons with disabilities

In the preamble to the Convention on the Rights of Persons with Disabilities, it is mentioned that the principle of equality is of special importance as persons with disabilities face concerning difficulties when being subject to discrimination.²³

In the reporting period, in the context of the protection of the rights of persons with disabilities, the Public Defender focused on the problems arising from the medical model of granting status and the need to switch to the biopsychosocial system; physical accessibility, equal access to transport, services, information and communication, including participation in social and cultural life, and children's access to education.

The reporting period made it clear that it remains a challenge to ensure physical accessibility, equal access to transport, services, information and communication. Access to education for children with disabilities also remains a problem.

In terms of state policy, positive trends were also observed. For example, the official websites of some of the agencies operating under the jurisdiction of the Ministry of Finance have been adapted or are being adapted;²⁴ In addition, a video posted on the website about the micro and small business grant programme was prepared in the sign language as well. Additionally, it should be noted that within the framework of state programmes supporting the development of entrepreneurship, in case of involvement of persons with disabilities, the application is granted additional points. Improvement in access to the physical environment of ski resorts is also worth emphasizing. In addition, periodic monitoring is carried out at the airports of Georgia in order to check the equipment of the airport passenger terminal, condition of the seats and special vehicles, training of the personnel and adaptation of the passenger terminal.²⁵

2.1. Problems arising from the medical model of disability

For years, the Public Defender's reports have been drawing attention to the practice of systemic discrimination against persons with disabilities through the use of the medical model.²⁶ Among them, the Public Defender has repeatedly called on the Government of Georgia to replace the medical model of disability with a biopsychosocial model as soon as possible,²⁷ and prior to that, to take into account the inequality caused by the medical model and the individual needs of persons with disabilities when planning health care programmes.²⁸

23 Convention on the Rights of Persons with Disabilities, Preamble, para. P

24 Letter No. 08-02/118681 of the Ministry of Finance of December 29, 2022

25 Letter No. 18/9182 of the Ministry of Economy of November 24, 2022

26 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, (2021) p. 191, available at: <https://bit.ly/3G7HxLS>; Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, (2021) p. 19, available at: <https://bit.ly/3CiBKIG>; 2017 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 33, available at: <https://bit.ly/3CIQOPk>; 2016 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, pp. 663-78, available at: <https://bit.ly/3IoY4xU>

27 Biopsychosocial assessment model implies that determining the status of a person with disabilities and appointing a social benefit (material or non-material) should be based not only on the diagnosis made as a result of medical examination, but also on an individual assessment of the individual needs of a specific person and other factors affecting the person.

28 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, (2021) p. 71, available at: <https://bit.ly/3CiBKIG>

In 2022, the Public Defender of Georgia identified a discriminatory practice relating to the status of severe disability. In particular, the medical-social examination report issued by a medical clinic on the determination of the status indicated that the person was “incapable of work”.²⁹ In response to this, the Ministry of Health informed the Public Defender’s Office that they were working on the plan of measures for the introduction of the biopsychosocial model.³⁰ In addition, in order to raise the awareness of medical institutions authorized to conduct medical-social examination and to eliminate the use of discriminatory terms by the medical specialists participating in the examination, a general proposal was sent to all the medical institutions involved in the examination.³¹

In addition to the above, in 2022, the Public Defender of Georgia studied a case, in which a person indicated that he was required by a notary to present a health certificate as a prerequisite for engaging in the notarial activity. The notary explained her refusal to perform the notarial act by the fact that she doubted the authenticity of the will expressed by the applicant and considered that he needed a supporter in the decision-making process. The Chamber of Notaries justified the action of the notary by the motive of protecting the interests of the person with disabilities. The Public Defender of Georgia considered that the notary used a discriminatory practice, as she considered not the individual needs determined by the court but specific medical diagnosis.³² It is welcome that the Chamber of Notaries posted the general proposal prepared by the Public Defender on its internal website for the notaries. In addition, in order to clarify the concept of capacity, the Chamber, with the involvement of the Public Defender, is planning to conduct trainings for the notaries from this year.

2.2. Physical accessibility

Ensuring accessibility is essential for the realization of the rights of persons with disabilities. For many years, the Public Defender of Georgia has pointed out the importance of continuous efforts³³ in terms of providing accessible environment. In a number of decisions, the Public Defender reviewed the practice of discriminatory treatment of persons with disabilities on the basis of neglecting the principle of accessibility and called on the agencies and companies to immediately ensure accessibility.³⁴

Although the Technical Regulation - National Accessibility Standards³⁵ came into force on March 1, 2021, the national accessibility plan has not been developed so far.

In the reporting period, accessibility problems were again revealed in the field of realization of social and cultural rights. The Office once again considered an application, in which a person with disabilities

29 General proposal of the Public Defender of Georgia of October 25, 2022 to the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, available at: <https://bit.ly/3CmThcw>

30 Law of Georgia on the Rights of Persons with Disabilities, Article 37, paragraph 2, subparagraph “a” obliges the Ministry of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Affairs, to ensure, until January 1, 2023, the adoption of the plan of measures to be implemented in connection with the implementation of the biopsychosocial model for determining the status of disability.

31 Available at: <https://bit.ly/3jjQ4gF>

32 General proposal of the Public Defender of Georgia of October 25, 2022 to the Chairman of the Board of the Chamber of Notaries of Georgia, available at: <https://bit.ly/3IoZtoa>

33 2018 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 11-12; 2019 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 15-18; 2020 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 21-22, 2021 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 20-22

34 For example, see: General proposal of the Public Defender of Georgia of December 21, 2021 to the head of the Levan Samkharauli National Forensics Bureau, available at: <https://bit.ly/3GdygCk>; General proposal of the Public Defender of Georgia of July 9, 2021 to the Minister of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Affairs, available at: <https://bit.ly/3WIeSEd>; General proposal of the Public Defender of Georgia of November 19, 2020 to the Director General of JSC Liberty Bank, available at: <https://bit.ly/3ClkNqR>

35 Decree No. 732 of the Government of Georgia of December 4, 2020 on the approval of Technical Regulations - National Accessibility Standards, available at: <https://bit.ly/3GdtBQQ>

using a wheelchair indicated that he could not enter JSC Liberty Bank building to receive a social assistance, as the building was not accessible to wheelchair users. Even though the Public Defender assessed the failure of JSC Liberty Bank to fulfil the obligation of accessibility and provide adapted services to persons with disabilities, and addressed the bank with the relevant general proposal in 2020,³⁶ the problem has not been resolved so far.

In addition to the above, the Public Defender also identified a problem with accessible physical environment during cultural events. Wheelchair users could not attend an event held in Niko Dadiani Palace in Zugdidi, as the palace is not adapted for wheelchair users. Accessibility of physical environment is also problematic in terms of arranging newly rehabilitated roads in accordance with the universal design principle.³⁷

2.3. Signing by blind people

According to the practice of the Public Defender, blind people represent a particularly vulnerable group, as discriminatory treatment towards them is particularly acute. The main problem is access to information and communication, which would guarantee their right to independent living and full participation in all areas of life.

In 2021, the practice of the Public Defender revealed that blind pregnant women faced obstacles in the process of receiving health care services.³⁸ With regard to the use of braille or other alternative means, the Public Defender addressed the Administration of the Government of Georgia³⁹ and the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs⁴⁰ with a recommendation.

In 2022, a problem was identified in terms of the signing of documents by blind people. One of the blind persons was not able to certify the authenticity of the signature (facsimile), as the notary refused him to use the pre-cut letters and asked him to sign with his own hand. During the review of this case, it was revealed that the order of the Minister of Justice⁴¹ regarding the procedure for performing notarial acts does not comply with the standards established by the UN Convention. As the Public Defender's Office was informed, the order was being amended so that to take into account the needs of the blind.

2.4. Education and accessibility for children with disabilities

Enjoyment of the right to education on equal basis with others remains a significant challenge for persons with disabilities. Despite the fact that according to the Constitution of Georgia, protection of the right to equality, among other things, implies provision of special conditions for the realization of the rights of persons with disabilities,⁴² mobilization of funds to establish a quality inclusive education system, availability of infrastructure/educational resources and training of personnel have been problematic for years.

36 General proposal of the Public Defender of Georgia of November 19, 2020 to the Director General of JSC Liberty Bank, available at: <https://bit.ly/3ClkNqR>

37 Universal design means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Convention on the Rights of Persons with Disabilities, Article 2, Law of Georgia on the Rights of Persons with Disabilities, Article 2, paragraph "d"

38 General proposals of the Public Defender of Georgia of July 9, 2021 to the Minister of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Affairs, available at: <https://bit.ly/3WIESEd>

39 Recommendation of the Public Defender of Georgia of August 6, 2018 to the Head of the Administration of the Government of Georgia, available at: <https://bit.ly/3iaFQp5>

40 Recommendation of the Public Defender of Georgia of May 4, 2018 to the Minister of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Affairs, available at: <https://bit.ly/3Cmk7Bn>

41 Order No. 71 of the Minister of Justice of Georgia of March 31, 2010 on the approval of instructions relating to the procedure for performing notarial actions, available at: <https://bit.ly/3IvKets>

42 Constitution of Georgia, Article 12, paragraph 4.

Realization of the right of children with disabilities to receive education adapted to their individual needs in pre-school education institutions remained problematic in this reporting period as well. For example, in one of the cases considered by the court, the educational institution advised the child's mother to hire a special teacher for the child. Considering the increased risk of vulnerability and discriminatory treatment of persons with disabilities in the country and the fact that the refusal of reasonable accommodation as a form of discrimination is relatively new in Georgian legislation, the Public Defender considered it important to assist the court regarding the application of the principle of reasonable accommodation⁴³ towards children with disabilities and filed an amicus curiae brief.⁴⁴

The practice of the Public Defender shows that the proper implementation of the obligation of reasonable accommodation in practice, which includes the obligation to protect this principle for the realization of the rights of persons with disabilities on an equal basis with others, remains a challenge.⁴⁵

3. Equality of religious minorities

This reporting period revealed that in the regions, the number of acute cases of abuse and violence by the population against Jehovah's Witnesses are decreasing.⁴⁶ Development of personal relationships as a result of living together with the local population, hard work, respect for moral norms and laws by Jehovah's Witnesses have been named as contributing factors to the above.⁴⁷ There is even an interest in establishing further business relations with them. Examples of such a change in the attitude to the members of religious minorities after closely communicating with them once again prove that negative attitudes towards the different are usually based on misconceptions and irrational fear.

At the same time, Jehovah's witnesses faced obstacles when receiving medical services in the reporting period, which was related to the inadmissibility of hemotransfusion (blood transfusion) for their religious beliefs. As the case study revealed,⁴⁸ the use of alternative methods of blood transfusion⁴⁹ is allowed in the country, however, the Public Defender's office could not find a guide/instructions relating to the use of the methods or medicines that can replace the hemotransfusion procedure.⁵⁰ The patient's informed consent form for pain relief,⁵¹ which the Public Defender recommended to be changed in 2018,⁵² is also flawed. Due to all this, patients are forced to refuse treatment, thereby putting their health at risk, or agree to hemotransfusion, which triggers a feeling that they are acting against their religion.

43 In the opinion submitted to the court, the Public Defender reviewed the existing approaches to access to inclusive education for children with disabilities, including the standards established by the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Committee on the Rights of Persons with Disabilities. The document also focused on the importance of using reasonable accommodation and its elements.

44 The opinion of the friend of the court of the Public Defender of Georgia of October 25, 2022 to the judge of the civil cases panel of Tbilisi City Court relating to the principle of reasonable accommodation, available at: <https://bit.ly/3Cysl9X>

45 **Note:** Reasonable accommodation is an ex nunc duty and its refusal may be justified if the implementation of the relevant measure is disproportionate or unjustifiable burden on the accommodating party (General comment No. 6 on equality and non-discrimination, Committee on the Rights of Persons with Disabilities, para. 24 (2018)); available at: <https://bit.ly/3WXcWrH>

46 Representatives of the Public Defender of Georgia held a number of meetings with Jehovah's Witnesses in the regions in 2022.

47 Religious Diversity in Georgia, Tolerance Center of the Public Defender of Georgia, Tbilisi, 2021, p. 416

48 Information obtained during information meetings held with Jehovah's Witnesses in Kakheti, Shida Kartli, Mtskheta-Mtianeti, Svaneti and Racha; Analysis of letter No. MOH 9 22 00568141 of November 22, 2022 of the Ministry of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Affairs

49 Bloodless surgery and special medicines, which, in terms of results, can replace the blood transfusion procedure

50 Only specific doctors have the willingness and knowledge of how to correctly use them

51 Order No. 108/n of March 19, 2009 of the Minister of Labour, Health and Social Affairs of Georgia on the approval of procedures for the production of inpatient medical documentation in medical institutions, Article 10, Appendix 9

52 2018 Parliamentary Report of the Public Defender of Georgia, pp. 151-153

4. Equality of ethnic minorities

When studying the challenges faced by representatives of ethnic minorities, socio-economic and infrastructural problems were identified.⁵³ Considering the above, it is even more unfortunate that there is still a noticeable lack of adequate information about public services, state and municipal programmes⁵⁴ that serve to improve the health and quality of life of the beneficiaries.

In this regard, it is welcome that, in accordance with the recommendation offered in the previous special report, the function of translation into the Azerbaijani language has been added to the website of the Dmanisi municipality.⁵⁵ In addition, Dmanisi Town Hall started posting information on the social network in Azerbaijani,⁵⁶ along with Georgian. The Public Defender's Office requested updated information, inter alia, about the steps taken to increase the effectiveness of the so-called 1+4 programme. As a result, it can be said that the relevant changes are basically at the planning stage.

4.1. Availability of the Georgian language programme

It should also be positively assessed that the Education and Science Committee of the Parliament of Georgia conducted a thematic research relating to access of ethnic minorities to quality education.⁵⁷ In the direction of the Georgian language training programme (the so-called 1+4 programme), the thematic research group identified a circumstance that was highlighted in the 2021 special report of the Public Defender as a sign of inequality, in particular, relating to the restrictions on funding for the priority programmes, which are fully financed by the State, for students participating in the programme.⁵⁸

According to the Ministry of Education and Science of Georgia,⁵⁹ the above is conditioned by the fact that the students of the mentioned programmes can receive funding based on the successful passing of unified national exams in three subjects. Alternatively, students can participate in the grant competition and obtain state funding by passing one exam in the Georgian language.⁶⁰ According to the Public Defender's assessment, such an alternative cannot be considered effective, since students choose to pass one exam in their native language and enroll in the 1+4 programme precisely due to the fact that they cannot master the official language properly at the stage of general education. The dropout rate is also problematic,⁶¹ which the Public Defender associates with insufficient financial support.⁶²

It is important that the Unified National Strategy of Education and Science of Georgia for 2022-2030 takes into account the importance of expanding the availability of the 1+4 preparatory programme

53 Representatives of the Public Defender of Georgia held meetings with various ethnic minorities

54 Regarding the issue, see the findings of the last reporting year of the Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 27-34

55 <https://bit.ly/3vUS8FD>

56 <https://bit.ly/3vUSwUB>

57 Thematic research report is available at: <https://bit.ly/3vxNdKx>

58 Regarding the issue, see the 2021 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, p. 28; Access to Quality Education for Ethnic Minorities, thematic research report of the Education and Science Committee of the Parliament of Georgia, 2022, p. 61, available at: <https://bit.ly/3vxNdKx>

59 Letter No. MES7220001523773 of the Ministry of Education and Science of Georgia of November 30, 2022

60 Access to Quality Education for Ethnic Minorities, thematic research report of the Education and Science Committee of the Parliament of Georgia, 2022, p. 61, available at: <https://bit.ly/3vxNdKx>

61 Ibid. pp. 55-56

62 2021 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination · P. 28

so that more people can be enrolled in it.⁶³ In addition, according to the information provided by the Ministry of Education and Science, the Ministry is working on a new model of financing higher education.⁶⁴ Taking into account the fact that it is planned to extend the period of the temporary measure of the Georgian language training programme until the shortcomings related to the knowledge of the official language are not eliminated as a result of the relevant policy pursued in the direction of bilingual education,⁶⁵ the Public Defender hopes that within the framework of the planned changes, the needs of ethnic minorities in terms of access to higher education will be considered in the shortest time possible.

4.2. Rights situation of small ethnic groups

Several small ethnic groups live in Georgia, whose needs are different from each other, but often less visible. During this reporting period, the Public Defender examined challenges faced by the Romani, Kists, Avars and Jews.

Romani

The Romani people are one of the most discriminated ethnic groups in Georgia, like other countries.⁶⁶ They are less provided with information about the services offered by the State or municipality. In addition, inadequate responses to applications and requests submitted to various public institutions are frequent. For example, one family was given the opportunity to enjoy the soup kitchen service only after the mediation of the representatives of the Public Defender's Office. The issue of inadequate knowledge of the official language is serious. Due to the illiteracy of the parents, they cannot assist their children in doing their homework, which has a negative impact on their educational results.

Unfavorable attitude by the society is clearly noticeable, which is often undisguised. In particular, representatives of the Roma community find it difficult to rent an apartment, which affects the realization of their right to adequate housing, since the municipal programmes in this direction mainly provide rental assistance only. The population also recall cases when they were told by institutions providing public services that they preferred to give assistance to Georgians. Such attitudes are particularly problematic considering that the community members are mainly involved in petty trading and the majority of them are unemployed.⁶⁷ In these circumstances, continued social exclusion by service-providing civil servants or other members of society leaves the Roma community at risk of extreme poverty.

Kists

A meeting was held with Kists, representing the Vainakh, in the Kakheti region.⁶⁸ Despite the fact that after settling in Georgia, Pankisi kists have become an integral part of the country's population,⁶⁹ the problems they have mentioned indicate that the Pankisi Gorge has been brought under the security prism, which researchers also often point to.⁷⁰ In particular, according to the population, the citizens of Georgia face problems when crossing the state border of Georgia, which is mostly manifested in

63 Decree No. 446 of the Government of Georgia of August 31, 2022 on the Approval of the Unified National Strategy of Education and Science of Georgia for 2022 - 2030 and Its Action Plan for 2022 - 2024, Appendix 1, p. 47

64 Letter No. MES7220001523773 of the Ministry of Education and Science of Georgia of November 30, 2022

65 Ibid.

66 Ethnic Diversity in Georgia, Tolerance Center of the Public Defender of Georgia, Tbilisi, 2021, p. 372

67 Ibid. p. 378

68 For detailed information on ethnonym, see *ibid.*, p. 241

69 Ibid. p. 246

70 See, for example, *Under the Glance of Security: History, Politics and Religion in the Pankisi Gorge*, Human Rights Education and Monitoring Center (EMC), 2018, available at: <https://bit.ly/3VYY9M5>

the delays at the border. Obstacles are created both on the land border or when traveling by air. In both cases, individuals are subject to delays due to their surnames. Unfortunately, due to insufficient evidence and absence of statistical data, the Office lacks the ability to assess the alleged cases of interference with their rights.

The growing outflow of population from the country, mainly to the European region, is also a big challenge. The Kists point to the lack of employment prospects and the unfair political attitude towards the Gorge,⁷¹ the lack of opportunities for self-realization also affects the general education rate. As the Kists explain, students mainly complete only the basic level (9 grades), after which they pursue animal husbandry or later go abroad and work in foreign countries.

The Kists expressed their regret due to the failure to celebrate the annual holiday - Pankisoba. This holiday allows the gorge to receive visitors from different regions of Georgia and through joint participation in various competitions, festivals and other events, to maintain close ties with fellow citizens and break the perception of isolation of the gorge.

Udis

A meeting with representatives of one of the smallest ethnic groups, the Udis, was held in the village of Zinobiani, Kvareli municipality, where they settled exactly 100 years ago.⁷² Unlike other ethnic minorities, they have less problems in terms of integrating into the society. On the contrary, their main challenge is to preserve their national identity. This is largely due to the tendency to forget their native language. It is true that the Udi language is taught in the basic school of the village of Zinobiani, but, according to the representatives of the community, the education process can be evaluated as formal, which does not yield real results. It should be noted that the Udi language is on the list of endangered languages.⁷³

In response to the lack of visibility, it must be necessarily noted that community members are exceptionally active in spreading information about them. In addition to participating in events relating to ethnic minorities and carrying out self-organized activities, the Udis have created a social network page "The Udis of Georgia",⁷⁴ through which it is possible to get important information and news about the said ethnic group. In addition, the Udi words will be gradually posted on the page, which is an important activity for the popularization of the native language.

Avars

Along with improper knowledge of the Georgian language and demographic problems, infrastructural issues are most acute in the Avar community. Challenges exist in terms of gasification and quality water supply, as well as in the areas of transport, Internet and primary health care. The population feels abandoned and forgotten.

Jews

In 2022 the Office received information about the concerns of the Jews living in the Oni municipality. In particular, in the said municipality, Jews are well integrated in the community and speak the Georgian language fluently. However, they painfully point out that they do not speak their native language - Hebrew. The Hebrew language courses are not available in the region, while online courses are associated with a significant financial burden.

71 Regarding the issue, see the Social Justice Center podcast - Lost Voices: Why Do the Kists Leave Pankisi?, available at: <https://bit.ly/3X4S29W>

72 Ethnic Diversity in Georgia, Tolerance Center of the Public Defender of Georgia, Tbilisi, 2021, p. 275

73 Ibid. p. 288

74 <https://bit.ly/3X0qmCU>

5. Resettlement-related problems

The rights situation of resettled groups is also a subject of Public Defender's special concern, since they face serious problems in terms of equality and civil integration. Such groups are Meskhetians and eco-migrants, whom the representatives of the Public Defender's Office are regularly meeting.

Meskhetians

Unfortunately, the challenges faced by the Meskhetian community remain unchanged, which are mostly related to the absence of stable legal guarantees for the effective implementation of the repatriation process and, due to the above, significant legal and social problems.⁷⁵ As it was revealed during the meetings with the Meskhetians living in Georgia, the absence of Georgian citizenship is an obstacle for them, inter alia, in terms of enjoying the state programmes of health care and social protection.

In response to the recommendations reflected in the 2021 special report, based on the position presented by the Office of the State Minister of Georgia for Reconciliation and Civic Equality,⁷⁶ the State believes that the descendants of expatriated Meskhetians were given an opportunity to receive Georgian citizenship in a simplified manner, and the use of this opportunity was linked to the independent decision of the repatriated persons. A similar position was reflected in the Report on the Protection of National Minorities⁷⁷ submitted by Georgia to the Advisory Committee on the Framework Convention of the Council of Europe on July 31, 2022. Based on this kind of attitude, it can be said that the State does not plan to offer measures to assist the repatriated Meskhetians in obtaining citizenship, for example, through free Georgian language courses tailored to their needs.

Eco-migrants

Similarly, one of the significantly vulnerable groups are eco-migrants, whom the representatives of the Public Defender's Office met in the Shida Kartli region during the reporting period. Although the mentioned group does not belong to national minorities, but are persons arrived mostly from the Svaneti and Adjara regions in an organized manner, they still have to integrate with the local community and acquire their different characteristics.

Eco-migrants, as a rule, talk about difficult socio-economic situation. They point to problems such as: unemployment, scarcity of land (which, in turn, leads to lack of pastures), access to medical and communal services (including gas and Internet), absence of kindergarten, etc. The resettled persons, who had to leave their homes due to disasters and geological processes, actually have to start their lives from scratch, which is why local infrastructural and other problems affect them much more acutely. For years, the Public Defender has been pointing out the scarcity of budgetary funds allocated for the resettlement of eco-migrants.⁷⁸ It should also be taken into account that the resettlement procedure is focused on providing housing and does not include social guarantees.⁷⁹ In this regard, taking into account the needs of eco-migrants was especially problematic during collective resettlements before

75 Findings from the last year may be seen in the Public Defender's 2021 Special Report on Combating and Preventing discrimination and the Situation of Equality, pp. 24-26

76 The letter N423 of 16 March 2022 of the Office of State Minister of Georgia for Reconciliation and Civil Equality

77 The fourth Report submitted by Georgia, ACFC/SR/IV(2022)001, pp. 227-234, see at: <https://bit.ly/3Cm8Ojr>

78 See for example, 2019 Parliamentary Report of the Public Defender of Georgia, p. 414; 2020 Parliamentary Report of the Public Defender of Georgia, p. 455; 2021 Parliamentary Report of the Public Defender of Georgia, p. 344-345

79 Order No. 779 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia of November 13, 2013 relating to the regulatory commission for resettlement issues and rules for the production of unified database, resettlement criteria and resettlement procedure for disaster-affected and displaced families (eco-migrants).

2012,⁸⁰ which can be considered one of the determining factors of the continuing and unresolved challenges. In addition, the lack of support measures increases the risks of tension between locals and displaced families.⁸¹ The relevant risks were clearly revealed during the Dmanisi conflict in 2021.⁸² Thus, it is extremely important to ensure systematic access of eco-migrants to state and municipal assistance.

6. Equality of members of the LGBT+ community

No progress could be observed in terms of equality of LGBT+ people in this reporting period either. It should be noted that the European Court of Human Rights, in its ruling of December 1, 2022, called on the Georgian Government to introduce fast, transparent and accessible procedures for changing the gender marker in the identity document, which transgender people could use without hindrance. The Public Defender has been pointing out the need for the above-mentioned regulation for years, and within the framework of the aforementioned case, she applied to the European Court to intervene as a third party.⁸³

There was no improvement in the rights situation of the above-mentioned community at the national level either. Homophobic, biphobic and transphobic attitudes remained a significant problem for LGBT+ people, especially considering the use of such rhetoric by politicians.⁸⁴

In addition, the situation is aggravated by the fact that, as mentioned, state policy documents developed for the protection of human rights, the National Human Rights Strategy and the State Concept on Gender Equality, not only are ineffective in terms of protection of LGBT+ people, but they do not mention this group at all.

As for the enjoyment of freedom of expression and assembly by the community, compared to 2021, the Pride Week was held in a much safer environment and with fewer obstacles in 2022. However, it should be noted that this was not due to the development or improvement of relevant mechanisms for the rights of LGBT+ people or their safety, but mostly by holding the events in closed spaces/private areas instead of public spaces. Tbilisi Pride refused to effectively enjoy freedom of assembly in public space due to the experience of 5-6 July 2021, when the law enforcement officials did not use positive measures against the violent actions committed by radical violent groups. No investigation or criminal prosecution has been launched relating to the organization of group violence or public calls for violent actions so far.⁸⁵

80 Since 2013, it has become possible to satisfy resettled families by purchasing a house chosen by the eco-migrant family itself, which provides better chances of choosing a place of residence according to their needs (ibid., Article 2.1)

81 First Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Georgia, ACFC/OP/I(2009)001, 2009, para. 69, available at: <https://bit.ly/3IjKImD>

82 2021 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp 37-38

83 A.D. and Others v. Georgia, No. [57864/17](https://bit.ly/3786417), [79087/17](https://bit.ly/37908717) and [55353/19](https://bit.ly/3535319), European Court of Human Rights, available at: <https://rb.gy/0mov1f>

84 radiotavisupleba.ge, 1) Statement by the Vice Speaker of the Parliament of Georgia, Gia Volski, 30.05.2022, available at: <https://bit.ly/3ZsZ3Dj> [last accessed: 13.12.2022]; 2) metronome.ge/statements by the members of the Parliament of Georgia and the Girchi political party - Vakhtang Megrelishvili and Iago Khvichia, 30.06.2022/22.09.2022, available at: <https://bit.ly/3IEPmvH>; <https://bit.ly/3ID5Xjs> [last accessed: 13.12.2022]; 3) publika.ge, statement by Tornike Rizhvadze, Chairman of the Government of the Autonomous Republic of Adjara, 28.06.2022, available at: <https://bit.ly/3CEmKPe> [last accessed: 13.12.2022]; 4) Statement by Shalva Natelashvili, Chairman of the Labour Party, 07.03.2022, available at: <https://bit.ly/3k9SDZA> [last accessed: 13.12.2022].

85 In connection with this issue, the Public Defender filed a proposal with the Prosecutor's Office of Georgia with the request to launch criminal prosecution against Zurab Makharadze and Spiridon Tskipurishvili, available at: <https://bit.ly/3Qb6VoN>

The Public Defender believes that due to the threats made by far-right groups, there is no public space left for the realization of freedom of assembly of LGBT+ people. Taking this into account, organizers of Pride Week refused to hold the March of Dignity, however, they announced⁸⁶ that instead of public events, from June 28 to July 2, 2022, in Tbilisi, a screening of a new Georgian queer film, a regional conference and Pride festival would be held indoors. After the spread of the above information, ultra-nationalist and extremist groups became active again, threatening with violence and preparing for counter-demonstrations. Among them, the leaders of the violent, homophobic and pro-Russian Conservative Movement/Alt-Info party openly expressed their aggression towards Pride Week and announced “full mobilization” against them.⁸⁷

The Public Defender notes that, even though the threats made by the leaders of the ultra-nationalist and extremist groups, as well as by the homophobic and pro-Russian party Conservative Movement-Alt-Info, were intense and real in this reporting period as well, and there were also public calls for violent actions - a crime referred to in Article 239¹ of the Criminal Code, the relevant state agencies did not take legal action against the organizers of violence. The Ministry of Internal Affairs of Georgia launched an investigation only after the leaders and supporters of the violent groups gathered in the vicinity of the festival on July 2, 2022 and resisted the police officers mobilized on the spot. The police arrested 26 people at the protest rally against the Tbilisi Pride music festival, including two leaders of the group - Zurab Makharadze and Irakli Martinenko, as well as Guram and Aleksandre Palavandishvilis. It should be taken into account that no organizers or participants of the violent rallies have been prosecuted so far.⁸⁸

In addition to the above, on May 31, 2022, about 20 unidentified persons attacked five transgender women with bricks and stones at their house. The assailants insulted the transgender women, as well as the older owner (woman) of the house, on transphobic grounds and threatened to kill them.⁸⁹ According to the reports, patrol police officers, who arrived at the incident site, removed the attackers from the incident area, but did not immediately arrest them. Investigative activities (questioning, examination of the incident site, etc.) were not carried out immediately either. Investigative activities were planned only after media coverage of the case and involvement of human rights defenders. An investigation was launched into the case under Article 151, part 2, subparagraph “a”, of the Criminal Code, which pertains to a threat of killing or damaging health or destroying property, which is made by a group. According to the information obtained by the Public Defender, only two persons were charged for a crime committed by a group. Consideration of the mentioned criminal case still continues in Tbilisi City Court.

86 Tbilisi Pride statement: “Tbilisi Pride Week is coming back!”, 31.05.2022, available at: <https://bit.ly/3QpdHqX> [last accessed: 11.12.2022].

87 youtube.com, “Zura Makharadze calls on people to mobilize against Gay Pride”, July 2022, available at: <https://bit.ly/3H0D27R> [last accessed: 13.12.2022]. Reginfo.ge, “Alt-Info claims that it will not allow the Pride festival to be held in the private property”, 01.06.2022, available at: <https://bit.ly/3CwkPfo> [last accessed: 11.12.2022]. Zura Makharadze calls on people to mobilize against Gay Pride, available at: <https://bit.ly/3jNQDGb> [Last accessed: 11.12.2022].

88 Radio Liberty, “The Ministry of Internal Affairs arrested 26 people at the rally, including the leaders of Alt-Info.” 02.07.2022 [last accessed: 11.12.2022], available at: <https://bit.ly/3Cw6Gz9>

89 Civil.ge, “Transgender women were allegedly attacked in their house”, 30/05/2022, available at: <https://bit.ly/3GpENd5> [last accessed: 11.12.2022].

7. Incitement to discrimination

The spread of discriminatory expressions in public spaces remains a critical challenge. The absence of a state policy supporting equality leads to the spread of discriminatory statements against women, LGBT+ people and persons with disabilities. Unfortunately, the widespread stigma and stereotypical attitudes remain a problem, which leads to the spread of expressions inciting discrimination.

Regarding the spread of discriminatory statements by political officials and other public persons, this reporting period again proved clearly that the situation has not improved. The severity of the problem is also indicated by the fact that the practice of inciting discrimination was observed in the media as well. The Public Defender analyzed expressions inciting discrimination both on the basis of her own initiative and the applications filed by citizens/organizations.

7.1. Homo/transphobic statements

Unfortunately, high political officials often use insulting expressions and hate speech against LGBT+ people, which incites discrimination and creates the danger that members of the LGBT+ community will be subjected to harassment and/or violence in the future because of their sexual orientation or gender identity.

Statements by politicians that could incite discrimination based on sexual orientation and gender identity were problematic in the reporting period. For example, the statement by the Vice-Speaker, by which he responded to the statement made by the EU Ambassador, saying that what happened on July 5 “is nothing that is not happening in the European space”.⁹⁰ Iago Khvichia,⁹¹ a member of the Girchi political party, and Shalva Natelashvili,⁹² Chairman of the Labour Party, also spoke about the LGBT+ community in a negative context.

The head of the government of the Autonomous Republic of Adjara, Tornike Rizhvadze, used a homophobic and discriminatory term when assessing the wave of protests in support of the European integration in the country and noted: “I don’t think it is the will of the Georgian people or the dream of our ancestors to hand over power to the shadow cabinet of “liberasts”.”⁹³

7.2. Incitement to discrimination based on sex and gender

In the reporting year, sexist content and statements about the gender roles of women and men, reinforcing discrimination against women involved in public and political life, were again problematic. The discriminatory statements posted against publicly and socially active women in the Internet space especially diminish the importance of women’s participation in public life and strengthen the wrong and humiliating stereotypes about the role of women.

90 Additionally see: <https://cutt.ly/sMnjh6s>

91 When you say that you are a representative of the LGBT community, a feeling naturally arises that you are not an ordinary person, but a person asking to walk on Rustaveli wearing leather “panties” and fighting for this right. In fact, for those who are ordinary people and have a different orientation, this is more of a problem than a help. <https://cutt.ly/VMnNjyl>

92 Shalva Natelashvili responded to the visit of Damon Wilson, President of the National Endowment for Democracy, to Georgia: “I am pleased to announce that Damon Wilson, President of the National Endowment for Democracy, has arrived from Washington to participate in the Pride events and to meet with the opposition members sitting idle in the Parliament. According to Wikipedia, this gentleman has recently married a man. Congratulations. In addition, it would certainly not degrade his highly effective mission if this high-ranking guest had focused on the problems related to the prohibition and persecution of the Labour Party while talking about the honorable Pride and painful issues with the leaders of the parliamentary opposition.” see <https://cutt.ly/MMnXnzO>

93 See: <https://cutt.ly/pMnLjiq>

Insulting comments were made during the public speech of one of the MPs - Mariam Lashkhi, when she thanked Prime Minister Irakli Gharibashvili and asked for more time for speaking.⁹⁴ In addition, Minister of Culture and Sports Tea Tsulukiani pointed out that she, as a female minister, had many problems with the male representatives of sports federations.⁹⁵ Critical comments were posted on the dress of the President of Georgia, Salome Zourabichvili, on the social network. Expert Gia Khukhashvili made an insulting statement about President Salome Zourabichvili, in particular, he wrote on the social network: "Salome Zourabichvili is like a woman that is flattering all men, but remains loyal to her abusive husband..."⁹⁶ In one of the cases, activist Irma Zoidze protested against the removal of the record of "inappropriate building" relating to the Ambassador hotel in the general plan of the Batumi boulevard and banged on the table as a sign of protest. Public officials posted the videos showing the above on their Facebook pages. The page Psychiatric Room 5.2.5 posted a video with the caption: "Our Batumi-based patient from the National Movement".⁹⁷ Tengiz Abkhazava, Chairman of the Georgian Dream faction of the Batumi City Council, shared the video with the same caption on his page, which caused a lot of reactions. In the comments, the activist was mocked, cursed and insulted.⁹⁸

The screenshot posted on the Facebook page of Nato Gogelia, a journalist of TV Pirveli, is also worth noting. In particular, the screenshot showed the insulting and sexist comment made by Gocha Kiladze, Deputy Chairman of the Georgian Dream in the Ozurgeti municipality: "You, a rude woman, it seems you don't have a man at home, otherwise he would cut off your tongue."⁹⁹ Facebook user Natalia Babukhadia, who is employed at the West Georgia Center of Interventional Medicine, shared a post full of contempt and hatred towards overweight women. It is particularly alarming that offensive/unethical/discriminatory opinion was spread in the public space by a female doctor.¹⁰⁰

In the reporting year, the Public Defender examined a case of civil activist Samira Bairamova, which was related to the incidents that occurred within the framework of the Going Home to Europe information campaign in Marneuli on July 2, 2022, when Samira Bairamova was verbally insulted, including by the employees of Marneuli Town Hall and the secretary of the Marneuli Alt-Info office. There were also attempts to physically abuse her and prevent her from realizing her right to peaceful assembly.¹⁰¹ According to the information provided by the Ministry of Internal Affairs, various investigative activities were conducted in the case and the investigation is still ongoing.¹⁰² The Public Defender's Office also appealed to the Marneuli Mayor to provide information on whether disciplinary proceedings had been initiated against the employees of Marneuli Town Hall; It is significant that the Marneuli municipality informed us that there had been no disciplinary offence committed by the employees of the Town Hall.¹⁰³

The Public Defender has repeatedly emphasized the importance of women's involvement in political, public and social life. Given that women's equality and equal participation in the decision-making process remains one of the challenges in Georgia, creating a hostile environment for socially active

94 See: <https://cutt.ly/RMmzV0h>

95 See: <https://rb.gy/eaeuic>

96 See: <https://rb.gy/eaeuic>

97 See: <https://cutt.ly/OMmt3i0>

98 See: <https://cutt.ly/CMmextT>

99 See: <https://cutt.ly/dMSEEEY>

100 **Note:** Natalia Babukhadia later deleted the post: "If you have noticed, some people, mostly women, fat ones (and not overweight, to say it in one word, concisely), try to speak childishly and gently (of course artificially), but you know exactly that they ate up a cow an hour ago. They kind of try to compensate for their primal tenderness that they have gradually lost while eating. It almost sounds like a behemoth meowing with a kitten's voice. Don't start now referring to hate speech, etc. Excess weight is a shame. My teacher and older colleague liked to say when seeing a fat person - if a person does not know how much he should eat, what would he know about other things. The new year is coming and that's why I remembered this."

101 See: <https://cutt.ly/9MmpfVy>

102 Correspondence MIA 6 22 02525265 of the Ministry of Internal Affairs of Georgia of September 9, 2022

103 Letter (N32-322233418) of Marneuli Town Hall of November 30, 2022

women is a barrier for them to conduct their activities fully, freely and safely. For a healthy political and public environment, it is very important to oppose each other during public political debates within professional criticism and not to humiliate and insult each other based on personal characteristics or widespread harmful stereotypes.

The cases reviewed in the report show that the discriminatory attitude towards women involved in political and public life, including in the Internet space, is a serious challenge and it is critically important to raise public awareness in order to combat gender stereotypes.

7.3. Incitement to discrimination in the media

In the reporting period, the Public Defender responded to the cases of incitement to discrimination in the media. Three similar incidents occurred in a row, which the Public Defender considers to be a significant problem.

In the first case, on October 12, 2022, in the Big Break programme of Adjara TV, the presenter joked about deaf people, which was followed by laughter from other presenters as well.¹⁰⁴ It should be noted that after the sharp public reaction, clarifications were posted on the social network page of the programme,¹⁰⁵ which, to a large extent, had a justifying content. The presenters of the programme talked about the fact the next day as well¹⁰⁶ and the presenter asked for forgiveness. However, the reaction still did not imply an admission of mistake. The presenters mainly emphasized that the video was spread out of context and that the public reaction to it was unexpected. The programme's editor later noted: "I think it's nothing catastrophic, it can happen to anyone, people may do some wrong things unwillingly, it's just the response that followed it, I think, was completely inadequate."¹⁰⁷

According to the Public Defender's assessment, the explanation made by the Adjara TV programme, which did not include a clear condemnation of the fact, cannot be considered a proper response as a result of realizing the harmful nature of the incident, which is especially unfortunate considering the status of the Public Broadcaster's Adjara Television and Radio LEPL. Adjara Television is a publicly funded broadcaster accountable to the public, the goal of which should be to provide diverse programmes that suit public interests.

On October 18, 2022, a guest invited to the Morning on Formula programme of the Formula TV drew a parallel between the dog care by the owner and the upbringing of a child by parents, naming children with autistic spectrum disorders as an example.¹⁰⁸ The presenters of the programme did not distance themselves from the mentioned comparison. Later the creative crew of the Morning on Formula distanced itself from the content of the programme and apologized for delayed reaction. The above was a good example of the responsibility shown by the media.¹⁰⁹

As for the third fact, on October 20, another case of incitement to discrimination took place in the Formula 12 programme of the Formula TV. During the coverage of the alleged incident of violence in one of the public schools, a teacher's comment was aired,¹¹⁰ who spoke about the incident in the context of the child's mental developmental delay. It is true that the TV presenter assessed the teacher's comment as containing stigma and stereotypes and distanced himself from her views during the live

104 Available at: <https://cutt.ly/rMm00sk>

105 See: <https://cutt.ly/NMm255n>

106 See: <https://cutt.ly/uMm9UBp>

107 See: <https://cutt.ly/jMm90xZ>

108 Available at: <https://cutt.ly/oMm2sN4>

109 See: <https://cutt.ly/JMm9f8B>

110 See: <https://cutt.ly/JMm3mut>

broadcast, however, the comment was pre-recorded, which allowed it to be aired without the part inciting discrimination.

8. Discrimination in the field of culture

The Public Defender is concerned about the recent problematic environment in the field of culture. In particular, the recent events raise questions among the employees of legal entities of public law operating under the jurisdiction of the Ministry of Culture, Sports and Youth of Georgia and a certain part of civil society regarding the proper provision of the labour rights and the principle of equality for persons employed in the Ministry's system, as well as regarding the censorship attempts.

Among the cases that became the subject of public discussion were: the dismissal of 70 employees from the National Museum of Georgia and the National Agency for Cultural Heritage Preservation in March 2021 on the basis of reorganization;¹¹¹ The dismissal of Nana Burchuladze, the chief curator of the Middle Ages section; curator Nino Chikhladze; Nino Khundadze - curator of the New and Contemporary Art Collections and art critic Mako [Maia] Macharashvili from the Museum of Arts;¹¹² The dismissal of the Director of the Cinema Center, Gaga Chkheidze;¹¹³ The dismissal of 21 employees (including art historians, archaeologists, elderly scientists employed as expert scientists) from the National Museum from June 1, 2022;¹¹⁴ The appointment of a representative of the Ministry as a member of the jury of Litera contest, which the writers participating in the literary contest assessed as "establishment of partisan control" over writers.¹¹⁵

In the reporting period, the Public Defender addressed the Minister of Culture, Sports and Youth of Georgia and members of the Directorate of the National Museum of Georgia with a recommendation and a general proposal regarding the elimination of discrimination on the ground of dissenting opinion. It was revealed that the Board of Directors of the National Museum refused to accept the funding intended for 4 applicants, whose project won the Shota Rustaveli Science Foundation contest on behalf of the National Museum, because the employees involved in the project had repeatedly criticized the decisions of the Minister of Culture and the new administration of the National Museum. At the same time, they were dismissed from the National Museum. They are currently conducting a dispute in court.¹¹⁶

In addition, the Public Defender addressed the Minister of Culture, Sports and Youth of Georgia with a general proposal relating to the prevention and prohibition of discrimination, and requested the implementation of changes in the selection process of artistic directors of professional state drama theaters in order to facilitate decision-making free from discriminatory motives.¹¹⁷

111 Information is available at: <https://civil.ge/ka/archives/469845>

112 Information is available at: <https://netgazeti.ge/life/586613/>; <https://rb.gy/xdq3we>

113 Information is available at: <https://rb.gy/lnbqso>; <https://rb.gy/ktjiph>; <https://rb.gy/vwmano>

114 Information is available at: <https://rb.gy/7319by>

115 Information is available at: <https://civil.ge/ka/archives/435314>

116 Recommendation of the Public Defender of Georgia of October 26, 2022 to the Minister of Culture, Sports and Youth of Georgia and members of the Directorate of the National Museum of Georgia, available at: <https://cutt.ly/FMSh85G>

117 General proposal of the Public Defender of Georgia of October 31, 2022 to the Minister of Culture, Sports and Youth of Georgia <https://cutt.ly/FMSne1p>

9. Discrimination against media representatives

The Public Defender observed the situation of media representatives and related challenges. The hostile environment against journalists and the cases of interference with their activities, violation of labour rights and verbal abuse against them, including by officials, is alarming.

The Public Defender identified discriminatory treatment based on dissenting opinion by the former director of the Adjara Television and Radio,¹¹⁸ after a journalist was dismissed because of the expiry of the contract, but it was actually due to the preparation of critical TV stories about the authorities by the journalist.

There was also a case when media representatives were not allowed to attend the briefings of the Georgian Government. In particular, Bm.ge editor-in-chief Telara Gelantia was prevented from attending a governmental meeting several times.¹¹⁹ In addition, the Public Defender's Office received numerous notifications relating to verbal insults by Members of Parliament in the building of the legislature, for example verbal abuse of a journalist and a defamatory and pressure-containing statement against one of the TV companies by Armaz Akhvlediani.¹²⁰

In addition, the Public Defender received an application of Natalia Kajaia, a journalist of TV Pirveli, relating to the offensive/inappropriate expressions made by Mamuka Mdinaradze on June 24, 2022.¹²¹ The remark made by Irakli Kobakhidze, Chairman of the Georgian Dream - Democratic Georgia party, about Natali Jakhutashvili on July 25, 2022 was also problematic.¹²² In connection with these cases, the Public Defender of Georgia applied to the Speaker of Parliament of Georgia to respond to the cases in order to verify the compliance with the rules of conduct provided for by the Code of Ethics for Members of Parliament. According to the Parliament, the co-chairmen of the Ethics Council have not yet been elected, and after they are elected, the Council will gradually start consideration of cases.¹²³

10. Hate crimes

The policy for combating crime has substantially improved in recent years in Georgia. Significant steps have been taken by state agencies to increase the quality of response to crimes, as well as to produce a joint statistics for the law enforcement agencies and courts, but like the previous year's reporting period, the ineffective investigation of alleged hate crimes remains a challenge. Law enforcement agencies still do not meet the standards of effectiveness or timeliness. Confidence in law enforcement agencies is low among vulnerable groups, and it is being further decreased by the weak response or lack of response to incidents. An example of this was the lack of the use of positive measures by

118 Recommendation of the Public Defender of Georgia of November 29, 2022 to the Adjara Public Broadcaster, available at <https://rb.gy/j6sgle>

119 See: <https://cutt.ly/BMSHrng>

120 See: <https://cutt.ly/hMSKwMJ>

121 See: <https://cutt.ly/HMSZoIk> Mamuka Mdinaradze to Natalia Kajaia: "You have lost your human face"

122 "KGB member is your father. Do not tremble, you have lost your face. Are not you ashamed? You are like Davit Arakhamia. As Arakhamia is not a man, just like that you are not a woman..."; "You have lost your face, you have lost your head. Is politics worth it? You are shameful. Disgusting. You are no longer a woman;" "Wipe your mouth when you speak. You have a mouth like Saakashvili. You are like your boss in everything", available at: <https://cutt.ly/cMMan17>

123 Letter of the Parliament of Georgia of December 1, 2022 11590/2-7/22

law enforcement agencies on July 5-6, 2021, during the violent actions committed by radical violent groups. Inter alia, the Prosecutor's Office of Georgia has not yet launched prosecution relating to the organization of group violence or public calls for violence on July 5, 2021.¹²⁴

In one of the cases examined during the reporting period, the applicant, who is the pastoral leader of the Anglican Church, indicated that the church performed a wedding ceremony for a couple of the same sex for the first time and posted the relevant information on the official Facebook page. In a few hours, the church received messages containing threats against life and health on the church's page from homophobic persons. In this regard, the Public Defender's Office of Georgia was notified by the Ministry of Internal Affairs of Georgia¹²⁵ that the agency launched an investigation into the threats made against the church leader and followers under Article 151 (1) of the Criminal Code¹²⁶ and a special questionnaire developed for the identification of the motive of hatred was used during interviews, but no concluding decision has been made so far. According to the Prosecutor General's Office of Georgia,¹²⁷ no particular person has been identified as a victim or accused.

In another case, Jehovah's Witnesses indicated that, while standing near a movable literature stand near Larsi, Kazbegi municipality, a group of 10 people began to curse and threaten them after finding out that they were Jehovah's Witnesses. The applicants took the threat seriously and stopped their activities. They later pointed to the inadequate and ineffective response of the police officers standing near the incident site. In relation to the case, the Public Defender's Office was notified by the Ministry of Internal Affairs that administrative proceedings were carried out in the Kazbegi District Division of Mtskheta-Mtianeti Police Department, and the interviews within the framework of the proceedings made it clear that there had been just a verbal conflict between the Jehovah's Witnesses and the said persons, no violence had taken place and consequently, no investigation had been launched into the case.

One of the challenges relating to the investigation of hate crimes in Georgia is the identification of the motive by law enforcement agencies and the correct classification of crimes.

In addition, it is an important problem that, in some cases, when the law enforcement agency considers that there are no elements of crime, incidents are classified as administrative offences. However, since administrative legislation does not identify a discriminatory motive as an aggravating circumstance, it fails to make it clear that the victim was damaged on the discriminatory ground. The Public Defender notes that considering the seriousness and gravity of the discriminatory illegal actions for a democratic society, it is important for the law enforcement agency to consider the classification of an action at least as a less serious crime (for example, Article 142 of the Criminal Code - violation of equality) when there is a discriminatory motive.

124 In connection with this issue, the Public Defender has filed a proposal with the Prosecutor's Office of Georgia with the request to launch criminal prosecution against Zurab Makharadze and Spiridon Tskipurishvili, available at: <https://bit.ly/3Qb6VoN>

125 Correspondence MIA 9 22 02742663 of the Ministry of Internal Affairs of Georgia of September 30, 2022; Correspondence MIA 5 22 03186611 of the Ministry of Internal Affairs of Georgia of November 11, 2022

126 Threatening to kill or damage health or destroy property, when the person who is threatened has a reasonable fear that the threat may actually be realized, is punishable by a fine or community service for a period of 120 to 180 hours or correctional labour for a period of up to one year or house arrest for a term of six months to two years or deprivation of liberty for a period of up to one year, with or without the limitation of the rights related to weapons

127 Correspondence No. 13/61495 of September 29, 2022 of the Prosecutor General's Office of Georgia

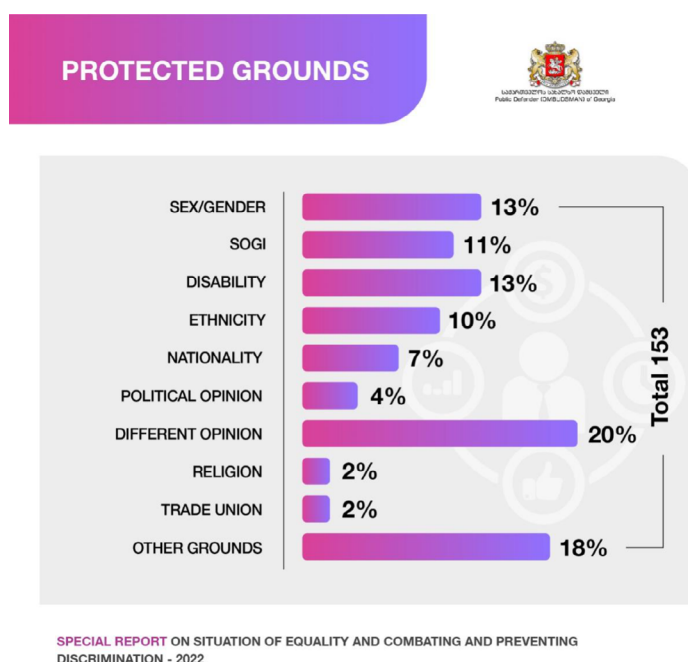
11. Public Defender's activities in the direction of equality

In the reporting period, the main activities of the Public Defender in the field of equality included the examination of individual applications relating to alleged discrimination and the conduct of educational activities on the principles of non-discrimination and equality.

11.1. Examination of individual cases

In the reporting period, the Public Defender examined 153 cases of alleged discrimination, most of which - 20% concerned alleged discrimination on the ground of **dissenting opinion**. 13-13% of the applicants indicated discrimination on the grounds of **sex/gender** and **disability**. 11% pointed to the grounds of **sexual orientation** and **gender identity** and 10% - **ethnicity**. A protected ground of **nationality/citizenship** was identified in 7% of applications, while **political views** - in 4% of applications. Alleged discrimination based on **trade union membership** and **religion** was indicated in 2-2% of the applications. Discriminatory treatment on **other grounds** were frequent in this reporting period as well and accounted for 18% of the applications.

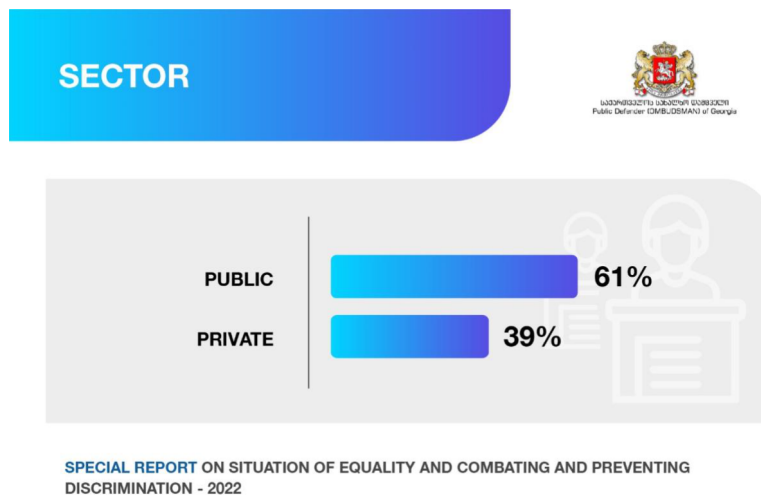
Chart No. 1



As for the previous reporting period, the Public Defender examined 161 cases of alleged discrimination, most of which - 17% concerned alleged discrimination on the ground of **political views**. 16% of applications were related to **sex/gender**-based discrimination. **Dissenting opinion** and **disability** were found in 11-11% of cases. 7% of the applicants argued about **sexual orientation** and/or **gender identity**, 6% - **nationality/citizenship**, 4% - **religion**, and 3-3% - **ethnicity** and **age**. The largest percentage - 22% of the applications concerned **other grounds** of discrimination.

As for the representation, in this reporting period, most of the applicants - 78% - applied to the Public Defender without any representative, while the interests of 22% of the applicants were defended by representatives. As in the past years, the majority of applications - 61% concerned alleged discrimination in public agencies, while 39% of the applications indicated discrimination in the private sector.

Chart No.2



In addition, in 2022, the Public Defender prepared 10 recommendations, 3 general proposals and 2 amicus curiae briefs on equality issues. In 2021, the Public Defender prepared 15 recommendations, 10 general proposals and 2 amicus curiae briefs.

11.2. Educational activities

In 2022, the Public Defender continued disseminating information on issues of equality and non-discrimination. Representatives of the Department of Equality conducted about 90 informational meetings and trainings for civil servants, representatives of vulnerable groups and private companies throughout Georgia and raised awareness of a total of 1 656 people relating to the issues of equality. The meetings were mainly held with the support of the Open Society Georgia Foundation.

The Public Defender considers educational and awareness-raising activities the most important component in the process of ensuring equality and protecting the rights of various groups and, in this regard, actively cooperates with various agencies and organizations. The reporting period was active in the direction of cooperation with representatives of the private sector. One of the private companies¹²⁸ expressed its desire to invite representatives of the Department of Equality of the Public Defender to conduct training for its employees regarding incitement to discrimination and sexual harassment.

In the reporting period, representatives of the Department of Equality were actively visiting different regions of the country to carry out educational activities. Meetings were held in 36 municipalities and 15 villages of 7 regions (Zemo Adjara, Zemo Svaneti and Racha-Lechkhumi, Kakheti, Mtskheta-Mtianeti, Samtskhe-Javakheti, Kvemo Kartli, Shida Kartli). As part of the visits, in addition to the local self-government bodies,¹²⁹ meetings were held with the Muslim and Jewish communities, Jehovah's Witnesses, eco-migrants, Meskhetians, Romani, Kists, Udis, Lezgins and Azerbaijani-speaking population. During the educational meetings, special emphasis was placed on, among other things, sexual harassment and non-compliance of municipal social and health care programmes with the principles of equality.¹³⁰ Public Defender's representatives received information about local problems relating to the realization of the right to equality.

128 AzRy, the company operates in the field of computer hardware and software development, in detail: <https://bit.ly/3GibZTG>

129 Representatives of the leadership of the municipalities, members of the Gender Equality Council and decision-makers took part in the meeting.

130 Information meetings about equality, information is available at: <https://bit.ly/3QbxUAG>; Representatives of the Public Defender held seminars on issues of gender equality and sexual harassment in Kvemo Kartli, information available at: <https://bit.ly/3GDpm26>

In total, during 2022, employees of the Department of Equality met with 874 employees of local self-government bodies and other public agencies, 367 representatives of vulnerable groups, 58 persons from the educational field, 175 young people and 144 employees of the private companies. Meetings on issues of discrimination in labour relations were held with trade union members and employees (38 participants). The total number of meeting participants amounted to 1656.

With the involvement of the Department of Equality of the Public Defender's Office, cascade trainings were held on the rights of persons with disabilities and communication standards at the Academy of the Ministry of Internal Affairs.¹³¹ Trainings were also held for representatives of the banking¹³² and insurance¹³³ sectors, employees of the Regulation Agency for Medical and Pharmaceutical Activities and the Ministry of Health,¹³⁴ as well as the facilitators of asylum seekers and internationally protected persons,¹³⁵ on the standards of protection against discrimination available in the country, incitement to discrimination and sexual harassment. Within the framework of each training, the practice of the Public Defender and the standards applied in the country were analyzed in each direction.

In the reporting period, with the support of the Open Society Georgia Foundation, an electronic course was prepared for local self-government bodies on the standards of the right to equality and non-discrimination.¹³⁶ The course aims to provide information about the basic issues of the right to equality and non-discrimination, as well as the role of local self-government bodies in ensuring equality, to persons elected to or employed in local self-government bodies, including in terms of detecting and preventing various forms of discrimination.

131 Training for the employees of the Ministry of Internal Affairs on the rights of persons with disabilities and communication standards, information available at: <https://bit.ly/3i8QVHs>

132 Training on equality issues for the representatives of the banking sector, available at: <https://t.ly/eo-T>

133 Training for representatives of insurance companies on equality issues, available at: <https://bit.ly/3jOachQ>

134 Training on equality issues for the employees of the Medical Regulation Agency and the Ministry of Health, available at: <https://bit.ly/3WLN3Ln>

135 Training for the facilitators of the community of asylum seekers and internationally protected persons, available at: <https://bit.ly/3Z8Yncx>

136 Available at: <http://tanastoroba.ombudsman.ge/signin>

Conclusion

Protection of the right to equality is getting harder from year to year in Georgia. On the one hand, there is anti-discrimination legislation that creates an important formal basis for victims of inequality, but on the other hand, its practical, daily application is a substantial challenge, as vulnerable groups face many obstacles due to their personal characteristics.

For years, the Public Defender has been calling on the State to develop a unified policy and vision for the protection of equality. In 2022, the Parliament of Georgia approved two important policy documents for the protection of human rights – the Human Rights Strategy 2022-2030 and the State Concept of Georgia on Gender Equality. However, the Human Rights Strategy makes no mention of the LGBT+ community along with various social groups, while the goal of the Concept on Gender Equality is focused on the equality of men and women, but does not consider the needs of the LGBT+ community as an essential part of gender policy.

It should be noted that the exclusion of any social group has a negative impact on all people living in Georgia, regardless of their identity or affiliation. At the same time, the steps against the protection of equality significantly hinder democracy and development of our country.

Recommendations

To the Ministry of Internal Affairs of Georgia:

- ▶ In the presence of an alleged discriminatory motive, in each specific case, consider classification of the action as a less serious crime (for example, on the basis of Article 142 of the Criminal Code of Georgia - violation of equality)

To the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs:

- ▶ Amend Appendix No. 9 to Order No. 108/N of the Minister of Labour, Health and Social Affairs of Georgia of March 19, 2009 on the Approval of the Procedure for the Production of Inpatient Medical Documentation in Medical Institutions, as a result of which, patients, along with informed consent on pain relief, will be given the opportunity to refuse hemotransfusion
- ▶ Develop guidelines for the medical institutions operating in Georgia regarding the admission and the use of methods/medicines that can replace hemotransfusion procedure

To the Minister of Culture, Sports and Youth of Georgia:

- ▶ Ensure that the procedures for the development of norms and executive activities are conducted in compliance with the principles of equality

To the Football Federation of Georgia:

- ▶ With the involvement of licensed football clubs and football players employed by them, develop an effective mechanism for financing the treatment of injuries sustained by football players during trainings/games
- ▶ Explore opportunities for special insurance packages or additional funding for football clubs to cover the costs of treatment of injuries sustained by football players, taking into account the needs of female football clubs and female players in this process

To the National Volleyball Federation of Georgia:

- ▶ Ensure unhindered access to health care services for female volleyball players
- ▶ Develop guidelines for the fulfillment of the obligation of licensed volleyball teams to cover the costs of treatment of injuries sustained by volleyball players employed by them

To the Georgian Chess Federation:

- ▶ When drawing up the provisions of chess events and organizing national and international tournaments, consider equal prize money for men's/open and women's tournaments

2022 Special Report on

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