



[DRI summarizes the situation of human rights in Georgia in 2023](#)

December 10 is international Human Rights Day. On December 10, 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights as "a common standard of achievements for all peoples and all nations."

On December 10, 75 years after the adoption of the Universal Declaration of Human Rights, the protection of basic human rights remains a challenge in Georgia. The situation of protection of civil and political rights has worsened - the space for freely expressing dissent in an environment free from fear of repression is decreasing in Georgia, which is reflected in a hostile attitude towards journalists, human rights defenders, civil activists and representatives of civil society organizations, frequent repressions against human rights defenders, the use of disproportionate force during protests and the loyal attitude towards the violence of far-right radical groups. In the reporting period, there were incidents of obstructing the professional activities of journalists during the coverage of protests and administrative arrests of members and leaders of civil society organizations.

The situation has not improved in terms of the independence of the judicial system or individual judges. The imposition of sanctions by the US Department of State on Georgian judges for their corrupt activities was a confirmation of the crisis situation in the judicial system. Instead of responding adequately to the problem, the ruling party expressed solidarity with the judges exposed as corrupt, who are influential members of the clan within the judicial system. Clan-type ruling in the justice system has a negative impact on the quality of everyday justice.

In 2023, in parallel with the legislative changes carried out in a positive way in terms of gender equality, the efforts of Georgian Dream to discredit political opponents on the basis of gender increased, which makes the progress made at the legislative level to ensure gender equality only formal.

The reporting year was quite full of protests and strikes held by people of various professions to protect their rights. Despite the fact that a part of the employees achieved the desired result with the protests, the unpaid overtime work, enjoyment of breaks, the right to take leave or sick leave still remain problematic throughout the country.

The State still lacks a general policy and vision for providing decent housing and combating homelessness. The services available in the country (at the central government and municipal level) relating to homeless people are insufficient and inadequate to deal with the scale of the problem.

In 2023, positive steps were taken in Georgia in terms of access to medicine, which should be evaluated positively. It is welcome that the State satisfied the request of parents of children diagnosed with achondroplasia and ensured the children's right to accessible and quality healthcare.

Despite certain success, the practice of non-transparent decision-making, not involving local population, relating to the use of natural resources needs immediate revision.

In the reporting period, the Russian occupation claimed the lives of two Georgian citizens in the occupied territories of Georgia - representatives of the Russian occupation forces killed Tamaz Ginturi, a resident of Kirbali, in the vicinity of the Lomisa church. On December 10, 2023, Temur Karbaia, a resident of Gali, died of injuries sustained as a result of being beaten by militiamen in Gali. The Democracy Research Institute considers that the efforts of the Georgian authorities to release Irakli Bebuga, who is illegally imprisoned in Abkhazia, are ineffective and insufficient.

The Georgian language is being purposefully and consistently suppressed from the daily life of ethnic Georgians in the occupied territories. In addition to the fact that the ethnic Georgian population in occupied Abkhazia and Tskhinvali is not given the opportunity to receive education in their native language, the Georgians of Gali and Akhalkalaki, in some cases, are even forbidden to speak their native language.

Freedom of assembly and expression

The situation of freedom of assembly and expression has worsened in 2023. It is alarming that when arresting participants in peaceful assemblies, law enforcement officers do not fulfill their obligations established by the law and use unjustified and disproportionate violence. One of the 9 priorities set by the European Commission in November 2023 directly refers to the Georgian authorities' obligation to improve the standard of freedom of expression.

The events of March 2023 were the clearest example of the narrowing of free space in terms of civil engagement. The initiation of the so-called Russian law on agents by the ruling political force and its subsequent accelerated consideration, during which the authorities critically limited civil society participation, led to widespread public protests. The authorities responded to the demonstrations with physical force. A number of people, including those who performed professional duties, were arrested in an administrative manner. During the crackdown, a number of protest participants were physically injured.¹ The use of pepper spray, tear gas and other special equipment against all demonstrators indiscriminately was not a proportionate or least restrictive means of achieving the legitimate goal.

This year, law enforcement officers arrested a number of peaceful demonstrators in an administrative manner, who had been protesting against the growing influence of the occupying country in Georgia.² The arrest of several people, including a lawyer, civil activists and a leader of a civil society organization, on June 2, due to an inscription on a poster and blank papers, in the vicinity of the Parliament of Georgia, was particularly alarming; Their whereabouts were unknown for some time.³ The court declared the detainees as lawbreakers, which is an attempt to legalize censorship of freedom of opinion and denies the role of the court against the arbitrariness of law enforcement agencies. On July 31, the police illegally arrested the participants in a peaceful protest ongoing in connection with

¹ tabula.ge (website), 05.04.2023, available at: <https://tabula.ge/ge/news/699589-aktsiaze-dazaralebuli-mokalake-volskis-tu-rame>

² democracyresearch.org (website) 19.05.2023, available at: <https://www.democracyresearch.org/geo/1201/>

³ democracyresearch.org (website) 02.06.2023, available at: <https://www.democracyresearch.org/geo/1212/>

the entry of the cruise ship ASTORIA GRANDE in the Batumi port.⁴ The rally held in connection with the Racha forests was no exception either. 11 participants in the peaceful protest were arrested.⁵ It is welcome that, unlike other cases, proceedings against most of the persons arrested in the mentioned case were terminated.

One of the important grounds for restricting citizens' activity and right to expression is the Administrative Offences Code adopted in 1984. Unfortunately, the reform of the Code was not carried out in 2023 either.

In contrast to the protests, the inaction and loyal attitude of the law enforcement officers towards the organizers and participants in the violent rallies was obvious in 2023 as well. In contrast to July 5, 2021, the Ministry of Internal Affairs ensured the mobilization of an unprecedented number of law enforcement officers to protect the closed event of Tbilisi Pride scheduled for July 8, however, in the background of the large number of police officers, the inaction of law enforcement officers became even more obvious. Moreover, the police themselves led the organizers of violent groups to the territory of the failed festival to convince them of the evacuation of the Tbilisi Pride participants. Neither the raiding or looting of the private territory of the festival did lead to a prompt reaction of the law enforcement officers.

Instead of fundamental reforms, which would have served to protect the rights of assembly and expression, the ruling party initiated a draft law, which, if adopted, will unreasonably restrict the above-mentioned rights. The draft amendments to the Law on Assemblies and Demonstrations prohibit the erection of temporary constructions on five vague and general grounds. After the President's veto, the Georgian Dream parliamentary majority is not in a hurry to return the draft law to the agenda, although it is alarming that the restrictions provided for by the draft law have already been used in practice without the law entering into force. The law enforcement did not allow peaceful demonstrators to put up their tents in many cases.

Freedom of the media

In 2023, as in previous years, the situation of media freedom has not improved. The authorities not only did not take effective measures to ensure the safety of media representatives, but also acted as a source of danger for journalists. Several journalists were detained during protests. In March 2023, Zura Vardiashvili, director of Publica, and Beka Jikurashvili, journalist of Tabula, were arrested while performing their professional duties during the protests held against the so-called Russian law on agents.⁶ Despite the lack of evidence, the court fined each journalist GEL 2200. As of now, the last case of a journalist's arrest took place at the protests related to Racha forests.⁷ Harmful practice of arresting journalists while covering demonstrations has a chilling effect on media freedom. In addition, the arrest of a journalist while performing professional duties is an act of obstructing journalistic activity, which represents a crime.

⁴ democracyresearch.org (website), available at: <https://www.democracyresearch.org/geo/1267/>

⁵ democracyresearch.org (website), available at: <https://www.democracyresearch.org/geo/1354/>

⁶ on.ge (website), 03.03.2023, available at: <https://shorturl.at/1CGQ9>

⁷ civil.ge (website), 18.11.2023, available at: <https://civil.ge/ka/archives/570357>

Officials continued to use aggressive rhetoric towards journalists. At the same time, there was a serious increase in the number of strategic lawsuits against public participation (SLAPPs), namely against media representatives.⁸

Regression could also be observed in terms of changes made to legislation. The amendments made to the Law of Georgia on Broadcaster in 2023 increase the authority of the National Communications Commission, including in relation to the regulation of hate speech.⁹ The mentioned changes raise the risk that the authorities will use specific mechanisms against critical media.

Unfortunately, the State did not ensure a proper investigation of the violent events of July 5-6, 2021, in 2023 either. To date, the organizers of mass violence, as a result of which more than 50 people were injured, have not been punished. The cases of journalists injured during the dispersal of the June 20-21, 2019 protest are still uninvestigated. To date, there has been no result in the case of the secret recordings disclosed in October 2021, which made it clear that the authorities are carrying out alleged illegal surveillance of a number of socially and publicly active people, including journalists.

In terms of media freedom, the pardoning of Nika Gvaramia, the founder of Mtavari Channel, by the President of Georgia, should be evaluated positively.¹⁰

Right to a fair trial

Clan ruling remained the main challenge in the Georgian justice system in 2023, which was manifested in the ruling of the judicial system by an influential group of judges in accordance with their own interests.

Although, formally, the Parliament of Georgia tried to implement the recommendation of the European Commission regarding the reform of the justice system at the legislative level, the European Commission assessed the work done as unsatisfactory. Accordingly, the full reform of the justice system has been again included among the nine conditions of the European Commission. The election of a person close to the influential group of the court as an independent inspector on July 27, 2023 should be considered a regression for the justice system.

On May 17, the Parliament of Georgia elected non-judge members to the vacant positions in the High Council of Justice.¹¹ Despite the support of several opposition MPs, the decision was not made on the basis of consensus.

In 2023, the Parliament of Georgia did not implement the most important recommendations of the Venice Commission, which were related to the transfer of judges, disciplinary proceedings against judges, election of members of the Council, activities of the High Council of Justice, elimination of corporatism, the term of office of the chairperson of the Supreme Court.¹²

⁸ gdi.ge (website), 08.06.2023, available at: <https://gdi.ge/index.php/ge/news/gdi-s-angarishi-slapp-saqmeebi-saqartveloshi-akhali-safrtkhe-2>

⁹ civil.ge (website), 20.10.2023, available at: <https://civil.ge/ka/archives/564561>

¹⁰ radiotavisupleba.ge (website), 22.06.2023, available at: <https://www.radiotavisupleba.ge/a/32471204.html>

¹¹ civil.ge (website), Parliament elects three non-judge members of the High Council of Justice, 17.05.2023, available at: <https://civil.ge/ka/archives/542707>

¹² formulanews.ge (website), 09.11.2023, available at: <https://formulanews.ge/News/99063>

The imposition of sanctions¹³ by the US Department of State on three Georgian officials (Levan Murusidze, Mikheil Chinchaladze and Irakli Shengelia) and one former judge (Valeri Tsertsvadze) due to their involvement in significant corrupt activities was a clear confirmation of the problems existing in the judicial system. Instead of adequately responding to the problem, the ruling party expressed solidarity with the judges exposed as corrupt and through procedural sabotage prevented the creation of a temporary investigative commission for studying corruption and other illegal actions in the judicial system.¹⁴

The clan-based ruling of the justice system has a significant negative impact on the quality of everyday justice. The delay in the consideration of cases, impartiality of judges, vague rulings and judgements remained the main challenges in 2023.¹⁵

Gender equality and women's rights

One of the 12 recommendations set by the European Commission in the process of granting Georgia candidate status was related to the strengthening of gender equality. It should be noted that in order to implement the recommendation, a number of legislative changes were made with the involvement of the Gender Equality Council. In particular, the Parliament of Georgia supported the initiative on the institutionalization of gender influence. Changes were also made to the law on gender equality, which determined the role of the State in the process of eliminating gender inequality at the legislative level. Positive changes were made to the Election Code as well, which extended the term of "gender quotas" until October 2032. At the same time, the State Concept of Gender Equality and State Concept of Women's Economic Empowerment were approved by the Parliament.

Within the framework of the 2023 enlargement package, the European Commission considered the 9th recommendation fully implemented and positively evaluated the legislative changes implemented by the Parliament of Georgia in terms of combating violence against women and increasing gender equality. Nevertheless, in terms of strengthening gender equality, the full harmonization of Georgian legislation with the Council of Europe Convention on preventing and combating violence against women and domestic violence remains a challenge.

In 2023, in parallel to the legislative changes implemented in a positive way in terms of gender equality, the efforts of Georgian Dream to discredit political opponents on the basis of gender gained a large-scale character. The verbal attack of government representatives on female oppositionists was aimed at shaming them and limiting their scope of action in the political space by referring to gender-based behavioral norms. In 2023, Georgian Dream continued its harmful practice of gender discrimination. On October 31, at the plenary session of the Parliament, the Chairman of the Defence and Security Committee, Irakli Beraia, responded to the independent deputy of the Parliament, Teona Akubardia, with a sexist and obscene remark. Aluda Ghudushauri, First Deputy Chairman of the Human Rights and Civil Integration Committee, also addressed Ana Tsitlidze, a member of the United National Movement, with a sexist and insulting statement. It is noteworthy that Ana Tsitlidze was the target of a sexist statement on September 20 as well. In particular, Georgian Dream Chairman Irakli Kobakhidze

¹³ radiotavisupleba.ge (website), USA imposes sanctions on 4 judges of Georgia, 05.04.2023, available at: <https://www.radiotavisupleba.ge/a/32350958.html>

¹⁴ Parliament.ge (website), 18.05.2023, available at: <https://shorturl.at/aoxV4>

¹⁵ courtwatch.ge (website), 27.09.2023, available at: <https://courtwatch.ge/articles/everyday-justice-in-the-regions-of-georgia/>

said that he “will not enter into a polemic with a woman”. On November 17, 2023, at the plenary session, Georgian Dream MP Levan Mgaloblishvili verbally abused Tina Bokuchava, a member of the National Movement, and tried to physically attack Ani Tsitlidze.

Unfortunately, statements containing misogynistic, sexist and gender-based discrimination by high political officials have a heavy impact on the protection of women's rights in Georgia. In 2023, the sexist campaign by Georgian Dream against female opposition MPs served to expel female politicians from the political space and to normalize the practice of marginalization of women.

The political campaign of Georgian Dream aimed at discrediting women completely contradicts the values and goals of the State Concept of Gender Equality. Consequently, the progress made at the legislative level to ensure gender equality will remain only formal without their implementation in practice.

Right to work

2023 was quite full of protests and strikes held by people of various professions to protect their labour rights. At the beginning of the year, ambulance doctors went on strike, which was followed by strikes of couriers, cameramen and Chiatura miners. Despite the fact that part of the workers achieved results with their protests, problems with unpaid overtime work, enjoyment of breaks, right to take leave or sick leave remained unresolved.

There are no social protection mechanisms in Georgia, such as unemployment benefits or unemployment insurance, which would create certain social guarantees in the labour market before re-employment.

Although some of the protests held this year (for example, Chiatura miners' strike) show that the organized struggle of workers may bring results, the legislation of Georgia cannot provide employees with real mechanisms to protect their rights. The process of mediation between employees and employers is long and bureaucratic, which hinders the organization process of employees.

In addition, the right to solidarity action is not clearly guaranteed by legislation, which hinders the engagement of people of different professions in mass trade union activities or in the protection of labour rights throughout the country in general. The Labour Code of Georgia allows employees to strike only in the event of having a dispute with their employers, which excludes the possibility of using the right to stage a solidarity strike.

Although according to the Government of Georgia,¹⁶ the labour legislation of Georgia does not exclude the use of the right to stage a solidarity strike, the fact that this right is not directly recognized by the Labour Code is an obstacle to holding such a strike. It is up to the courts of Georgia to decide whether the solidarity strike staged within the framework of the current legal order is legal or not, and the court's assessment of this issue may be different from the opinion of the Georgian Government. Therefore, it is important for the labour legislation of Georgia to unambiguously and directly grant

¹⁶ Direct Request (CEACR) - adopted 2017, published 107th ILC session (2018) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Georgia (Ratification: 1999). available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017

employees the right to stage a solidarity strike. Solidarity strike is a right recognized in many countries, which is used by employees to raise wages, improve working conditions, and solve a variety of labour-related problems, including by demanding legislative changes, and not narrowly only for settling disputes with specific employers.

In addition to the ineffective mechanisms of protection of the right, another problem is that the amount of the minimum wage is not regulated in any field in Georgia except for the medical sector. As a result, we get a lot of low-wage workers for whom employment is only a guarantee of inevitable poverty, not a prospect of escaping from it.

Right to housing

Although the large-scale flow of migrants entering Georgia in 2022-2023 due to the Russia-Ukraine war has significantly increased both the market value of houses and the rents, the State still does not have a general policy or vision for providing decent housing or combating homelessness; The legislation governing the right to housing is sparse and flawed. The services available in the country (at central government and municipal level) for homeless people are insufficient and inadequate to deal with the magnitude of the problem. The State does not have a long-term, multi-year housing policy or plan that would provide for at least the social housing model that has been in effect in European states since the end of the 19th century.

Right to healthcare

In 2023, some positive steps were taken in Georgia in terms of access to medicine. In particular, the State will purchase oncology drugs directly from the manufacturer, on the basis of the principles of the Managed Entry Agreement (MEA).¹⁷ The list of drugs covered by the reference pricing mechanism has increased.¹⁸ However, there are still problems in the direction of practical implementation of reference pricing and price control by the State. It should be noted that both approaches used by the Government of Georgia: Managed Entry Agreement (MEA) and reference pricing had been recommended by the World Bank.¹⁹

Parents of children diagnosed with achondroplasia achieved effective realization of the right to healthcare after many months of protests. An important positive news in 2023 was the establishment of an hourly minimum wage for workers in the health sector. The minimum salary of medical personnel employed in stationary clinics enrolled in the universal healthcare programme has been determined at GEL 7 per hour (at least GEL 1260 per month), and for nurses – at GEL 4.4 per hour (at least GEL 792 per month).²⁰ Despite the slightly increasing salaries, there is a shortage of nurses in Georgia. In order

¹⁷ The State will purchase oncological drugs in a direct manner, available at: <https://www.moh.gov.ge/ka/news/7749/>

¹⁸ The list of drugs subject to reference pricing has increased, the upper limit of the price has been defined for more than 2,300 drugs, available at: <https://1tv.ge/news/wamlebis-chamonatvali-romlebzec-referentuli-fasi-moqmedebs-gaizarda-fasis-zeda-zghvari-2-300-ze-met-medikamentzea-gansazghvruli/>

¹⁹ GEORGIA Human Capital Review, available at: <https://cdnq.us1.myspdm.com/atsdpid1d6u5cmy4j61kro6gh/wp-content/uploads/2022/10/World-Bank-Human-Capital-Report-on-Georgia.pdf>

²⁰ From January 1, 2023, minimum hourly wages will be established for doctors and nurses, available at: <https://www.moh.gov.ge/ka/news/7186/2023-wlis-pirveli-ianvridan%2C-eqimebisa-da-eqTnebis-minimaluri->

to keep qualified healthcare personnel in their profession, the State should create conditions for further increasing their payment.

Right to environmental protection

In 2023 a number of protests were organized by local population for the preservation of the living environment in a number of regions of Georgia: Racha, Kazbegi, Martvili. In all cases, the population protested against the issuing of licenses for the use of the environment to individuals by disregarding their opinion. It should be noted that the Ministry of Environmental Protection and Agriculture of Georgia did not ensure the involvement of the local population, dialogue or communication with them in any of the processes of issuing a license. The transfer of 104 hectares of land for the establishment of a game farm on the territory of Racha with the right of a 49-year lease to Russian citizen Davit Khidasheli, who is a person associated with a sanctioned Russian oligarch and who provided significant assistance to Georgian Dream in the production of a disinformation propaganda campaign related to Davit Gareji, attracted a lot of public attention. At the end of 2023, the protests moved to the Ministry of Environmental Protection and Agriculture of Georgia in Tbilisi. Initially, the protesters were not allowed to put up tents in front of the Ministry. The decision taken by the Government later, to revoke the license issued to Khidasheli, should be evaluated positively. Despite some successful protests, the practice of non-transparent decision-making relating to the use of natural resources in Georgia, without involving local population, has become common in Georgia, which needs immediate revision.

Human rights situation in the occupied regions

In 2023, representatives of the occupation regime continued the illegal practice of abducting the ethnically Georgian population from the areas adjacent to the so-called administrative line. Abductions were especially frequent in the direction of occupied Tskhinvali.

In the reporting period, the Georgian authorities failed to release at least five citizens of Georgia illegally detained in Abkhazia, including Irakli Bebuga. The Democracy Research Institute considers that the efforts of the Georgian authorities to release Irakli Bebuga are ineffective and insufficient.

The Russian occupation claimed the lives of two Georgian citizens in the reporting period - representatives of the Russian occupation forces shot dead Tamaz Ginturi, a resident of Kirbali, in the vicinity of the Lomisa church. On December 10, 2023, Temur Karbaia, a resident of Gali, died of injuries sustained as a result of being severely beaten by militiamen in Gali.

From 2014 to the present day, representatives of the so-called authorities of the occupied territories and Russian occupying forces committed six murders with special cruelty: Davit Basharuli, Giga Otkhoshvili, Archil Tatunashvili, Irakli Kvaratskhelia, Tamaz Ginturi and Temur Karbaia. The ineffective response by the State incites each successive murder.

The Georgian language is being purposefully and consistently suppressed from the daily life of ethnic Georgians in the occupied territories. In addition to the fact that the ethnically Georgian population in occupied Abkhazia and Tskhinvali is not allowed to receive education in their native language, the Georgians living in Gali and Akhgori, in some cases, are even forbidden to speak their native language.

From September 1, 2003, all nine schools in the upper zone of the Gali district were completely switched to Russian-language education. Up to three hours a week are allocated for the Georgian language, which is taught as a foreign language. The de facto authorities of Abkhazia implemented the same policy in the schools in the lower zone of the Gali district. Accordingly, the last Georgian-language student graduated from high school in occupied Abkhazia in 2022. Thus, a fully Russian education model has been established in Abkhazia.

The situation is similar in the occupied Tskhinvali region. The education language has been fully Russian since 2017. The last Georgian-language student will graduate from high school in 2024.

Children and teachers, as well as service personnel, of the kindergartens located in the Tskhinvali region are prohibited from speaking Georgian or communicating with each other in their native language. The same is happening in occupied Abkhazia. Many kindergarten employees were threatened with dismissal for speaking Georgian. There have been many cases in Akhagori, when the parents of children were called to the kindergarten and given a warning because of their children speaking Georgian.