



Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia

2024

Report of the Public Defender of Georgia

Introduction	7
1. Human Rights Situation of the Conflict-affected Population	16
1.1. Illegal detentions and ill-treatment	16
1.2. Freedom of movement and issues related to documentation	18
1.3. The right to education	19
1.4. The right to healthcare	21
2. Right to Life	24
2.1. Introduction.....	24
2.2. The state of protection of the right to life in the context of occupation – the case of Tamaz Ginturi	24
2.3. Ongoing investigation into the Shovi tragedy case.....	25
2.4. Femicide – cases of gender-motivated killings of women	29
3. Prohibition and Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.....	34
3.1. Introduction.....	34
3.2. Practices that amount to ill-treatment	35
3.3. Guarantees for Protection Against Ill-Treatment / Factors Contributing to Ill-Treatment	46
3.4. Investigation of Alleged Ill-Treatment.....	58
3.5. Spring and Winter Protest Rallies – Ill-Treatment and Other Human Rights Violations	60
4. The Right to Liberty and Security.....	93
4.1. Introduction.....	93
4.2. Unjustified restriction of the right to free movement.....	93
4.3. The practice of appealing a ruling on the application or modification of a preventive measure... ..	94
4.4. Administrative detentions.....	95
4.5. The practice of parole and the replacement of the unserved part of a sentence with a lighter form of punishment.....	96
4.6. Results of Amnesty.....	99
5. The Right to a Fair Trial	102
5.1. introduction.....	102

5.2. Institutional problems present in the court.....	103
5.3. The right to have a case heard within a reasonable time.....	107
5.4.The Right to a Fair Trial within the Framework of Prisoners’ Sentence Reduction and Release Mechanisms	111
5.5.Legality of Searches Conducted Without Neutral Evidence	114
5.6.Infringement of the Right to Defense and Imposition of a Confidentiality Obligation on the Defense	114
5.7.The Principle of Irremovability of Judges	116
5.8.Calculation of the Term of a Criminal Record	117
5.9.Admissibility of Extradition	117
6. Righth to Private Life.....	121
6.1. Introduction.....	121
6.2. Amendments to the Penitentiary Code introduced on September 17, 2024.....	122
6.3. Contact with the Outside World in Penitentiary Establishments.....	124
6.4. Contact with the Outside World in Psychiatric Institutions and Alternative Housing	129
6.5.Contact with the Outside World at the Temporary Accommodation Center of the Migration Department of the Ministry of Internal Affairs.....	129
7. Freedom of Expression	133
7.1. Introduction.....	133
7.2. Protection of media representatives	133
7.3. Legislative amendments	136
7.4. Misuse of law to interfere with freedom of expression	137
8. Freedom of Information.....	139
9. Freedom of Assembly.....	142
9.1. Introduction.....	142
9.2. Termination of peaceful assemblies.....	142
9.3. Legislative amendments	143
10. The Right to Vote	146
10.1.Pre-election period	146

10.1.1. Alleged offences	146
10.1.2. Other alleged violations	151
The right of citizens living abroad to vote	151
10.2.Election	Day 153
10.3.Post-election	period 158
11. Human Rights Defenders	161
12. The Right to Property.....	163
12.1. Introduction.....	163
12.2. The right to property of persons affected by housing cooperative construction	163
12.3. Extremely prolonged enforcement of cases of return of immovable property to the legal owner	164
12.4. The Right to Property in Criminal Proceedings	165
13. Freedom of Belief and Religion	169
13.1. Introduction.....	169
13.2.Law on Transparency of Foreign Influence	170
13.3.Defence	Code 170
13.4.Hate	crimes 171
13.5.The issue of obtaining construction permits	171
13.6.Religious-cultural heritage monuments	172
14. Right to Equality.....	174
14.1. Introduction.....	174
14.2. Alleged cases of discrimination in the context of elections and protest rallies.....	174
14.3. Challenges to journalistic activity in the Parliament of Georgia	176
14.4. Equal rights of women.....	177
14.5. Persons with disabilities	178
14.6. Right to equality of the members of LGBTQI+ community	178
14.7. Discrimination in labour relationships	180

14.8. Investigation of hate crimes	180
14.9. Encouragement of discrimination	181
15. Gender Equality	183
15.1. Introduction.....	183
15.2. Women’s Political Participation and Economic Empowerment	183
15.3. Women, Peace and Security.....	187
15.4. Women’s Sexual and Reproductive Health and Rights	189
15.5. Violence against women and domestic violence	190
15.6. Early/Child Marriage	194
16. The Right to Protection of Cultural Heritage	198
17. The Right to Environmental Protection	201
17.1. Right to water	201
17.2. Disaster risks and challenges	204
17.3. Public participation in environmental decision-making	206
17.4. Access to environmental information	207
17.5. Impact of infrastructure projects	208
17.6. Animal-related challenges	209
17.7. Acoustic noise control	209
17.8. Challenges relating to logging	210
18. The Right to Health	214
18.1. Introduction.....	214
18.2. Patient safety.....	214
18.3. Primary health care system	215
18.4. Assessing the needs of children with diabetes.....	216
18.5. Rights of cancer patients.....	218
19. Right to work	221
19.1. Amendments to the Law of Georgia on Public Service.....	221

19.2. Violations of labour rights identified as a result of the consideration of complaints by the Public Defender's Office	223
20. The Right to Social Security	226
20.1. Targeted Social Assistance	226
20.2. The right to adequate food/access to the soup kitchen programme	227
21. Right to Adequate Housing	229
21.1. Introduction	229
21.2. Housing programmes and the situation in social housing facilities	230
22. Rights of Persons with Disabilities	233
22.1. Participation of persons with disabilities in public and political life	234
22.2. 2024 Parliamentary elections	236
22.3. Mental health	237
22.4. The 2022-2030 Mental Health Protection Strategy and the Action Plan for 2022-2024	238
22.5. The status of the implementation of the 2024-2026 Action Plan for the Protection of Human Rights in Georgia	239
22.6. Determining the disability status	241
22.7. The situation in community services	242
23. Children's Rights	250
23.1. Introduction	250
23.2. Right to education	251
23.3. Protection of children from violence	254
23.4. Child poverty	258
23.5. The Rights of Children Living in the State and Alternative Care	260
24. Rights of Older Persons	266
24.1. Challenges of monitoring 24-hour care facilities for older persons	266
24.2. Violence and abuse against older persons	268
25. Protection of National Minorities and Civic Integration	271
25.1. Introduction	271
25.2. Integration and participation in decision-making processs	272
25.3. Access to public services	275
25.4. Right to education	276
25.5. Access to media	281
25.6. The human rights situation of prisoners belonging to national minorities	282

26. The Rights Situation of Internally Displaced Persons	288
26.1 Resettlement of IDPs.....	288
26.2. Resettlement of IDPs from the facilities posing an increased threat to life or health	289
27. The Rights Situation of Eco-migrants	291
27.1. Resettlement of eco-migrants.....	291
27.2. Prevention of eco-migration.....	292
28. The Rights Situation of Asylum Seekers, Internationally Protected Persons and Migrants	294
28.1. Introduction	294
28.2. Entry of aliens into Georgia and their expulsion from the country	295
28.3 Integration.....	296
29. Human Rights in the Field of Defence	299
29.1. Introduction	299
29.2. Protection from ill-treatment	299
29.3. Living and working conditions.....	300
29.4. Food and water.....	300
29.5. Fire safety.....	301
29.6. Medical service.....	301
29.7. Economic, social, civil and political rights.....	302
29.8. Military Police Department of the Defence Forces	302
30. Human Rights Education	305
30.1. Introduction	305
30.2. State policy on human rights education	305
30.3. Pre-school Education.....	306
30.4. General Education.....	308
31. Status of Implementation of Public Defender's Recommendations and Assignments Issued by the Parliament Based on Them	314
31.1. Status of Implementation of the Assignments Defined by the Parliament of Georgia's Resolution of 1 November 2023	314
31.2. Status of Implementation of the Recommendations Not Reflected in the Parliament's 2024 Resolution.....	319
Annex - Visits carried out by the Public Defender and representatives of the Office.....	321

Introduction

The present report of the Public Defender of Georgia has been prepared in accordance with Article 35 of the Constitution of Georgia, Article 22 of the Organic Law of Georgia "On the Public Defender of Georgia", and Article 163 of the Rules of Procedure of the Parliament of Georgia.

The report presents the challenges and progress in the protection of constitutionally guaranteed human rights in 2024. The reporting period covers the year 2024, although in some cases it also analyzes issues that arose earlier and continued into the reporting period.

During the reporting period, the Public Defender's Office of Georgia received 3,780 complaints regarding human rights violations. Of these, 2,390 complaints were deemed admissible, and the Office began substantive review of the cases, while 1,120 complaints were found inadmissible or partially inadmissible. The Public Defender's Office operates a hotline through which citizens can receive information or report rights violations 24 hours a day. In 2024, the hotline received 14,295 calls.

To address the human rights violations identified in this report, the Public Defender's Office submitted 82 recommendations/proposals to state agencies. In 2024, the Office prepared 16 special reports and 1 alternative report for submission to international bodies, 2 constitutional complaints, 11 amicus curiae briefs, and 4 communications to the Committee of Ministers of the Council of Europe. In order to identify and examine human rights violations and challenges, the Public Defender's Office conducted numerous visits to various institutions, which are reviewed in detail in the report.

The introduction of the Public Defender's 2024 Parliamentary Report briefly presents the main findings of the report regarding notable trends in the field of human rights protection in the country, which require appropriate and timely response from the authorities.

During the reporting period, one year had passed since the murder of Tamaz Ginturi by the occupation regime. To this day, the representatives of the occupation regimes directly involved in the killings of Davit Basharuli in 2014, Giga Otkhozoria in 2016, Archil Tatunashvili in 2018, and Irakli Kvaratskhelia in 2019 remain unpunished - responsibility for which lies with the Russian Federation. Unfortunately, illegal detentions and the increasing number of unlawful imprisonments along the occupation line, as well as restrictions on freedom of movement across the line, continue to pose serious challenges. Ethnic Georgian residents are still denied the opportunity to receive education in their native language. The illegal so-called "borderization" process carried out by the occupying forces also continues. Violation of property rights remains a daily challenge for the population living near the occupation line.

The protection of the rights of the population who, as a result of the occupation, have become internally displaced persons within their own country, requires greater effort from the state. In the reporting year, the number of families resettled under long-term housing programs slightly decreased. It is also noteworthy that in 2024, not a single so-called "dilapidated" facility was closed. At the same time, the large-scale resettlement of IDPs, planned to be completed by the end of 2025, has been postponed until

2026 in Tbilisi, Zugdidi, Rustavi, and Borjomi. Additionally, the amount of rent allocated for IDP families has not changed—it remains at 300 GEL. Delays in decision-making regarding participation in the so-called "rural house resettlement program" also remain a challenge.

The year 2024 was particularly severe and memorable in the context of rights violations during protest rallies, primarily due to the frequency of violations of the constitutionally and internationally guaranteed right to human dignity and the prohibition of torture and other forms of ill-treatment. The sequence of serious rights violations mainly began during the protest rallies held in April and May 2024. In addition to beatings and violence against citizens by law enforcement officers, during this period there were cases of persecution and violence against civil activists, journalists, and public figures by unknown individuals, as well as organized telephone threats and various forms of violent intolerance.

From April 15, 2024, to March 1, 2025, the Public Defender and their representatives visited 624 individuals who had been detained or injured during protest rallies. Among them, 360 individuals (57.7%) reported ill-treatment. More specifically, out of the 182 individuals visited who had been detained or injured during the April-May 2024 protests, 93 reported ill-treatment (51.1%). From November 28, 2024, to March 1, 2025, of the 442 individuals visited, 267 (60%) reported ill-treatment.

The failure to hold law enforcement officers accountable for acts of violence committed during the spring protests, along with the lack of effective preventive measures (for example, failure to equip special forces with identifying marks), created the preconditions for more extensive use of disproportionate force and ill-treatment during the winter protests. It is noteworthy that to this day, not a single law enforcement officer has been held accountable for committing acts of ill-treatment during the 2024 protest rallies.

In 2024, issues related to the rule of law and the realization of civil and political rights were especially relevant. The year was marked by a high number of political gatherings of various scales and forms. The types, locations, frequency, duration, and number of participants varied, and so did the methods of response used by police forces, which in turn affected the intensity of interference with rights. According to the assessment of the Public Defender, one of the main challenges in this process was the decision by law enforcement to disperse entire gatherings, instead of responding individually to violent acts by a small number of protesters - especially when such dispersal was not necessary. In such cases, even when there was a formal legal basis for police action, the right to assembly was restricted disproportionately. At the same time, it is especially important to note that decisions on dispersing assemblies and using special measures fall within the framework of police management. The legality of such decisions - as administrative acts - is evaluated by the Public Defender independently of whether any criminal acts may have been committed by law enforcement officials in the course of those measures.

It is also noteworthy that, based on the flawed Code of Administrative Offenses - which often fails to meet the requirement of necessity and results in arbitrary interference with rights - the harmful practice of detaining participants of assemblies remains a serious challenge. In addition, the state of protection of freedom of assembly was negatively affected by legislative amendments adopted in 2024. In 2024, for the first time, parliamentary elections were held under a fully proportional electoral system, and electronic technologies were widely implemented at polling stations. The conduct of the parliamentary elections in a free and peaceful environment was of particular importance for the democratic development of the country and for its European integration. Accordingly, public interest in the 2024 parliamentary elections was especially high.

The Public Defender's Office of Georgia identified more than 200¹ alleged violations during both the pre-election period and on election day and the days following it. The collection and processing of data, as well as the initiation of investigations into rights violations, were based on information disseminated through media and public sources. As a result, the Office responded by referring cases to the relevant agencies, requesting information, analyzing legal issues, and in some cases, making public statements.

The report reflects the key challenges and trends identified by the Office that were related to the parliamentary elections. These include issues connected to violent crimes, police violence, alleged threats/intimidation of voters, possible vote-buying, potential election fraud, damage to election materials, obstruction of campaign meetings, voting rights of citizens living abroad, determination of the status of qualified electoral subjects, free expression of will and secret voting, voting procedures, and obstruction of journalistic activities. In addition, detailed information and assessments of possible criminal acts are presented in the 2024 report of the Criminal Justice Department of the Public Defender's Office.

In 2024, the state of media and freedom of expression was negatively impacted by restrictive legislative amendments. Another problematic issue was the threatening environment for media representatives in the country, which became particularly acute during protest demonstrations. During the fall-winter protests of 2024, journalists—alongside protesters—became victims of severe aggression by law enforcement officers. Journalists were subjected to both ill-treatment and obstruction of their professional activities.

It is also important to note that the work of journalists is hindered by outdated legislation regulating access to information, which fails to ensure the effective protection of the right. Additionally, according to the European Commission's assessment, negative rhetoric from high-ranking officials and politicians has posed a threat to media freedom, pluralism, and the safety of journalists. The European Commission also identified polarization as one of the major challenges facing the Georgian media. In this regard, the regulation limiting journalistic activities in the Parliament of Georgia is noteworthy and was partially assessed as problematic by the Public Defender.

Issues related to the inviolability of private life are also of particular concern. Specifically, there are deficiencies in the rules governing covert investigative actions. It is essential to initiate a transparent and inclusive reform process of the legislative framework regulating covert investigative actions. This process should include a review of: the list of crimes for which the use of covert investigative measures is prohibited; the duration of covert investigative measures and the maximum limits for extending those durations; and the timeframes for notifying individuals about covert investigative actions, including the upper limits for extending such timeframes.

It is also important to mention the details related to the tragedy in Shovi that occurred during the previous reporting period, which claimed the lives of 32 people. This tragedy revealed multiple challenges in the area of disaster management from the perspective of human rights protection, including shortcomings in the planning of state policy. Unfortunately, in 2024, Georgia's National Strategy and Action Plan for Disaster Risk Reduction - originally adopted for the years 2017–2020 - was not updated.

¹ 139 alleged criminal facts/cases; 72 other alleged violations.

Poverty remains one of the country's most pressing challenges, which in turn negatively affects the realization of all human rights and further exacerbates the situation of vulnerable groups.

For years, the Public Defender has been drawing attention to one of the most pressing problems in the country - child poverty. A significant portion of the cases concerning possible violations of children's rights studied by the Public Defender's Office in 2024 once again related to poverty and the difficult socio-economic conditions of children and families with children. It is noteworthy that the number of children under the age of 18 registered in the "Unified Database of Socially Vulnerable Families" amounts to 369,924, of which 270,712 receive subsistence allowance.

Poverty also negatively impacts the realization of the rights of older persons. According to 2024 data, the proportion of people aged 65 and older in the total population increased from 15.6% to 16.2% compared to the previous year. Along with the increase in numbers, it is alarming that the percentage of elderly persons living in poverty or under the poverty line remains high. For this reason, older persons in Georgia belong to one of the most vulnerable segments of the population.

In terms of the rights of older persons, it is also significant that in the majority of elder care institutions, the "Minimum Standards for Services Provided to Persons with Disabilities and Older Persons in 24-Hour Specialized Institutions" were not observed, including the standard on protection from violence. Service providers are failing to fulfill their obligation to protect beneficiaries from violence. Procedures for identifying, assessing, and adequately responding to incidents of violence are not properly implemented. As a result, violence against older persons may remain hidden, making its detection impossible.

Regrettably, despite some minor improvements in certain areas, the country still lacks a unified vision regarding steps to prevent homelessness. The causes and scale of homelessness remain unstudied, and there is no centralized database of homeless individuals. Despite years of proposals and recommendations, there is still no legislative framework in place to facilitate the realization of the right to adequate housing, nor is there a legal definition of a homeless person. The situation remains critical in social housing facilities, where conditions are severely inadequate, and in some cases, living there poses a threat to life and/or health. In this regard, it is also noteworthy that legislation still does not establish minimum standards for the arrangement of social housing designated for homeless persons.

There is still considerable work to be done to protect the rights of persons with disabilities. A national accessibility plan has yet to be adopted. There is no standard ensuring access to information and communication for persons with disabilities, which hinders the realization of their other rights.

Challenges related to the protection of the rights of persons with disabilities include the detection and prevention of cases of violence by staff against patients, access to justice for patients, as well as the lack and poor quality of rehabilitation services for persons with mental health conditions. The mental health sector continues to suffer from shortages of human and financial resources. Standards for outpatient psychiatric services have yet to be approved, and the volume and quality of services provided are not adequately monitored. Gaps in the provision of inclusive education also persist. A major challenge remains the full identification of children with disabilities who are left out of the education system and their proper referral to relevant services.

Unfortunately, language and information barriers remain among the most significant issues that have hindered members of national minorities for many years across various areas. Unlike in 2023, the reporting period did not see an increase in the number of preschool and general education institutions offering bilingual education programs. At the same time, it should be noted that in 2024, the process of updating certain educational resources and retraining bilingual education specialists continued with the aim of improving the teaching of the state language. To achieve full civic integration of national minorities, it is essential to strengthen state language instruction at both the preschool and general education levels. It is also necessary to expand the geographical reach of bilingual education programs, develop appropriate bilingual textbooks, and more. Additionally, it is critically important to further promote the state language learning program that is accessible to anyone interested and is administered by the Zurab Zhvania School of Public Administration.

Providing information to national minority communities is also especially important in relation to employment support programs, other public services, and access to media products. For the full civic integration of national minorities, it is equally important to preserve and promote their cultures. However, unfortunately, the number of events specifically aimed at promoting the culture of national minorities remains low.

Regrettably, no meaningful steps have been taken for years to resolve the issue of homeless animals, which remains a serious challenge both for the capital and for the regions. It is also worth noting that the adoption of new, adequate legislative regulations is essential to manage the animal population effectively and humanely. These regulations should define the legal status of animals, establish unified care and ownership standards, enforce strict accountability for violations, and include effective oversight and enforcement mechanisms.

Over the years, the most important challenge has been the current situation in penitentiary establishments. As in previous years, overcrowding in institutions and individual cases of informal management methods remain serious challenges. During the reporting period, in a number of cases, the prolonged, purposeless and punitive placement of prisoners in de-escalation rooms and solitary (secure) cells remained problematic, which, according to the Public Defender, amounts to cruel, inhuman and degrading treatment. Also challenging during the reporting period were the detection and documentation of cases of ill-treatment, the provision of adequate medical services to prisoners, and the physical environment of penitentiary establishments..

Unfortunately, the problems related to the mechanism of early release of prisoners, the importance of solving which the Public Defender has been speaking about for years, are still unresolved. In particular, the current practice and legislative framework fail to establish a single, predictable and clear basis for who is entitled to benefit from the legislative privilege. It is necessary to improve the normative base and pay more attention to criteria in the process of early release or commutation of the unserved part of the sentence with a lighter sentence, including aspects that address the future plans, prospects, capabilities and other issues of the convict.

It is also worth noting that the effective functioning of the sentence review mechanism is especially important for life-sentenced convicts. Unfortunately, the Public Defender's proposal to reduce the

deadline for a life-sentenced prisoner to apply to the court for early release by several years remains unfulfilled.

As for the rights of detainees in the system of the Ministry of Internal Affairs, in 2024, some of the detainees still spoke about cases of excessive force and physical and psychological violence by law enforcement officials. Explaining the rights of detainees, timely access to a lawyer, and informing their families remain problematic. The absence of an obligation to use body cameras and the production of audio and video recordings remains a challenge. Unfortunately, the police areas where detainees have to stay are still not fully covered by video surveillance systems.

No significant improvement has been observed in psychiatric institutions, where patients continue to become victims of violence and the guarantees of their legal protection are ignored. Despite the rights clearly defined by law, patients with voluntary status cannot leave the hospital of their own free will. Overcrowding and density of mental institutions remain problematic. This problem is particularly acute in large psychiatric institutions.

For years, the process of deinstitutionalization of large institutions has remained an unresolved problem. This is a pressing issue in the case of both psychiatric institutions and institutions for persons with disabilities. In particular, the long-term hospitalization of patients in psychiatric institutions remains a challenge. Patients who do not require active treatment are unable to leave the institution due to the lack of community services and the fact that they have nowhere to go. It is necessary to increase the number of community services and the geographical coverage area. Unfortunately, a plan for the deinstitutionalization of the mental health sector has not yet been developed.

Despite the state-declared policy of deinstitutionalization, a certain number of persons with disabilities still reside in large-scale residential institutions. The housing services intended for these individuals, in turn, fail to ensure the creation of a family-like environment and the respect for their personal autonomy. The geographic coverage of small family-type services for persons with disabilities remains insufficient. At a systemic level, adequate efforts are not being made to increase the involvement of a supportive social circle for service users.

As for the challenges related to the right to equality and the fight against discrimination in the country, it is noteworthy that these challenges were influenced by a number of legislative changes and intense political processes. It is particularly important that the reporting period coincided with an election year, which, in turn, significantly increases the risks of politically motivated discrimination during the pre-election period. As in previous years, protecting the equality of various vulnerable groups— including women, persons with disabilities, and representatives of the LGBTQ+ community—remained a substantial challenge. Additionally, in the area of labor relations, cases of alleged discrimination continue to fall within the category of disputes most frequently reported by citizens to the Public Defender.

In 2024, numerous challenges still emerged in Georgia in the area of child rights protection. However, it is worth noting that the continuously rising trend of school dropout rates in recent years has decreased. Despite this, the statistics on school dropouts and status suspensions remain high. Timely identification of cases of violence, a coordinated and interdisciplinary approach, and the implementation of appropriate measures still represent significant challenges, further underscoring the need for systemic improvement.

Strengthening violence prevention is critically important and requires, on the one hand, raising awareness among children and society, and on the other hand, fostering trust in responsible agencies and adopting a child-centered approach, which is a necessary precondition for timely and effective response to cases of violence.

Unfortunately, the harmful practice of child marriage continues to be one of the major challenges. Due to insufficient legislative regulation, cases of child engagement initiated by parents often go unrecorded in statistics and lack proper response, violating a number of fundamental rights of the child. Challenges also persist in the effective realization of reproductive health and rights and access to related services. It is also notable that although the rule for granting compensation to victims has been approved, in practice, the absence of specific regulations for cases where the perpetrator is deceased or legally incapacitated has emerged as a problem. The lack of such procedures makes it impossible for victims to receive state compensation in some cases. It must be taken into account that despite the recommendations issued over the years by the Public Defender, no specific changes have been made to this regulation.

From the perspective of gender equality, it is also noteworthy - and unfortunate - that the prevention of gender-motivated killings of women, i.e., femicide, and the effective implementation of justice and law enforcement functions in such cases, remain ongoing challenges. Of the 25 cases of women's killings identified in 2024, 16 were committed with signs of domestic crime, and 9 were committed with signs of non-domestic crime. Of the 17 identified attempted murders of women, 12 were committed with signs of domestic crime, 4 with signs of non-domestic crime, and 1 with both domestic and non-domestic crime indicators. From the overall statistical data, the Prosecutor's Office classified 16 cases as femicide and 13 as attempted femicide. One particularly shocking case during the reporting year was the intentional murder of transgender woman Kessaria Abramidze under aggravating circumstances. It is noteworthy that in the indictment of this case, the Prosecutor's Office cited intolerance based on gender and gender identity as the motive. However, it remains concerning that in the cases analyzed within the Public Defender's femicide monitoring framework, the identification of gender as a motive continues to be problematic at both the investigation and court stages.

Regarding freedom of religion and belief, it is important to emphasize that the issue of returning religious buildings confiscated during the Soviet era to their historical owners remains unresolved. Unfortunately, to this day, no steps have been taken to document and assess the damage and confiscated property inflicted upon religious organizations operating in Georgia during the Soviet regime.

As a rule, the protection of human rights in the country largely depends on the effective functioning of institutions responsible for overseeing and upholding human rights. For years, the Public Defender has emphasized the importance of an independent investigative mechanism with the function of investigation and criminal prosecution. To achieve this goal, it is essential to ensure significant guarantees aimed at the institutional strengthening of the existing Special Investigative Service operating in the country.

As for the right to a fair trial, it is noteworthy that despite multiple attempts at reforming the justice system, legislative and institutional flaws persist in Georgia's judicial system, which still require improvement.

Alongside the above-mentioned issues, the Public Defender's 2024 parliamentary report also includes discussion of challenges in the area of the right to health. The report highlights the importance of effectively, fairly, and promptly reviewing patients' complaints/grievances in order to ensure the quality and safety of healthcare. Although, in 2023, the Parliament of Georgia adopted the Public Defender's recommendation and instructed the relevant agency to develop new procedural norms/standards that would determine the obligation to timely and comprehensively submit peer review documentation prepared for evaluating the quality of medical service to the Professional Development Council for review, this issue is still not fully regulated, which poses a threat to the effective protection of patients' rights.

The parliamentary report also includes a discussion regarding labor rights. In 2024, the protection of the right to labor was particularly negatively affected by the amendments made by the Parliament of Georgia to the Law of Georgia "On Public Service" on December 13, 2024, which also apply to individuals employed in legal entities of public law. The Public Defender of Georgia considers that these amendments do not comply with the constitutional standards for the protection of human rights and, in addition, do not serve the objectives of the Law of Georgia "On Public Service." It is noteworthy that the legislative process was conducted in an expedited manner, without the involvement of interested members of society and specialists from the relevant field.

It is also significant that, to this day, no adequate legal guarantees exist in the country to properly ensure the right to decent remuneration for labor. Moreover, under the current labor legislation, private employers are still not obligated to provide paid leave to parents for pregnancy, childbirth, and childcare. As in previous years, the realization of the labor rights of persons with disabilities, supporting their competitiveness, and facilitating their employment in the open labor market remain pressing challenges.

With regard to the state of human rights education, it is important to highlight that, in 2024, the primary challenge in the field of education remained the fragmented integration of human rights issues into policy documents. In the action plan of the National Strategy for Human Rights Protection, the activities aimed at expanding human rights education are directed solely toward the general education system.

A separate chapter in the parliamentary report is dedicated to the right to protection of cultural heritage. The Public Defender has, for years, emphasized the need for the development and adoption of appropriate legislative regulations in the field of cultural heritage protection. In light of international agreements, the Cultural Strategy 2025 also indicates the necessity of developing a Cultural Heritage Code, in order to harmonize existing legislation in the field of cultural heritage and to adequately reflect all related issues. However, unfortunately, as in previous years, the mentioned draft law was not submitted to Parliament during the reporting year.

Another separate chapter is devoted to the right to property. During the 2024 reporting period, persistent issues were once again identified related to the state's failure to fulfill its domestic debt obligations and the extremely protracted execution of cases involving the recovery of immovable property from unlawful possession.

The situation of asylum seekers' rights is also noteworthy. In this regard, it should be emphasized that, during the reporting period, certain applicants reported limited access to asylum procedures, stating that despite requesting international protection, they were denied registration as asylum seekers and entry

into the territory of Georgia. Additionally, it is concerning that the working version of the “Unified Document on Approaches to Immigrant Integration,” developed in 2023, has still not been approved. The situation has not improved in terms of informing beneficiaries about integration programs either. Information about integration programs and activities is still not updated on social media, and on the website of the LEPL Agency for Internally Displaced Persons, Eco-migrants, and Livelihood Provision, the information is available only in the Georgian language, which does not ensure the proper awareness of interested individuals.

The parliamentary report also includes a discussion on the rights of eco-migrants. Unfortunately, at the local level, preventive measures taken by municipalities remain inconsistent, which ultimately increases the urgency of relocating families. Regrettably, in 2024, the financial limit allocated for the purchase of housing for each affected family was not increased, and the process of transferring ownership of housing to eco-migrants resettled during 2004–2012 has still not been completed.

Finally, it is worth to mention that the Public Defender evaluated the implementation status of the assignments issued to agencies based on the Public Defender's 2022 parliamentary report, as reflected in the resolution adopted by the Parliament of Georgia on November 1, 2023. Based on the 2022 parliamentary report, the Parliament issued 277 assignments to various central, autonomous, and municipal bodies in its 2023 resolution (including 19 assignments directed at municipal bodies and 1 assignment directed at all officials of public institutions). The Parliament of Georgia fully accepted 208 of the Public Defender's recommendations, partially accepted 30, rejected 22, and did not consider 20 as accepted due to substantial changes. Of the 258 assignments evaluated by the Public Defender's Office, 49 assignments (19%) were implemented, 61 (24%) were partially implemented, 89 (34%) were not implemented, 12 (5%) could not be assessed due to reasons beyond the agencies' control, 20 (8%) were not subject to assessment due to substantial changes in the recommendation, 24 (9%) could not be assessed due to lack of relevant information, and 3 assignments (1%) were either not based on any recommendation of the Public Defender, were duplicated, or lost relevance.

The Public Defender of Georgia also assessed the implementation status of those recommendations addressed to state agencies in the 2023 parliamentary report that were either not included in the parliamentary resolution or were incorporated in substantially altered form. In total, there were 44 such recommendations not reflected in the resolution. Of these, 1 was implemented, 32 were not implemented, 3 were partially implemented, and 8 could not be assessed due to objective circumstances. In addition, there were 32 recommendations included in the resolution in substantially altered form. Of these, 31 were not implemented, and 1 could not be assessed due to objective circumstances.

1. Human Rights Situation of the Conflict-affected Population

The year of 2024, like previous years, was full of difficulties for the conflict-affected population, both in the central government-controlled area and the occupied territories. The tragic incident in the village of Saberio in occupied Abkhazia,² which claimed the lives of 5 young children, once again clearly demonstrated the difficult daily life of the conflict-affected population.³

In the reporting period, one year passed since the murder of Tamaz Ginturi by the occupation regime.⁴ Representatives of the occupation regimes directly involved in the murders of Davit Basharuli in 2014, Giga Otkhozoria in 2016, Archil Tatunashvili in 2018 and Irakli Kvaratskhelia in 2019 remain unpunished, for which the Russian Federation bears responsibility.⁵

Illegal detentions along the occupation line and increased cases of illegal imprisonment, as well as movement across the occupation line, remain problematic. The formal regime established by the de facto authorities and the border forces of the Russian Federation, using artificial reasons, restricts the movement of local residents, and the so-called checkpoints are periodically completely closed.

The ethnic Georgian population is not allowed to receive education in their native language, which causes decrease in the number of students every year. The occupation forces continue the illegal process of the so-called borderization. Violation of property rights remains a daily challenge for the population living near the occupation line.

The occupation regime is trying to present the above-mentioned illegal process as the arrangement of the so-called state border and to establish the occupied regions as the so-called independent entities.

1.1. Illegal detentions and ill-treatment

According to official data, in 2024, 36 people (including 34 men, 1 woman and 1 minor) were detained at the occupation line in the direction of the occupied Tskhinvali region and 34 people (including 29 men, 1 woman and 1 minor) - in the direction of occupied Abkhazia.⁶ The above-mentioned cases clearly demonstrate that the occupation regime continues the illegal practice of detaining people for the so-called illegal border crossing.

² A day of mourning has been declared in occupied Abkhazia due to the tragedy in Saberio. Information is available on the website: <https://shorturl.at/csRnN> [15/02/2025].

³ Statement of the Public Defender of Georgia of January 5, 2025. Information is available on the website: <https://shorturl.at/BfWZl> [15/02/2025].

⁴ Statement of the Public Defender of Georgia of November 6, 2023. Information is available on the website: <https://rb.gy/u1ivza> [20/02/2024].

⁵ The decision of the European Court of Human Rights of January 21, 2021, which unequivocally confirmed the effective control of the Russian Federation over the uncontrolled territories of Georgia and held Russia responsible for human rights violations on the ground. Information is available on the website: <https://shorturl.at/tCVZ6> [20/02/2024].

⁶ Letter No. SSG12400313128 of the State Security Service of Georgia, December 30, 2024.

The so-called illegal border crossing is usually followed by the illegal imprisonment of people. As of December 2024, 14 citizens remained in illegal imprisonment in the occupied territories of Georgia - 11 of them in occupied Tskhinvali and 3 in occupied Abkhazia.⁷

In the reporting period, the so-called supreme court of occupied Abkhazia sentenced Kakha Muradov to 15 years in prison. He was charged with “high treason” and passing military secrets to Georgia.⁸ According to the so-called prosecutor’s office of occupied Abkhazia, Muradov is a citizen of Abkhazia, although at the time of his arrest, the de facto security service stated that he also had a Georgian passport.

The Public Defender of Georgia considers that such illegal actions carried out by the occupation regime grossly violate the rights and freedoms of the population living in the occupied territories, which once again confirms the necessity of allowing international human rights monitoring missions to work in the occupied territories.⁹

For years, the most important challenge has been the conditions of detention in the prisons of the occupied regions, which the Public Defender has emphasized in the parliamentary reports each year.¹⁰ In this regard, the report of the so-called ombudsman of occupied Abkhazia is of particular note.¹¹ According to the report, conditions in the prisons of occupied Abkhazia amount to torture, inhuman treatment and punishment. The main problems include: lack of proper medical services, poor sanitary standards, lack of beds in cells, inadequate food; restricted communication with family members, psychological pressure and violence. The most important challenge is the human rights situation of minors and women in prisons. Occupied Abkhazia does not have a special penitentiary institution for women or minors, which is why women and minors are placed in the Sokhumi pre-trial detention centers of the de facto ministry of internal affairs. Women's cells are located on the same floor as men's.

Under the conditions when the Public Defender of Georgia does not have access to the occupied territories, this situation once again emphasizes the need to allow international monitoring missions to operate in the occupied regions in order to fully study the situation on the ground and record human rights violations.

Regarding illegal detentions and imprisonment, the judgement of the European Court of Human Rights of April 9, 2024 is of paramount importance, by which the Court once again held the Russian Federation responsible for human rights violations in the occupied territories of Georgia.¹² In particular, according to the Court, any detention/imprisonment of ethnic Georgians for crossing the occupation line constitutes a violation of Article 5 (The right to liberty and security) of the European Convention.

⁷ Letter No. SSG12400313128 of the State Security Service of Georgia, December 30, 2024 SSG12400313128.

⁸ The so-called supreme court of Abkhazia sentenced Kakha Muradov, who was arrested for “espionage in favour of Georgia,” to 15 years in prison. Information is available on the website: <https://rb.gy/ncvylm> [10/02/2025].

⁹ Statement of the Public Defender of Georgia of April 22, 2024. Information is available on the website: <https://rb.gv/p7my3e> [10/02/2025].

¹⁰ 2023 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piy2> [22/02/2025].

¹¹ Report of the so-called public defender of occupied Abkhazia “Monitoring of the State of Human Rights in Places of Forced Detention in Abkhazia”. Information is available on the website: <https://rb.gy/6zut41> [11/02/2025].

¹² Judgement of the European Court of Human Rights in the case of *Georgia v. Russia IV*. Information is available on the website: [https://hudoc.echr.coe.int/#/{%22itemid%22:\[%22001-232000%22\]}](https://hudoc.echr.coe.int/#/{%22itemid%22:[%22001-232000%22]}).

1.2. Freedom of movement and issues related to documentation

Like the previous year, in this reporting period, the Public Defender personally visited the so-called checkpoints in both directions¹³ and received information on the ground about the needs of the population displaced from the occupied territories.¹⁴ The main problem for locals remains the closure of the so-called checkpoints by the de facto authorities without warning and for artificial reasons.

Like the previous year, the so-called checkpoint of occupied Akhgori is opened only 10 days a month, from the 20th to the 30th of each month. However, it is noteworthy that during the parliamentary elections, on October 26, by the decision of the de facto authorities, the so-called checkpoint was completely closed.¹⁵

In 2024, the so-called checkpoint was opened for 3 days during Easter, as an exception.¹⁶ During the monitoring conducted by the Public Defender's representative, some local residents noted that they did not benefit from the aforementioned three-day opening, as they were constantly afraid that the de facto administration would close the so-called checkpoint without warning and they would not be able to return.

Similar to occupied Akhgori, by the decision of the de facto government of occupied Abkhazia, the so-called checkpoint was also closed on the Enguri Bridge during the parliamentary elections.¹⁷

It is noteworthy that, like previous years, the artificial restrictions imposed on movement in the direction of occupied Abkhazia mostly coincide with holidays. The Public Defender has referred to the above issue in both annual reports¹⁸ and public statements.¹⁹

As for the issue related to documentation, like last year, at this stage, movement through the so-called checkpoint on the Enguri Bridge is allowed with the following documents: 1) de facto (new) passport;²⁰ 2) so-called residence permit; 3) birth certificate for persons under 14 years of age; 4) Georgian passport for persons who have a permit to enter the territory of Abkhazia (the so-called visa).

¹³ Of occupied Tskhinvali and occupied Abkhazia.

¹⁴ September 27 is the day of the fall of Sokhumi. Information is available on the website: <https://shorturl.at/einA4> [20/02/2024].

¹⁵ Occupied Tskhinvali will not open the so-called border due to the elections in Georgia. Information is available on the website: <https://rb.gy/a9giuk>

¹⁶ The road to occupied Akhgori was opened for Easter. Information is available on the website: <https://rb.gy/rh1ac4> [11/02/2025].

¹⁷ The so-called government of occupied Abkhazia will close the Enguri bridge due to the elections in Georgia. Information is available on the website: <https://rb.gy/3bhiqb> [11/02/2025].

¹⁸ 2023 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piy2> [11/02/2025].

¹⁹ Statement of the Public Defender on the closure of the Enguri Bridge and the so-called Saberio-Pakhulani checkpoint. Information is available on the website: <https://shorturl.at/wKQW4> [11/02/2025].

²⁰ Old de facto passports were removed in 2014.

In occupied Akhgori, the so-called “pass” is required for movement, which is issued by the de facto security service. The Public Defender spoke about the issues related to documentation in the 2023 parliamentary report.²¹

Information on the exact number of de facto documents issued in the occupied regions in 2024 is not available. However, since February of the reporting year, the validity of the five-year so-called residence permit already issued in occupied Abkhazia has been extended to ten years.²² Despite the extension of the term, the so-called residence permit does not grant holders of this document the right to own real estate. In addition, people with this permit cannot participate in the so-called local elections. In addition, a large part of the Gali population still oppose obtaining the so-called residence permit, which grants them the status of a foreigner on their own land. The Public Defender discusses this issue in detail in the 2023 parliamentary report.²³

Representatives of the Public Defender actively continue to study the situation of freedom of movement and monitor the so-called checkpoints in both occupied regions.²⁴

1.3. The right to education

The number of students in the occupied regions is decreasing from year to year. Access to education in the native language remains one of the most important challenges. In all schools of occupied Gali and Akhgori, education in the Georgian language has been completely banned in primary grades, and the native language has been transformed into a subject of foreign language and literature.

According to the data of the 2024-2025 academic year, 30 high schools, 9 preschool institutions, and 5 art schools operate in the occupied Gali district.²⁵ As of January 2024, the number of students from the preparatory to the 11th grade amounted to 3,348.²⁶ Their number was 3,443 according to the data of the 2023-2024 academic year.²⁷ 948 teachers are employed in all 30 schools.²⁸ Up to 410 children are enrolled in kindergartens.²⁹ In 2023-2024, this number was over 500.³⁰

²¹ 2023 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piv2> [11/02/2025].

²² Letter NGOV2147 of the Office of the State Minister of Georgia for Reconciliation and Civic Equality, December 27, 2024.

²³ 2023 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piv2> [11/02/2025].

²⁴ September 27 is the day of the fall of Sokhumi. Information is available on the website: <https://shorturl.at/einA4> [20/02/2024].

²⁵ According to the information provided by the representative of the Gali resource center of the ministry of education of the Abkhazian autonomous republic, before the armed conflicts, 58 general education schools operated in the occupied Gali district, and the language of education was fully Georgian in 52 of them. The schools enrolled 13,180 students.

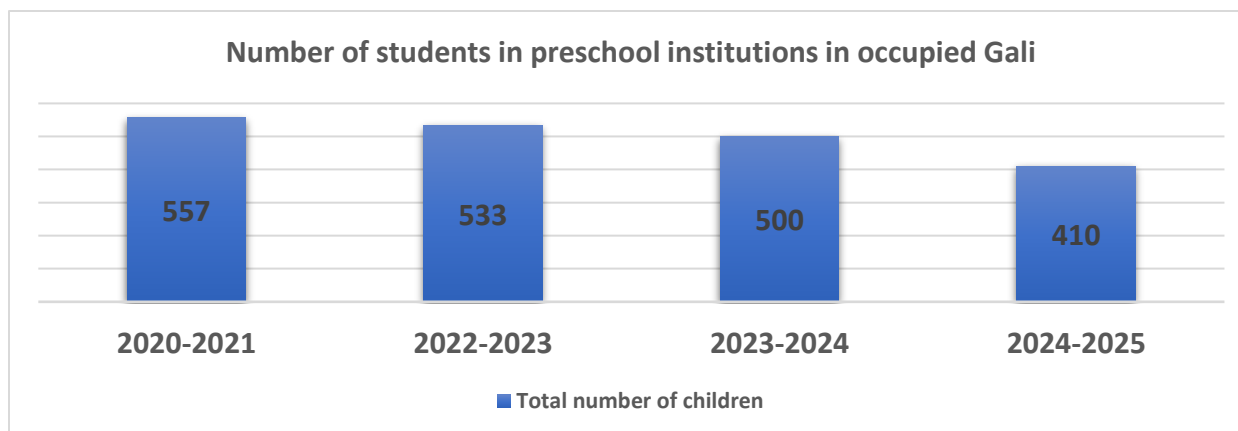
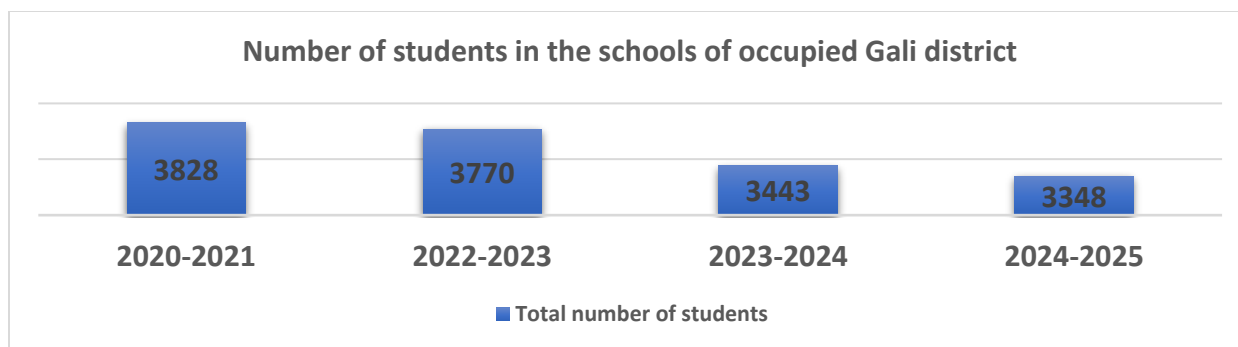
²⁶ Letter #MES 2 25 0000007427 of the minister of education of the Abkhazian autonomous republic of Georgia, January 15, 2025.

²⁷ 2023 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piv2> [11/02/2025].

²⁸ In 2023, their number was 970.

²⁹ Letter #MES 2 25 0000007427 of the minister of education of the Abkhazian autonomous republic of Georgia, January 15, 2025.

³⁰ 2023 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. Information is available on the website: <https://rb.gy/f2piv2> [11/02/2025].



The native language has the status of a regular subject in the schools of occupied Gali. As in previous years, all subjects are taught in Russian and using textbooks printed for schools of the Russian Federation. 79 hours per week are devoted to the Russian language from the first to the eleventh grade. Extracurricular activities are also held in Russian. Teachers and students are prohibited from communicating with the Georgian educational space. Russian-language education is forced in kindergartens and art schools as well.³¹

As for occupied Akhlagori, the situation has become even worse in terms of access to education in the native language. In the reporting year, the last Georgian school was closed due to the lack of students.³² It is noteworthy that the closure of Georgian schools took place in stages: first, elementary grades were closed, and then one grade each following year. Last students graduated from school in 2024.

At this stage, only 5 schools are functioning in occupied Akhlagori. Of these, in 4 schools, the Georgian language is taught as a subject only in the 11th grade. According to the data from the 2024-2025 academic year, a total of 50 students are enrolled and 79 teachers are employed in Akhlagori schools.³³

As for higher education in the occupied territories, 192 applicants were granted the right to study in higher educational institutions of Georgia without passing the Unified National Exams in 2024 (179 students from

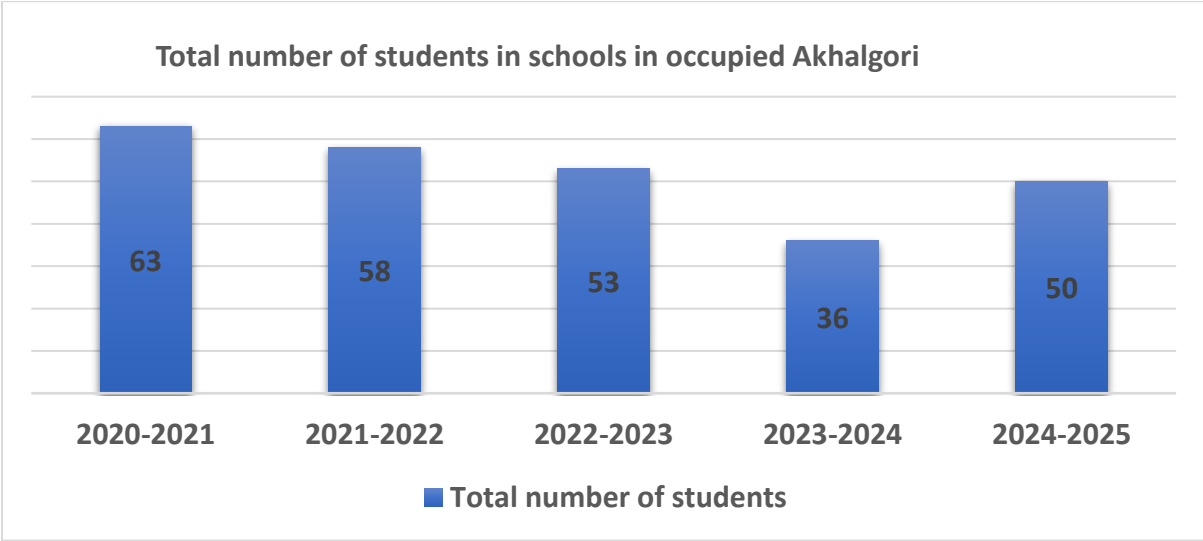
³¹ Information provided by a representative of the Gali resource center of the ministry of education of the Abkhazian autonomous republic 12/01/2025.

³² The last Georgian school has been closed in occupied Akhlagori. Information is available on the website: <https://shorturl.at/3fhCj> [14/02/2025].

³³ Information provided to the Public Defender's representative by the education service of the South Ossetian administration, January 2025.

occupied Abkhazia, 13 students from the occupied Tskhinvali region). In addition, in 2024, within the framework of the social programme of the Ministry of Education, 6 students enrolled on the basis of the Unified National Exams, who had studied in the occupied territory of Abkhazia for the last two years and received a document confirming full general education, were funded with a state educational grant.³⁴

Recognition of higher education diplomas issued in the Tbilisi-controlled territory remains a challenge in the occupied territories. The de facto authorities do not recognize the above-mentioned diplomas. Accordingly, young people have difficulty finding jobs in the occupied territory. Considering all of the above, they are trying to settle in Tbilisi or another city. This contributes to the artificial division of families.



1.4. The right to healthcare

The issue of transferring patients to the territory controlled by Georgia remains a challenge. This issue is particularly acute in the occupied Akhalgori district. Transfer of a patient to the territory controlled by Georgia includes several stages: 1. Gathering a group of doctors from occupied Tskhinvali and receiving their consent; 2. Receiving consent from the local municipality and doctors of occupied Akhalgori to transfer a patient to occupied Tskhinvali; 3. After transfer to occupied Tskhinvali, assessment of the patient's condition by Tskhinvali doctors; 4. After the doctors' permission, the family has the right to apply to the de facto authorities for a "permit" to transfer the patient to the territory controlled by Georgia; 5. At the final stage, the International Committee of the Red Cross intervenes, which takes the patient to Ergneti.

The closure of the so-called checkpoint and the artificial barriers imposed by the de facto government of Tskhinvali have a very serious impact on access to healthcare for the population living in the occupied territory. A clear example of this was the death of a number of people due to inadequate access to

³⁴ Letter MES 2 25 0000062417 of the Ministry of Education, Science and Youth of Georgia, January 27, 2025.

medical services in 2019-2020. The Public Defender of Georgia spoke in detail about these facts in a special report in 2020.³⁵

Considering the existing situation, the “referral service” programme available in the territory controlled by Georgia is of vital importance for people living in the occupied territories. During 2024, 1,417 patients from the occupied territories were financed under this programme. Of these, 1,133 were from occupied Abkhazia and 284 from occupied Tskhinvali.³⁶

1.5. Human Rights situation of the population of villages located along the occupation line

Like the previous year, during the reporting period, the Public Defender had been constantly visiting the villages adjacent to the occupation line in both Shida Kartli and Samegrelo regions and personally getting information about the needs of the local population.³⁷

Despite the fact that more than 16 years have passed since the August 2008 Russian-Georgian war and there are no active military operations in the country, the population living in the villages adjacent to the occupation line is still acutely experiencing the devastating consequences of the war. In conversations with the Public Defender, the population named the main challenges - violation of property rights through the illegal so-called borderization; migration from the villages; lack of jobs; lack of irrigation water in some villages; lack of outpatient clinics; access to pharmacies and medical services; lack of necessary infrastructure conditions for living, including the opening of a cultural center and various service centers. Part of the population also spoke about the importance of building and rehabilitating educational institutions and community centers. In their opinion, this will lead to less outflow of young people from the villages.

The biggest challenge for the population living near the occupation line is physical safety. In the conditions of creeping occupation, part of the population does not know where the occupation line passes and there are frequent cases when representatives of the occupation regime detain people on charges of violating the so-called “state border”.

Recommendations

To the Government and the Ministry of Foreign Affairs of Georgia:

- Conduct negotiations, using all possible formats, so that the occupation regimes, by lifting illegal restrictions along the entire perimeter of the occupation line and by ensuring the unhindered operation of the so-called checkpoints, protect the freedom of movement of the population;

³⁵ 2020 Special Report of the Public Defender of Georgia on the Impact of the Closure of the So-Called Checkpoints on the Rights of the Population Living in the Occupied Territories. The report is available on the website: <https://shorturl.at/VqgEs> [22/02/2025].

³⁶ The amount allocated for people living in the occupied territories amounted to GEL 3,343,892.00. Letter No. 100040302401384561 of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, December 30, 2024.

³⁷ During 2024, the Public Defender visited the villages of Ditsi, Kordi, Plavi, Plavismani, Mereti, Jariasheni, Kveshi, Goraka, Sakorintlo, Karbi, Rike and Rukhi located near the occupation line.

- Conduct negotiations, using all possible international formats, so that the Government of the Russian Federation allows full and unrestricted access to the occupied territories of Georgia for international monitors.

To the Ministry of Education, Science and Youth of Georgia:

- Continue teaching the Georgian language to children and youth from the occupied territories participating in summer camps and summer schools organized and funded by the central authorities; offer Georgian language programmes to students in parallel with their studies in educational institutions.

2. Right to Life

2.1. Introduction

In 2024, the investigation into the murder of Georgian citizen Tamaz Ginturi on the territory occupied by the Russian Federation continued unsuccessfully. The chapter on the right to life will also focus on assessing the effectiveness of the investigation of the deaths resulting from the Shovi tragedy in 2023. This chapter will also address cases of femicide, the treatment of somatic (physical) health problems in psychiatric institutions, and etc.

2.2. The state of protection of the right to life in the context of occupation – the case of Tamaz Ginturi

On November 6, 2023, near the village of Kirbali in the Gori municipality, Russian military forces shot and killed Georgian citizen Tamaz Ginturi with a firearm, and abducted another individual. An investigation was launched regarding the murder of the Georgian citizen and the abduction of one person.³⁸

As in 2023, during the reporting period, the Public Defender's Office requested information from the investigative body in order to determine the progress of the investigation at that stage.³⁹ Unfortunately, even after one year, the investigation continues without results.⁴⁰

During the reporting period, the State Security Service informed the Office that the central government of Georgia continued to raise the issue of bringing the perpetrator(s) of Tamaz Ginturi's murder to justice through various international formats, including the Geneva International Discussions and the Incident Prevention and Response Mechanism.⁴¹ However, representatives of the occupying force continue to refuse to punish the perpetrators and bring them to justice.⁴²

The Public Defender once again specifically emphasizes that it is important for the government to use all means available to it in order to hold the offenders accountable.

³⁸ The investigation is underway in connection with the crimes provided for by Article 108 and subparagraph "g" of the third part of Article 143 of the Criminal Code of Georgia.

³⁹ Letters No. 2024/6135 of November 6, 2024, and No. 25/432 of January 6, 2025, from the Office of the Public Defender.

⁴⁰ Letters MIA 0 24 03446354 of November 12, 2024, and MIA 3 25 00212916 of January 27, 2025, from the Ministry of Internal Affairs.

⁴¹ Letter SSG 8 24 00040100 of February 21, 2024, from the State Security Service.

⁴² Letter SSG 2 25 00059707 of March 19, 2025, from the State Security Service.

2.3. Ongoing investigation into the Shovi tragedy case⁴³

On August 3, 2023, in Shovi, a natural disaster resulted in the death of 32 people, while the body of one person has not been found and is still considered missing to this day. The investigation is ongoing regarding the offense of negligent homicide of two or more persons, as well as the violation of safety regulations during mining, construction, or other types of work, which resulted in the loss of human life or other serious consequences. In July, August, and September 2024, the Ministry of Internal Affairs granted the Public Defender's Office exceptional access⁴⁴ to review materials of mentioned case.⁴⁵

As a result of reviewing the case, several important issues emerged concerning the fulfillment of obligations undertaken by the state under the European Convention on Human Rights in the context of protecting the right to life.

Standards guaranteed by the European Convention on Human Rights for the protection of the right to life

Article 2 of the European Convention on Human Rights, imposes the positive obligation on the state to protect a human life, which primarily means the state's duty to establish appropriate legislative and administrative frameworks, control mechanisms, and to carry out preventive operational measures⁴⁶. In instances where the loss of life or the threat to life is caused by natural disasters, hazardous activities, and similar situations, and not by intentional acts of life-threatening violations committed by state agents, the test applied to determine state responsibility is the following: Did the state take all measures within its power to prevent the risk to human life⁴⁷, and did the authorities know or should they have known about the mortal danger?⁴⁸ A violation of Article 2 of the Convention may also arise if those responsible are not charged or punished despite the threat to life.⁴⁹

In the context of natural hazards and emergency assistance — where the state is directly involved in protecting the right to life through mitigating natural threats — the state's positive obligation extends to the extent that the specific circumstances of the case indicate the inevitability of the natural hazard, especially when it involves a recurring event that affects various residential areas. The European Court

⁴³ Information about the issues discussed in the present chapter and a detailed review of the grounds for the state's positive obligation and responsibility in the context of the protection of the right to life are available in the 2024 activity report of the Criminal Justice Department of the Office of the Public Defender.

⁴⁴ The Office of the Public Defender, in accordance with subparagraph "e" of Article 18 of the Organic Law of Georgia "On the Public Defender of Georgia," does not have the authority to access the materials of an ongoing investigation.

⁴⁵ Criminal Case №059030823001.

⁴⁶ Öneriyıldız v. Turkey [GC], 2004, §101; Brincat and others v. Malta, Complaint №60908/11, 62110/11, 62129/11, 62312/11 and 62338/11, 24.07.2014 para. 105-106.

⁴⁷ L.C.B. v. the UK application №14/1997/798/1001, 09.06.1998, para. 36

⁴⁸ Öneriyıldız v. Turkey [GC], 2004, para. 101; Brincat and others v. Malta, complaint №60908/11, 62110/11, 62129/11, 62312/11 and 62338/11, 24.07.2014, para. 105-106.

⁴⁹ Öneriyıldız v. Turkey [GC], application №48939/99, 30.11.2004 para. 93; Budayeva and others v. Russia, application №15339/02, 21166/02, 20058/02, 11673/02, 15343/02, 20.03.2008 para. 140; Kolyadenko and others v. Russia, application №17423/05, 20534/05, 20678/05, 23263/05, 24283/05, 35673/05, 28.02.2012 para 190; M. Özel and others v. Turkey, application №14350/05, 15245/05, 16051/05, 17.11.2015 para. 188.

generally considers the state's obligations concerning disaster prevention and the protection of the population from the impact of such events.⁵⁰

*Problematic issues identified in the investigation process of the so-called Shovi case
Determining the fulfillment/non-fulfillment of the state's positive obligation*

The Public Defender indicates that, in the investigation of this case, the state must first and foremost determine whether the cause of the fatalities in Shovi due to the natural disaster was the result of state inaction. In this regard, the investigation must examine the existence of applicable national legal regulations in the country and clarify whether any preventive measures were taken. At the same time, it is of utmost importance to determine the existence or absence of early warning and alert systems, along with the reasons for such.

Unfortunately, as of now, the investigation has not established whether the state knew or should have known about the impending natural disaster in order to take necessary and possible actions to prevent the violation of the right to life. The investigation has also not obtained detailed information about the state's obligations and their implementation with regard to the installation of early warning and alert systems to prevent the dangers posed by natural disasters.

In this context, it is noteworthy that prior to the Shovi tragedy, in 2019–2022 years, the National Environmental Agency highlighted in its informational bulletins the importance of early detection and reduction of disaster risks, the necessity of early warning systems, and the targeted expansion of such systems⁵¹. According to the case materials, the National Environmental Agency stated that the installation of early warning and alert systems is planned for the future.

It is also worth to mention that the strategy document included an allocation of appropriate financial resources for the creation of an early warning system. Moreover, as early as 2018, the Ministry of Environmental Protection and Agriculture of Georgia had stated that a functioning early warning system would be installed throughout the entire territory of Georgia within 2–3 years.⁵² Despite this, the investigation has not established or clarified why the system was not installed.

The investigation uncritically accepted the position of the National Environmental Agency, which claimed that the information in the bulletins regarding the high risk of mudflows and landslides in Shovi referred only to the River Tskhenistskali gorge, and that the River Bubastskali gorge and the Bubastskali glacier had not been studied, since no such events had previously been observed there and none were expected. However, information obtained and publicly disseminated during the investigation indicates the opposite.

A significant detail is that the National Environmental Agency, in its 2019–2022 bulletins, also noted the occurrence of periodic *glacial* mudflows in the Racha-Lechkhumi region. According to the same data,

⁵⁰ M. Özel and others v. Turkey, application №14350/05, 15245/05, 16051/05, 17.11.2015 para. 172.

⁵¹ The annual informational bulletins include the results of the development of hazardous geological processes in Georgia during a specific year and the forecast for the following year.

⁵² <https://shorturl.at/RqX7W> [last visited: 27/03/2025].

Shovi itself was characterized by heavy precipitation and was categorized as a high-risk zone for the development of mudflows and landslides.

Therefore, in the Public Defender's assessment, the materials reviewed in the case point to several factors suggesting that the state may have had knowledge of a life-threatening situation or, alternatively, that it should have had such information. Consequently, it is critically important for the investigation to determine whether the state took any action based on this data to mitigate the risks of a natural disaster — and if not, what was the reasons of such inaction.

It is also notable that only after the disaster did the National Environmental Agency sign a contract with a foreign company to study 22 glaciers, including the Buba glacier. At the same time, the Security and Crisis Management Council began working on the development of a concept for early warning systems. These circumstances further confirm that the state had an obligation to study the threats posed by glaciers.

Procedural Aspect

At this stage, the investigation has not obtained information on whether an emergency management plan existed—one that should be developed and approved within the scope of competence of the entities under the unified emergency management system, in coordination with the Emergency Management Service.

Although the emergency headquarters was tasked with organizing and coordinating the situation at the operational and tactical levels, a specific action plan, tactics, or procedures were not defined either in the order of the Minister of Internal Affairs or in any other documentation obtained by the investigation. This information was not clarified even during the questioning of the headquarters' members. Decisions were made jointly, verbally, and immediately. They had not documented any of those decisions. Additionally, the investigation did not ask specific questions regarding the means through which orders were transmitted to the response teams, which would have allowed for the collection of this data.

As for the participation of rescuers, the investigation has not yet explored why the full composition of the rescue team did not participate in the rescue efforts during the night of August 3–4.⁵³

It is significant that on August 3, 2023, at 15:07, the first emergency call was received by 112, and the request for a helicopter was also confirmed. However, the first helicopter arrived in the disaster zone from Tbilisi nearly three hours later, at 18:00, and the second one at 19:00. Clearly, in an emergency situation, a three-hour arrival time for a helicopter to reach the disaster site and assist in rescuing individuals trapped in a landslide is unreasonable, especially considering the geographical scale of Georgia.

According to the case materials, five drones from the Emergency Management Service participated in the operation. However, none of the drone operators recorded photo or video footage during the aerial inspection—except for the Ambrolauri unit, which captured and sent several photos and videos to the

⁵³ According to the testimonies, the majority of the rescuers directly involved in the disaster zone joined the rescue operation from the morning of August 4, while during the day of August 3 and the night of August 3–4, the operation was carried out only by a part of the rescuers who had arrived on site.

headquarters between 18:00 and 19:00. As a result, the case lacks other neutral evidence, and the claim that a "live" inspection was conducted throughout the night is based solely on the testimonies of the drone operators, who stated that no persons were seen or discovered during the surveillance.

When the bodies were discovered, investigators did not examine the scene of the incident. During the ongoing rescue operation, after a body was found, rescuers did not compile any documentation describing the circumstances of the discovery (such as the surface, depth, distance in the landslide/mudflow, etc.), which is essential for determining the cause of death. Rescuers photographed the recovered bodies (though not in all cases) and marked the location (coordinates), which was sent to the headquarters. However, no identifying markers (e.g., numbers or other signs) were attached to the bodies, which made it impossible for the investigation to precisely determine the location of discovery for several bodies found on a particular date. The examination of the bodies was carried out at the Forensic Expertise Bureau.

Out of the 32 individuals who died and were found during the disaster (in addition, 1 child is still considered missing), forensic medical examinations were not conducted for 11 bodies. According to the investigation, the families of the deceased were further informed that if the deceased had life insurance, conducting an expert examination was necessary to receive compensation, which led to some families refusing the procedure. However, under the Code of Criminal Procedure the position of close relatives of the deceased has no legal bearing, and the execution of an order for a forensic examination is mandatory. Unfortunately, due to the investigation's approach, the exact cause of death for these 11 individuals could not be determined.

The Public Defender considers it essential that the investigation provide comprehensive and thorough answers to all the above-mentioned questions and determine whether the state fulfilled or failed to fulfill its positive obligation to protect the right to life during the disaster and the rescue operation. Accordingly, it is necessary to establish whether there was any alleged criminal conduct (action or inaction) by state representatives.

Additionally, to ensure an effective investigation, it is necessary to define the correct legal qualification and conduct the investigation under Article 342, Part 2 of the Criminal Code of Georgia – official negligence, that is, the failure to perform or the improper performance of official duties by a public official or a person equated to a public official due to negligent attitude toward their responsibilities, which resulted in the loss of human life or other grave consequences.

It is important to note that the investigation of this type of crime falls under the investigative jurisdiction of the Prosecutor's Office, and the Public Defender already pointed out the issue of violating the principle of institutional independence of the investigation back in 2023⁵⁴. Moreover, the investigation must assess the actions of various state agencies, including those in leadership positions.

In this regard, it is also worth to mention that when a territorial body of the Ministry of Internal Affairs conducts an investigation into a case in which one of the key issues is to determine and evaluate the actions of another subdivision of the same Ministry, it compromises the principle of institutional

⁵⁴ 2023 Activity Report of the Criminal Justice Department of the Office of the Public Defender of Georgia, pp. 19–20; Report of the Public Defender of Georgia: "On the Situation of Human Rights and Freedoms in Georgia, 2023," pp. 32–33.

independence of the investigation. Furthermore, the emergency headquarters for responding to the natural disaster was established by order of the acting Minister of Internal Affairs.

Considering all of the above, in order to ensure a complete, independent, and impartial investigation, the Public Defender believes that the case should be investigated by the Prosecutor's Office of Georgia.

2.4. Femicide – cases of gender-motivated killings of women

Preventing gender-motivated killings of women – femicide – and the effective implementation of justice and law enforcement functions in such cases continues to be a challenge. According to data from the Prosecutor General's Office of Georgia,⁵⁵ out of 25 identified cases⁵⁶ of the murder of women in 2024, 16 were committed with signs of domestic crime, while 9 were classified as non-domestic crimes. Among the 17 identified attempted murders of women⁵⁷, 12 were committed with signs of domestic violence, 4 with signs of non-domestic crime, and 1 with both domestic and non-domestic indicators. From the overall statistical data, the Prosecutor's Office classified 16 cases as femicide and 13 cases as attempted femicide. It is commendable that, as of 2024, in criminal cases involving attempted femicide and incitement to suicide, witness and victim coordinators were involved in 22 criminal proceedings.

During the current reporting year, the brutal premeditated murder of transgender woman Kesaria Abramidze under aggravating circumstances was particularly shocking. Notably, in the indictment, the Prosecutor's Office identified the motive as intolerance based on gender and gender identity.⁵⁸

The cases analyzed within the Public Defender's monitoring of femicide⁵⁹, indicate that the identification of gender-based motives is still a problem at both the investigative and judicial stages.⁶⁰ In some cases, additional concerns include the use of plea agreements⁶¹ and the inadequate assessment of risk by the court in connection with prior instances of violence.⁶²

⁵⁵ Letter No. 13/6033 of February 4, 2025, from the Prosecutor General's Office of Georgia.

⁵⁶ Among them, one case of incitement of a woman to suicide on the grounds of domestic violence, and one case of intentional severe injury to a woman's health not on the grounds of domestic violence, which resulted in death.

⁵⁷ Among them, three cases of incitement of women to attempted suicide on the grounds of domestic violence, and one case of incitement of a woman to attempted suicide on the grounds of non-domestic violence.

⁵⁸ Case №2024-1300

⁵⁹ The Office of the Public Defender analyzed the complete criminal case materials of femicide/attempted femicide cases that occurred in 2023.

⁶⁰ Mtskheta District Court Case No. 1/15-23; Telavi District Court Case No. 1/292-23; Zestaponi District Court Case No. 1/118-2023; Tbilisi City Court Case No. 1/527-24; Akhalkalaki District Court Case No. 1/23-23; Tbilisi City Court Case No. 1/7452-23.

⁶¹ Tbilisi City Court Case No. 1/527-24; Mtskheta District Court Case No. 1/15-23;

⁶² In the case of Tbilisi City Court No. 1/2208-23 - Domestic violence and threats to life (which the victim actually perceived), despite the prosecutor's request for imprisonment, the court used bail as a preventive measure, after which the accused was given the opportunity to lead the victim to a suicide attempt. It is important that in this case, the law enforcement agency did not use all measures to protect the victim. A restraining order was issued in the case, although the possibility of electronic surveillance was not used.

Unfortunately, in 2024 as well, there were instances where, despite the state being informed about possible violence, it failed to prevent the murder or attempted murder of a woman⁶³. One particularly problematic case involved the murder of a former spouse under the conditions of a protective order, after the perpetrator was released from a penitentiary facility as a result of an amnesty. This once again highlights the critical need for effective rehabilitation of abusers and accurate risk assessment.⁶⁴

Monitoring of femicide cases reveals that such crimes are rooted in discriminatory and stereotypical societal perceptions of women's roles. At the same time, long-term observation shows that femicide is also linked to problems related to education and employment, underscoring the complex nature of the issue. Therefore, these factors must be taken into account in the planning and implementation of state policies to combat femicide.⁶⁵

Treatment of Somatic (Physical) Health Problems in Psychiatric Institutions

Unfortunately, numerous problems remain in the treatment of somatic health issues within psychiatric institutions. In particular, managing the side effects of antipsychotic medications continues to be a challenge, despite the fact that, at the national level, the importance of this issue is recognized and a table outlining the recommended frequency of monitoring patients' physical and biochemical parameters has been established.⁶⁶

The 2024 State Health Program's psychiatric inpatient care component includes emergency surgical and therapeutic dental services, as well as medical care and the management of medication side effects for patients receiving inpatient treatment. The Universal Health Care Program provides for emergency medical care, while planned medical services require co-financing, which presents an additional burden for patients who already lack financial resources.

The Public Defender hopes that these issues will be studied in a timely manner and that practical steps will be taken to ensure prompt and adequate medical care for patients placed in psychiatric inpatient facilities who are found to have somatic (physical) health problems.

As in previous years, patients placed in psychiatric inpatient care undergo certain tests; however, this alone is insufficient to ensure the proper management of side effects. According to the information provided during the reporting period, protocols are currently being reviewed to identify the necessary tests required for detecting and managing adverse reactions. Following this review, the LEPL – Regulatory Agency for Medical and Pharmaceutical Activities will be able to implement appropriate measures.⁶⁷

It should be noted positively that in all institutions where preventive visits were conducted, the service of a general practitioner (therapist) was available. However, this service was limited to consultations and

⁶³ Case No. 75/24, No. 2024-1679, Case No. 2024-1865, Ministry of Internal Affairs letter MIA 9 25 00708291, 10/03/2025.

⁶⁴ For details on this case, see the section on violence against women and domestic violence.

⁶⁵ Recommendations on the existing problems related to violence against women and domestic violence, including femicide, can be additionally found in the chapter on gender equality.

⁶⁶ Treatment and management of schizophrenia in adults, national clinical practice guideline, chapter 4.2; likewise, Treatment and management of schizophrenia in adults — clinical practice guideline, chapter 4.7.

⁶⁷ Letter MOH 1 25 00043043 of January 17, 2025, from the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs.

symptomatic treatment. For additional diagnostics and treatment, patients must be referred to other medical institutions, which involves additional expenses for them. The purchase of prescribed medications is also associated with additional costs, as only emergency therapeutic medications are available on-site.⁶⁸

As for dental care, the State Program for Mental Health covers only emergency therapeutic and surgical dental services. In all other cases, the cost of dental care must be covered by the patient.⁶⁹

Conducting screening examinations is particularly important for the early detection and timely treatment of diseases. To achieve this, it is essential to ensure that patients of the appropriate age group placed in psychiatric institutions are provided with access to early detection and screening tests as defined by the national screening program.⁷⁰ Limited or unavailable access to somatic health services significantly worsens the patient's health condition, which may, in some cases, even lead to the patient's death.

It is also noteworthy that the collection of unified statistical information on deceased patients remains problematic. Psychiatric institutions do not record the deaths of patients who were transferred to other hospitals due to the deterioration of their health condition. The reason given for this is that after a patient is discharged, the institution is no longer obliged to monitor the patient's condition.

Based on the review of medical documentation, it can be said⁷¹ that determining the exact causes of death in psychiatric institutions remains problematic, as no forensic examinations are conducted. The records maintained in psychiatric institutions continue to be uninformative in this regard, often indicating vague and inaccurately defined causes of death.⁷²

It is noteworthy that the Ministry plans to conduct training sessions in psychiatric institutions to ensure the correct completion of death certificates. Additionally, there are plans to create an audit group that will review suspicious cases, while the Regulatory Agency will assess the quality of medical care provided to patients. Based on the findings, and if necessary, the agency will ensure the initiation of procedures regarding the professional responsibility of physicians. Furthermore, the Regulatory Agency will take appropriate measures in cases of inaccurate statistical reporting.⁷³

⁶⁸ It is noteworthy that patients are able to purchase medications at the pharmacy located on-site at the National Center for Mental Health.

⁶⁹ In the Psychiatric Clinic of Kutaisi of the LLC "Center for Mental Health and Prevention of Addiction," a patient is taken by a family member/relative to receive dental services, while other institutions themselves provide transportation of the patient to a dental clinic. In the psychiatric department of LLC "Terjolamed," there is a dentist on-site, but their services are paid for by the patient in both planned and emergency cases.

⁷⁰ 2025 State Healthcare Programs, Annex 1 — Early Detection and Screening of Diseases (Program Code 27 03 02 01). The program entails screening for cervical cancer, breast cancer, colorectal cancer, and prostate cancer for the relevant age groups.

⁷¹ In 2024, 1 patient died in Terjolamed, 2 patients died in the Kutaisi Psychiatric Clinic, and 1 patient died in the Senaki Psychiatric Hospital.

⁷² The ICD-10 classification code is R99. See the link <https://classifications.moh.gov.ge/Classifications/Pages/ViewCD10.aspx> [last accessed: 28.01.2025].

⁷³ 2024 Special Report of the National Preventive Mechanism.

Recommendations

To the Ministry of Internal Affairs of Georgia and the Prosecutor's Office of Georgia:

- Ensure the conduct of an effective investigation, prosecution, and the issuance of an international search notice for those responsible for the murder of Tamaz Ginturi and the unlawful deprivation of liberty of a Georgian citizen.

To the State Security Service and the Minister of Foreign Affairs of Georgia:

- Continue to consistently raise the issue of ensuring justice in all international formats and within the framework of meetings of the Incident Prevention and Response Mechanism.

To the Prosecutor's Office of Georgia:

- Clarify the legal qualification of the Shovi tragedy case and additionally conduct the investigation under Article 342, Part 2 of the Criminal Code of Georgia;
- Ensure that the investigation of the Shovi tragedy case is placed under the jurisdiction of the Prosecutor's Office and that an effective investigation is conducted.

To Georgian Government:

- Critically analyze the existing prevention system in relation to cases of gender-motivated killings and attempted killings of women, and work on improving the prevention system with the involvement of key agencies, including the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, and the Ministry of Education, Science, and Youth of Georgia.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia:

- Ensure that patients placed in psychiatric inpatient facilities are fully and promptly provided with the necessary medical care, and clearly define the issue of full coverage for planned medical services;
- Within the shortest possible timeframe, ensure the development of a standard for the provision of medical services, including dental care. After its implementation, monitor how psychiatric institutions comply with this standard;
- Ensure that patients placed in institutions undergo screening examinations as provided for by the State Healthcare Program;
- Examine all cases of death of patients in psychiatric institutions or of those transferred from psychiatric institutions, determine the cause of death, and assess whether the patient was

transferred to an appropriate facility in a timely manner. Based on the findings, take measures to prevent patient deaths to the greatest extent possible;

- Instruct the Regulatory Agency for Medical and Pharmaceutical Activities to examine the practice of using antipsychotic medications in psychiatric institutions and the management of associated side effects.

3. Prohibition and Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁷⁴

3.1. Introduction

This chapter reviews cases of ill-treatment identified in penitentiary establishments, within the Ministry of Internal Affairs system, psychiatric institutions, and residences of persons with disabilities, as well as relevant risk factors and legislative shortcomings.

The chapter is divided into three subsections: 1) Practices that amount to, or may amount to, ill-treatment; 2) safeguards against ill-treatment / Risk factors that lead to ill-treatment; and 3) Investigation of alleged cases of ill-treatment.

It is noteworthy that the year 2024 was particularly severe in terms of the scale of ill-treatment and violations of citizens' absolute right to dignity. In this regard, due to the most prolonged violations in the context of the 2024 protest rallies, the issue will be reviewed and assessed in detail in a subsection of this report.

A significant portion of the recommendations and/or proposals issued by the Public Defender in the previous year were, unfortunately, not implemented during the reporting period. In terms of the penitentiary system, it is worth noting that in the 2023 Parliamentary Report, the Public Defender positively evaluated the new regulations introduced by the Penitentiary Code, under which a doctor is obligated to document a prisoner's injuries and refer them to investigative bodies in cases of suspected torture or other cruel, inhuman or degrading treatment—regardless of whether the alleged victim consents to documentation and reporting.⁷⁵ To enforce this new provision, the Public Defender issued a recommendation to the Minister of Justice of Georgia to amend Order No. 663 of November 20, 2020 ("On the approval of the procedure for recording injuries of defendants/convicts in penitentiary institutions resulting from possible torture and other cruel, inhuman or degrading treatment") to align it with Article 139 of the Penitentiary Code, for which a maximum period of one year was defined by the same Code. Unfortunately, the relevant amendments have not yet been made.

Also, in Penitentiary Establishment No. 17, so-called "barrack-type" dormitories have still not been abolished, and it is impossible to ensure sanitary-hygienic conditions. Moreover, the majority of convicts are not provided with 4 square meters of personal living space.

It is important to draw attention to the conditions in high-risk and closed-type facilities. Prisoners in these institutions remain locked in their cells for 23 hours a day, with only 1 hour spent in outdoor yards, whose

⁷⁴ In accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Public Defender of Georgia serves as the National Preventive Mechanism in Georgia. For a detailed analysis of the issues discussed in this chapter, see the 2024 report of the National Preventive Mechanism and the 2024 activity report of the Criminal Justice Department of the Office of the Public Defender of Georgia.

⁷⁵ Parliamentary Report of the Public Defender of Georgia for 2023, Tbilisi, 2024, p. 59.

limited infrastructure fails to provide sufficient relief and recreation. Unfortunately, the Public Defender's proposal to increase the minimum time for outdoor walks has still not been taken into account.

As in previous years, prison overcrowding and certain instances of informal governance remain serious challenges. During the reporting period, the prolonged, unjustified, and punitive placement of prisoners in de-escalation rooms and solitary (security) cells continued to be problematic. According to the Public Defender, such practices amount to cruel, inhuman, and degrading treatment. Also during the reporting period, identifying and documenting facts of ill-treatment became more difficult, as did ensuring adequate medical services for inmates and improving the physical environment of penitentiary establishments.

As for the rights of detainees within the Ministry of Internal Affairs system, in 2024, some detainees continued to report excessive use of force and physical and psychological violence by law enforcement officers. There are continuing problems with explaining rights to detainees, timely access to a lawyer, and notifying family members. The absence of mandatory body camera use, as well as the lack of audio and video recordings, remains a challenge. Unfortunately, police facilities where detainees are held are still not fully equipped with video surveillance systems.

No significant improvements have been observed in psychiatric institutions, where patients continue to be victims of violence and their legal safeguards remain ignored. Despite the clear legal right, voluntarily admitted patients are still unable to leave the facility at will. Overcrowding and high density continue to be issues in psychiatric institutions—especially in large-sized facilities.

In addition to the above, it is also noteworthy that an essential component of the fight against ill-treatment is the effective response to such cases. However, numerous shortcomings were again identified in this regard during the reporting period.

It is also important to mention that during the reporting period, the European Court of Human Rights issued a landmark decision establishing a violation of the procedural aspect of Article 3 of the European Convention on Human Rights. The ruling concerned the ineffective investigation into the use of rubber bullets and physical violence by police officers against protest participants during the June 20-21, 2019 protests

3.2. Practices that amount to ill-treatment

In this subsection, we review the cases of ill-treatment identified in closed institutions. We also review the environmental conditions and practices within these systems, which frequently cause or contribute to such treatment.

Violence committed by the staff of institutions / law enforcement officers

In 2024, the Public Defender's Office received information about isolated incidents of alleged physical and psychological violence committed by penitentiary establishment staff.⁷⁶

With regard to violence committed by institution staff against prisoners, the case of convict B.L. is noteworthy. While in a de-escalation room, this convict informed the representatives of the Public Defender that he had been physically assaulted by a staff member of the same institution. During the meeting, the convict had a visible injury in the nasal area in the form of swelling and a reddish-yellow bruise. The Public Defender's Office provided information about the incident to the Special Investigation Service.⁷⁷

According to the information presented, an investigation is ongoing at the Investigation Department of the Special Investigation Service regarding the fact of degrading and inhuman treatment carried out by employees of the Special Penitentiary Service against B.L.

During a visit to Penitentiary Establishment No. 2, the National Preventive Mechanism of Georgia received information⁷⁸ about two notable incidents. Additionally, in separate cases, the Special Preventive Group also received reports concerning pushing and rough treatment.

Unfortunately, just like prisoners, in some instances, patients of psychiatric institutions are also not fully protected from violence. During preventive visits, the Special Preventive Group received only one report of alleged violence by institution personnel against a patient. Specifically, according to a patient residing in the Senaki Mental Health Center, a security staff member of the institution slapped him in the face several times when the patient was banging on the door and demanding to go home. Patients also continued to report rude and loud communication from the staff. In some cases, there are incidents of threats and intimidation with injections.⁷⁹

As for the situation in residential facilities, it is notable that the Special Preventive Group received information about isolated incidents of physical violence committed by staff against beneficiaries. Specifically, the Public Defender has two pending cases concerning alleged physical violence committed by staff members at the Bediani Boarding House for Persons with Disabilities. Additionally, according to information obtained from LLC "Imereti," criminal proceedings are currently underway against a former employee who allegedly assaulted a beneficiary. According to received reports, staff members in all types

⁷⁶ See the subchapter "Violence Against Prisoners by Staff" in the 2024 report of the National Preventive Mechanism of the Office of the Public Defender of Georgia

⁷⁷ Hotline notification of the Office of the Public Defender of Georgia dated May 24, 2024; Letter No. 2024/1406 of the Office of the Public Defender of Georgia dated May 27, 2024.

⁷⁸ For example, according to the information received, one prisoner was handcuffed behind his back, forced to lie face down on the floor, and an officer pressed a foot against his back. According to information from the same facility, another prisoner was handcuffed for an extended period in a de-escalation room; he requested to use the toilet, but the facility staff did not remove the handcuffs, and he was forced to relieve himself on the spot while in a restrained position.

⁷⁹ For example, according to information received from the psychiatric clinic in Kutaisi, in one case, a patrol police officer from the Ministry of Internal Affairs was called to the facility with the purpose of intimidating a patient so that the patient would agree to receive an injection out of fear of the police officer.

of residential service facilities (except for small family-type homes) address and shout at patients in a rude manner.⁸⁰

Regarding the system of the Ministry of Internal Affairs, it is worth noting that in 2024, during preventive visits conducted in temporary detention isolators, police territorial bodies, and penitentiary establishments, members of the Special Preventive Group did not receive information from interviewed individuals about alleged incidents of improper treatment by police officers.⁸¹

However, the Public Defender's Office did receive numerous reports regarding the alleged use of disproportionate force during arrests and improper treatment after detention by police officers. Among the methods of physical violence committed by police officers in 2024, the most frequently reported were punches and kicks, tightening of handcuffs, twisting of arms, and being thrown to the ground.

During the reporting period, as a result of preventive visits, the Special Preventive Group identified 132 suspicious cases in the Autonomous Republic of Adjara and the Imereti region.⁸² These cases include both administrative detentions and criminal cases. According to the data, in 52 out of 132 cases (39.4%), persons detained under administrative procedures stated that they sustained injuries during or after their detention. In terms of yearly dynamics: in 2023, persons detained under administrative procedures sustained bodily injuries during or after detention in 31.8% of the suspicious cases studied by the Special Preventive Group; in 2020 – 34.4%, in 2021 – 26%, and in 2022 – 27%. It is also noteworthy that according to the official statistics of the Ministry of Internal Affairs, in 2024, a total of 14,998 individuals were placed in temporary detention isolators, of whom injuries were recorded in 9,860 cases (65.7%).⁸³ This figure stood at 64.3% in 2023.⁸⁴

Also of concern is the situation at the Ministry of Internal Affairs' Temporary Accommodation Center for Migrants. The Special Preventive Group received information from 4 individuals held at the center regarding alleged acts of torture and other forms of improper treatment against them.⁸⁵ Furthermore, according to the statements of those placed at the center, in some cases, senior officials of the facility address them in a rude manner and verbally abuse them. With the consent of the individuals housed in

⁸⁰ For detailed information, see the 2024 report of the National Preventive Mechanism of the Office of the Public Defender of Georgia.

⁸¹ The visits were conducted during the period from July 29 to October 3, 2024

⁸² Members of the National Preventive Mechanism examine the personal files of all detainees who were placed in custody prior to the date of the visit. The circumstances of detention, the location, number, and nature of the injuries raised suspicions among the monitoring group regarding possible ill-treatment of individuals. The inspections were carried out at territorial police units and temporary detention isolators in the regions of Samegrelo, Kakheti, Imereti and Racha-Lechkhumi, Adjara, Guria, and Kvemo Kartli.

⁸³ The information is available at the following address: <https://info.police.ge/page?id=233> [last accessed: 27.01.2025].

⁸⁴ In 2023, 15,907 individuals were placed in temporary detention isolators, of whom 10,238 showed signs of injury.

⁸⁵ Specifically, they stated that at various times they were taken into the director's office in handcuffs, beaten with hands and feet, and sprayed with pepper spray. Two of them also reported threats of rape and other sexually degrading acts. According to the detainees, they had injuries on their faces and bodies, in the form of bruises and hematomas; however, the doctor did not document these injuries. The detainees also mentioned a possible case of another individual, held with them, being beaten by center staff, although that person had already left the facility.

the center, the Public Defender's Office referred the matter to the Special Investigation Service for appropriate action.⁸⁶

Violence among prisoners/patients

In 2024, incidents of violence among prisoners and patients remained problematic. A comprehensive analysis of the situation reveals that penitentiary establishments, as well as psychiatric facilities, are not adequately addressing the issues identified in this regard.

It is noteworthy that in penitentiary establishments, one of the main contributing factors to violence among prisoners continues to be the overcrowding in certain penitentiary establishments, as well as the presence of informal governance. Unfortunately, over the years, it has not been possible to ensure the separation of accused and convicted individuals,⁸⁷ which often leads to conflict between them. As in previous years, penitentiary establishments still lack a sufficient number of staff to maintain order within the facilities and to prevent incidents of violence among prisoners. For example, during a visit to Penitentiary Establishment No. 8,⁸⁸ it was observed that in each wing of the housing units, where 40 to 100 inmates were held, only 2 staff members from the legal regime department were on duty. As for informal governance, it is characterized by physical and severe psychological violence among prisoners. Victims of violence often avoid speaking to the administration or medical staff about the real reasons behind their injuries, in order to avoid possible revenge.

Regarding psychiatric institutions, unfortunately, conflicts among patients remain frequent. These conflicts are mainly caused by domestic or day-to-day issues. There is no effort to prevent acts of violence, no examination of the causes of conflict, no documentation of the incidents, and no appropriate response to them. In the absence of an adequate response, physical altercations or self-harming behaviors can lead to serious injuries for patients. It is also important to note that victims of violence are not offered psychological support, and the information is not passed on to investigative authorities. Ignoring conflicts and violent incidents among patients increases the risk of such events recurring.

It is also worth noting that in residential services for persons with disabilities, there are conflicts and acts of violence among beneficiaries that stem from everyday living issues.

Additionally, it is noteworthy that penitentiary establishments, psychiatric facilities, and residential services all suffer from an insufficient number of staff to maintain order within the institutions and to prevent violence among prisoners or patients.

⁸⁶ According to letter SIS 0 24 00019401 received from the Special Investigation Service on October 23, 2024, no elements of a crime as defined by the Criminal Code of Georgia were identified during interviews with the detainees; however, they did indicate possible disciplinary violations committed by employees of the Ministry of Internal Affairs. Regarding this case, according to letter MIA 0 25 00408989 from the General Inspection of the Ministry of Internal Affairs dated February 12, 2025, an internal investigation is currently underway concerning possible unlawful actions.

⁸⁷ In Penitentiary Establishments No. 2 and No. 8, accused persons and convicted prisoners are still being held together.

⁸⁸ Members of the Special Preventive Group of the Public Defender of Georgia conducted preventive visits to Penitentiary Establishment No. 8 on June 4, 5, 6, 11, 12, and 28, as well as on July 2, 3, and 4, 2024.

In penitentiary establishments, as well as in psychiatric establishments, individuals are subject to a number of restrictions. The application of some of these restrictions, considering their nature, may amount to improper treatment. Specifically, the restrictive regime in special risk penitentiary establishments,⁸⁹ incident management practices,⁹⁰ the absence of activities tailored to inmates' needs,⁹¹ overcrowding in penitentiary establishments,⁹² and placement of inmates in prisons far from their place of residence⁹³ have a negative impact on inmates' physical and mental health. This, in turn, increases the risk of violence against inmates, contradicts international standards⁹⁴, and may amount to cruel, inhuman, and degrading treatment.⁹⁵

In these institutions, inmates spend 23 hours inside their cells without access to meaningful activities and are allowed only one hour of outdoor time, during which the poorly equipped recreational yards fail to provide adequate relief or recreation. It should be noted that the Public Defender's recommendation to increase the minimum time for outdoor exercise has still not been taken into account.

Among the established restrictions in penitentiary establishments, particular attention should be paid to the practice of placing inmates in de-escalation rooms and solitary (safe) cells. The Public Defender points out that prolonged, purposeless, and punitive placement of inmates in de-escalation rooms or solitary (safe) cells constitutes cruel, inhuman, and degrading treatment. As in previous years, in establishments No. 6, No. 8, and No. 18, inmates are still often placed in de-escalation rooms and solitary cells for the maximum duration allowed, and the same individuals are repeatedly subjected to these placements continuously over several days and weeks, with only brief breaks in between.

⁸⁹ The management of the mentioned penitentiary establishments is primarily based on the principles of static security, which involves the imposition of maximally strict restrictions, prohibitions, and a rigid regime, and is not focused on the positive behavioral change of prisoners

⁹⁰ Disciplinary sanctions and security measures that restrict contact with the outside world are actively used against prisoners, including isolation in solitary confinement and de-escalation rooms, where they are additionally deprived of access to their personal belongings, as well as the right to shower and go for walks.

⁹¹ Prisoners remain in their cells for 23 hours a day without engaging in any activities of interest to them and are taken to exercise yards for only 1 hour, the poor infrastructure of which fails to provide opportunities for relaxation and recreation. There is no multidisciplinary work taking place, and rehabilitation and resocialization programs for prisoners are not being properly implemented.

⁹² When assigning prisoners to cells, their personal characteristics, habits, behavior, and risks are still being overlooked. As a result, prisoners of different categories and worldviews are housed together in the same cell, which, in a confined space, often leads to conflicts among them.

⁹³ Family members primarily maintain contact with the prisoner through telephone communication, and when the right to phone calls is restricted as a disciplinary measure, it effectively amounts to a complete isolation from the outside world.

⁹⁴ European Committee for the Prevention of Torture (CPT), 21st General Report, CPT/Inf(2011)28, Strasbourg, Council of Europe, 2011, paragraph 52, available at: <https://bit.ly/3ic198K> [last accessed: 06.02.2025].

⁹⁵ European Committee for the Prevention of Torture (CPT), Report on the visit to Georgia carried out in 2018, CPT/Inf (2019) 16, Strasbourg, Council of Europe, 2019, paragraph 72, available at: <https://rm.coe.int/1680945eca> [last accessed: 06.02.2025].

Unfortunately, during the reporting period, there were also cases of minors being placed in de-escalation rooms and solitary cells in establishments No. 2 and No. 8. According to the Public Defender of Georgia, it is unacceptable to place minors in such inappropriate conditions, particularly for prolonged periods. This practice directly contradicts the protection of the best interests of the child, the goals of the Juvenile Justice Code, the spirit of the Convention on the Rights of the Child, and is considered inhuman and degrading treatment.⁹⁶

It is particularly concerning that in the absence of resources and psychosocial support services necessary for managing crisis situations in the penitentiary system, de-escalation rooms and solitary (safe) cells continue to be frequently and extensively used in relation to inmates with mental health problems.⁹⁷ These rooms are not equipped in a way that minimizes the risk of self-harm. According to documentation kept in penitentiary establishments, there are instances where inmates — including those with mental health issues — have engaged in acts of self-harm while confined in de-escalation or solitary (safe) cells. In such cases, handcuffs are additionally used. For example, in institutions №2, №6, №8, and №18, there were incidents where inmates placed in de-escalation rooms and solitary (safe) cells swallowed various objects, inflicted scratches on their bodies, and sustained bodily injuries as a result of hitting their hands and heads against the walls.

The Public Defender has for years demanded that the duration of placement in de-escalation rooms be reduced to 24 hours. However, under the regulations of penitentiary establishments, the maximum single duration of placement in a de-escalation room is still set at 72 hours. There is still no legal requirement to justify the extremity of such placements or the obligation to use other, less restrictive alternatives before applying this measure. The European Committee for the Prevention of Torture, in its report following a visit to Georgia, evaluated the frequent use of 72-hour de-escalation room placement as de facto punishment.⁹⁸

Regarding these rooms, the Public Defender has for years recommended creating a safe environment, which includes covering the walls and floors with soft materials.

Also in this context the issue of handcuff use is noteworthy. Unlike in previous years, during the reporting period, several inmates — including minors — reported the use of handcuffs during escorting, particularly in transport vehicles. When using a special measure such as handcuffs, it is crucial to assess, establish, and justify the individual circumstances of the case, which is directly related to proper documentation. According to the Penitentiary Code and subordinate normative acts concerning the use of special measures, the person using such means is required to draw up an official report. In the case of escort

⁹⁶ The separation of a juvenile, regardless of its duration or purpose (whether for safety or disciplinary punishment), constitutes cruel, inhuman, and degrading treatment. See: United Nations Special Rapporteur on Torture, 2015 Report, para. 44. Available at: <https://digitallibrary.un.org/record/793910?ln=en&v=pdf> [last accessed: 19.03.2024].

⁹⁷ See: Thematic Report of the National Preventive Mechanism of the Public Defender's Office of Georgia – *"The State of Mental Health Care in the Criminal Justice System: Institutional and Clinical Aspects"* (2024). Available at: <https://www.ombudsman.ge/res/docs/2025022114250684847.pdf> [last accessed: 05.03.2025].

⁹⁸ European Committee for the Prevention of Torture, Report on the visit to Georgia (CPT/Inf (2019) 16), para. 101, visit conducted from 10 to 21 September 2018, available in English at: <https://rm.coe.int/1680945eca> [last accessed: 24.01.2025].

groups/colone or special units, this report is prepared by the group/colone's leader. However, the escorting rule itself does not require such documentation. Based on this mentioned order, the Department of Escort and Special Operations does not document the use of handcuffs during inmate escort. Therefore, the Public Defender submitted a proposal⁹⁹ to the Minister of Justice to introduce clear regulations in line with international standards on the rights of prisoners in subordinate acts. Unfortunately, the proposal was not accepted.

As for psychiatric institutions, compared to previous years, there has been a decrease in the documented cases of the use of physical restraint¹⁰⁰. However, as in past years, the application of restraints often disregards national legislative and normative safeguards, as well as the standards of the European Committee for the Prevention of Torture.¹⁰¹ Under such conditions, the use of restraint may constitute improper treatment. As before, rapid tranquilization — a form of chemical restraint¹⁰² — is still actively used to manage agitated or aggressive patients. This is often used in combination with mechanical and/or manual restraints. It is also concerning that medical records do not include explanations as to whether injections were administered against the patient's will, why their use was necessary, or whether they were indeed a measure of last resort. To prevent arbitrariness, when applying forced treatment or rapid tranquilization to a person under voluntary treatment, the patient's treatment status should be reassessed, as stipulated in Article 18 of the Law of Georgia on Mental Health.

Unfortunately, institutional management policies are not aimed at minimizing the risks of escalation. The intensity of applying restrictive measures toward patients has not significantly changed, and no efforts are being made to eliminate the use of such measures entirely. The instructions and rules¹⁰³ for the application of restraint methods have still not been updated, which would greatly protect patients from staff arbitrariness.

Additionally, unlike in 2023, the Special Preventive Group did not receive information about the isolation of patients during 2024. However, the issue reported in the 2023 report — the practice of separating patients from others at the Batumi Medical Center and the National Center for Mental Health¹⁰⁴ — has still not been reviewed by the Ministry and, accordingly, no steps have been taken to eliminate it.¹⁰⁵

⁹⁹ Public Defender's Proposal No. N2024/7699 dated 26 December 2024.

¹⁰⁰ However, during interviews with patients and the review of various documentation, the Special Preventive Group obtained information about individual cases of the use of physical restraint methods that were not recorded in the so-called "restraint" journals. This indicates that not all instances of physical restraint are being documented.

¹⁰¹ European Committee for the Prevention of Torture Standards on "Means of restraint in psychiatric establishments for adults," available at: <https://rm.coe.int/16807001c3> [last accessed: 23.01.2025].

¹⁰² European Committee for the Prevention of Torture Standards on "Means of restraint in psychiatric establishments for adults," available at: <https://bit.ly/3texFLj> [last accessed: 19.02.2023].

¹⁰³ Order No. 92/N of the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on the *"Approval of the Rule and Procedures for the Use of Physical Restraint Methods for Patients with Mental Disorders."*

¹⁰⁴ National Preventive Mechanism Annual Report 2023, Tbilisi, 2024, p. 113

¹⁰⁵ According to letter MOH 1 25 00043043 dated 17 January 2025 from the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, *"After the development of monitoring mechanisms for the practice of long-term separation of patients from other patients, a monitoring group will be established, which will carry*

The situation in residential facilities for persons with disabilities is also concerning. According to national legislation, the use of restraint methods is only permitted in psychiatric hospitals¹⁰⁶. Despite this, in Bediani and Dzevri boarding homes, there are still individual cases where both physical and chemical restraints are used. Furthermore, except for the alternative shelter in Senaki, nearly all residential service facilities operate under nearly identical internal regulations that provide for the possibility of applying physical restraint to beneficiaries. The Public Defender believes that the internal regulations of all such facilities must be immediately aligned with national legislation.

Also concerning is the situation at the Ministry of Internal Affairs' Migrant Accommodation Center. The administration appears to address challenges using measures typical of the penitentiary system — specifically, by placing individuals in strict supervision rooms separate from the residential wing, where conditions are considerably harsher. The practice of isolating minors also exists in the center, which directly contradicts the principle of the best interests of the child, the goals of the Juvenile Justice Code, and the spirit of the Convention on the Rights of the Child — and constitutes inhuman and degrading treatment¹⁰⁷. Moreover, there was a reported case in which handcuffs were used on an isolated minor¹⁰⁸. The Public Defender emphasizes that the use of handcuffs must be avoided as much as possible and applied only in cases of absolute necessity, based on individual risk assessment — never preventively.

The practice of full searches of prisoners

During the reporting period, during visits to Penitentiary Establishments No. 2 and No. 8, members of the National Preventive Mechanism received information that, as in previous years, in 2024 as well, the practice of fully stripping inmates naked and requiring them to perform squats was maintained during initial admission to the facility, as well as during transfer from and return to the institution.

The European Committee for the Prevention of Torture has emphasized that, during full body searches, individuals should not be required to expose multiple parts of their body at the same time.¹⁰⁹ Contrary to this standard, the regulations of penitentiary establishments permit complete undressing. Regarding the practice of requiring inmates to perform squats, penitentiary regulations do not provide for such a measure. According to the Public Defender's assessment, this practice constitutes degrading and humiliating treatment of prisoners.

out inspections of all psychiatric inpatient facilities where patients are undergoing long-term treatment." As it appears, the Ministry does not intend to examine this issue prior to the establishment of the monitoring mechanism.

¹⁰⁶ Law of Georgia on Mental Health, Article 16.

¹⁰⁷ Even in the context of penitentiary establishments, the placement of a juvenile in solitary confinement as a security measure is considered unacceptable by the Council of Europe's European Prison Rules. European Prison Rules, Rule 60.6A. Available at: [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%2209000016809ee581%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%2209000016809ee581%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}) [last accessed: 26.02.2025].

¹⁰⁸ According to the information received, handcuffs were used on the juvenile multiple times, both at the onset of a crisis situation and during visits to the doctor, with one side of the handcuffs being attached to a chair

¹⁰⁹ Council of Europe, European Committee for the Prevention of Torture, Report on the visit to the Czech Republic (1–10 April 2014, para. 85), available at: <https://bit.ly/35cCmvq> [last accessed: 08.03.2023].

Medical services in penitentiary establishments, psychiatric facilities, and residential homes for persons with disabilities

Unfortunately, in 2024, there were continued problems related to inadequate treatment, delayed medical services, breaches of confidentiality in communication between doctor and patient, malfunctioning of the monitoring mechanism for improper treatment, substantial delays in forensic psychiatric examinations, and the general state of mental health and preventive healthcare. During the reporting period, the Public Defender's Office investigated numerous cases where delayed or inadequate medical care was provided to specific prisoners, which in turn led to deterioration in the inmates' health conditions.¹¹⁰

Cases of delayed medical referrals were also identified by the National Preventive Mechanism during monitoring visits to penitentiary establishments. Delays in medical referral timelines were particularly problematic for prisoners held in institutions located in eastern Georgia. Deadlines for both scheduled outpatient and inpatient care were violated. Special attention should be paid to the delays in urgent referrals, which, in some cases, took one month or longer.¹¹¹

In the context of prison healthcare, it is especially important to integrate the penitentiary healthcare system with the civil healthcare system, a need also emphasized by the European Committee for the Prevention of Torture.¹¹² To ensure timely and adequate medical services, it is also essential to conduct prompt consultations with medical specialists. In 2024, the issue of undefined waiting times before a consultation with a doctor remained a problem, as documentation does not clearly show when the patient was registered for consultation. Notably, some prisoners stated during interviews that they often had to wait a month or longer for a specialist consultation.

It is still challenging the timely referral of inmates to psychiatrists in penitentiary establishments is. Periodic mental health screenings are still not conducted. In many cases, placement of inmates in psychiatric hospitals is significantly delayed, which is often linked to delays in conducting psychiatric expert evaluations. Analysis of cases reviewed by the Public Defender's Office shows that the time between the ordering and completion of psychiatric evaluations can range from two to three months.

In addition to the above, it is notable that, as in previous years, psychiatric assistance in penitentiary establishments still does not align with modern biopsychosocial approaches and is limited to psychiatric consultations and medication-based treatment. Multidisciplinary care is not provided.

As for psychiatric institutions, it should be noted that upon admission to a psychiatric hospital, patients undergo basic blood and urine tests, as well as tests for hepatitis C, syphilis, and glucose. These are repeated if necessary. However, this limited testing is insufficient to manage potential side effects. On a

¹¹⁰ Detailed information is presented in the 2024 Activity Report of the Criminal Justice Department of the Office of the Public Defender of Georgia.

¹¹¹ For example, one convicted individual was registered in February 2024 for scheduled outpatient care to undergo a gastroscopy due to a suspected diagnosis of a stomach ulcer. Similarly, another convicted person was registered in February 2024 for a scheduled outpatient functional stress test due to a diagnosis of exertional angina. Another inmate, diagnosed with osteomyelitis of the lower jaw, was registered for a CT scan on an urgent but delayed basis. However, as of July 2024, none of these individuals had been taken to receive the necessary medical services.

¹¹² Reports of the visits carried out by the European Committee for the Prevention of Torture to Georgia in 2014 and 2018

positive note, all facilities visited during preventive missions ensured the presence of a general practitioner, whose role was limited to consultations and symptomatic treatment. For further examinations or treatment, patients must be referred to other medical institutions, which entails additional costs for the patient. The purchase of prescribed medications also comes with extra costs, as only emergency therapeutic drugs are available on-site.¹¹³

Moreover, it is important that patients in psychiatric institutions belonging to appropriate age groups have access to early disease detection and screening programs.

In this context, the situation in residential facilities for persons with disabilities is also noteworthy. Beneficiaries placed in all types of residential services are enrolled in the Universal Healthcare Program. Those beneficiaries whose package requires co-payment must pay additional fees for medical services, which often constitutes a financial burden. Additionally, they bear the cost of purchasing prescribed medications. Most institutions maintain a stock of emergency therapeutic medications on-site¹¹⁴, even though the service providers are not officially obligated by standards to keep such a supply. Some institutions explained that emergency medications are purchased using the institution's budget, while others stated that management purchases them with their own financial resources. In some cases, administrators use beneficiaries' pensions to buy essential medications, and in certain situations, these medications are shared with other beneficiaries who have no income at all.¹¹⁵

Involuntary treatment of patients placed in psychiatric institutions

It is essential that the state introduces a zero-coercion policy in the field of mental health¹¹⁶. Disregarding a patient's will during hospitalization and treatment, placing a patient in inpatient care without legal safeguards, and the forced administration of medication may amount to improper treatment.

Involuntary hospitalization, involving the participation of emergency medical and patrol crews, marks the initial stage of restricting a person's liberty. From this very stage, the individual must be informed—clearly and understandably—of the grounds for their deprivation of liberty and of their rights.

Unfortunately, psychiatric institutions avoid initiating the legal procedures required for involuntary inpatient care. To circumvent these procedures, institutions formally obtain signatures for informed consent from patients—without genuine expression of their will—and thereby de facto restrict their freedom. During preventive visits, not a single individual in any of the facilities was formally registered as

¹¹³It is noteworthy that patients are able to purchase medications at the pharmacy located within the National Center for Mental Health..

¹¹⁴ Antihypertensive, pain-relieving, and other types of medications.

¹¹⁵ It is possible that the beneficiary does not receive a social package, or that they do receive it, but the card to which the funds are transferred is held by a caregiver or a family member.

¹¹⁶ Concluding observations of the UN Committee on the Rights of Persons with Disabilities on Georgia. 18 April 2023, para. 30. Available at: <https://bit.ly/3P7EAAo> [last accessed: 23.01.2024]; World Health Organization and Office of the United Nations High Commissioner for Human Rights, *Mental health, human rights and legislation: guidance and practice*, available at: <https://bit.ly/3vbjWIK> [last accessed: 12.01.2024].

receiving involuntary treatment, even though numerous patients openly expressed a desire to leave the institution.

It is also important to note that, unfortunately, in most cases, patients do not participate in the planning or evaluation of their own treatment. The majority of them are unaware of their treatment plans, the names of the medications they are being given, or their side effects. Consent for placement in an institution is still equated with consent for treatment, which is legally unjustified¹¹⁷ and excludes the possibility that a patient may agree to hospitalization but not to the proposed treatment or specific methods. It is important that after agreeing to hospitalization, the patient be provided with accurate and comprehensive information about the biopsychosocial components of psychiatric care and that informed consent be obtained for each component. For this, it is also necessary that the form for informed consent to psychiatric treatment be specific and include the psychosocial aspects as well.

Taking into account the above-mentioned challenges, there are cases in practice where, if a patient refuses a particular medication, it is forcibly administered in crushed form or injected without consent—even in the presence of other patients. It is noteworthy that treatment administered without consent may reach the threshold of torture or inhuman treatment.¹¹⁸

It is crucial that all patients, regardless of their voluntary or involuntary status, be given the opportunity to refuse treatment or any other medical intervention. Any exceptions to this principle must be clearly defined by law¹¹⁹. Additionally, attention should be paid to the relevant provision of the Law of Georgia on Mental Health¹²⁰, which grants doctors the right, in cases of extreme necessity and for safety reasons, to restrict a patient's right to refuse treatment. This contradicts the essence of voluntary treatment.¹²¹

Moreover, as in previous years, the issue of prolonged hospitalization remains unresolved, despite a gradual decrease in the number of patients who are unable to leave institutions due to lack of alternatives. Notably, approximately 30 percent of patients at the “Eastern Georgia Mental Health Center” do not require active inpatient treatment, yet despite their desire to leave, they are unable to do so due to lack of housing and insufficient community services.

¹¹⁷ European Committee for the Prevention of Torture, Report on the 2018 visit to Georgia addressed to the Government of Georgia, para. 142. Available at: <https://rm.coe.int/1680945eca> [last accessed: 24.01.2024].

¹¹⁸ Interim Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, submitted to the General Assembly, A/63/175, 28 July 2008, para. 63, available at: <https://digitallibrary.un.org/record/635981?ln=en> [last accessed: 03.02.2025].

¹¹⁹ Excerpt from the 8th General Report of the European Committee for the Prevention of Torture – “*Involuntary placement in psychiatric establishments*,” para. 41. Available at: <https://rm.coe.int/16806cd43e> [last accessed: 12.01.2024].

¹²⁰ Article 15, Paragraph 3 of the Law of Georgia on Mental Health.

¹²¹ The Public Defender challenged the above-mentioned normative content of Article 15, Paragraph 3 of the Law of Georgia on Mental Health before the Constitutional Court of Georgia. The complaint is available at: <http://bit.ly/3TNQdxw> [last accessed: 15.01.2024]. Notably, on 19 April 2024, the Constitutional Court of Georgia accepted this provision for substantive consideration by a procedural record. The procedural record is available at: <https://www.constcourt.ge/ka/judicial-acts?legal=16455> [last accessed: 18.03.2025].

3.3. Guarantees for Protection Against Ill-Treatment / Factors Contributing to Ill-Treatment

To prevent ill-treatment, it is important that persons deprived/restricted of their liberty are guaranteed, both at the legislative level and in practice, a minimum set of legal safeguards. The existence of these guarantees in normative frameworks and their effective enforcement reduces the risks of ill-treatment, as it enables the identification of unlawful actions and an appropriate response to them. Additionally, in the following section, we present the existing contextual conditions that create a risk of ill-treatment or, in some cases, directly result in such treatment.

Shortcomings in the Identification and Documentation of Ill-Treatment

To prevent ill-treatment, it is essential that the processes of both identifying and documenting such treatment are carried out without flaws. Unfortunately, in 2024, as in previous years, this issue remained problematic in the systems of the penitentiary establishments, the Ministry of Internal Affairs, psychiatric institutions, and residential facilities for persons with disabilities.

In the context of penitentiary establishments, it is particularly noteworthy that during the previous reporting period, the Penitentiary Code established that if, while providing medical care to an accused or convicted person, medical personnel notice any physical injury and/or other circumstances that could objectively raise a suspicion of possible torture or other cruel, inhuman, or degrading treatment, a medical examination must be conducted even without the individual's consent. To enforce this new provision, corresponding amendments to subordinate legal acts were necessary, with a maximum timeframe of one year for implementation. However, as of the preparation of this report, the necessary amendments had still not been made to Order No. 663 of the Minister of Justice of Georgia, dated 20 November 2020.

As in previous years, the flawed practice of identifying and documenting suspected incidents of violence is further exacerbated by the violation of the principle of confidential doctor–patient meetings. Specifically, in penitentiary establishments, it remains standard practice for a facility staff member to be present during medical consultations, regardless of whether or not there is an actual or potential threat posed by the inmate.

Among the causes of the flawed identification and documentation of possible violence are the improper documentation of such cases by medical professionals, the lack of institutional independence of medical personnel (as they are employed and subordinated to the Ministry of Justice, rather than to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), and the low level of trust that prisoners have in them.

It is also noteworthy that, in the penitentiary context, problems persist in filling out the appropriate form for documenting injuries. Specifically, forms often fail to indicate the location of injuries on diagrams, the color and shape of injuries, or the method by which they were sustained. Furthermore, the correlation between the injury and the described mechanism is frequently not established.

Additionally, according to information received from the Medical Department of the Special Penitentiary Service,¹²² in 2024, not a single case of documenting injuries in accordance with the injury recording protocol was reported for any accused or convicted person in a penitentiary establishment.¹²³ Moreover, according to information from the Special Investigation Service¹²⁴, the agency received 175 reports concerning alleged incidents of physical and/or psychological violence committed by Special Penitentiary Service staff against prisoners and launched investigations into 16 criminal cases.¹²⁵ Out of the 175 reports, only 7 were submitted by facility doctors,¹²⁶ indicating that the mechanism is not being used effectively by institutional medical staff.

Here is the case of convicted person B.L., studied by the Public Defender's Office is noteworthy. In this case, a report was submitted to the investigative authority only after the representatives of the Public Defender revealed the incident and drew the attention of the on-duty doctor to the injuries and the information provided by the inmate. Prior to that, the visible injuries had been ignored by medical and other staff.¹²⁷

Regarding the Ministry of Internal Affairs system, documentation practices have improved compared to previous years. However, gaps in documentation flaw were still observed in 2 out of 14 police facilities visited by the Special Preventive Group of the National Preventive Mechanism.

In 12% (16 cases) of the 132 cases reviewed and analyzed by the members of the National Preventive Mechanism, injuries documented in medical records at isolators were not reflected in the arrest reports. In such cases, a presumption arises that the detainee may have been subjected to physical violence while under police control.

Furthermore, though slight improvements have been observed in recent years in terms of describing the circumstances of injury by doctors at temporary detention isolators, a significant share of injury reports in 2024 still lacked complete or any description of the cause. Out of the 132 cases reviewed and deemed suspicious by the National Preventive Mechanism, in only 60% did the isolator doctors fully describe the injuries, while in 40% the descriptions were either incomplete or entirely missing.

Additional issues concern the photographing of injuries. Unfortunately, isolator doctors rarely make use of this opportunity and attribute the absence of photographs to the refusal of the detained individual. It

¹²² Response No. 38987/01 dated 11 February 2025, received from the Medical Department of the Special Penitentiary Service.

¹²³ Rule on the Documentation of Injuries of Accused/Convicted Persons Resulting from Possible Torture and Other Cruel, Inhuman or Degrading Treatment in Penitentiary Establishments, approved by Order No. 663 of the Minister of Justice of Georgia dated 30 November 2020.

¹²⁴ Response SIS 2 25 00001429 dated 17 January 2025.

¹²⁵ Out of the aforementioned 16 criminal cases, no criminal prosecution was initiated regarding the alleged acts of physical and/or psychological violence committed by penitentiary staff against prisoners, and in 2 of the cases, the investigation was terminated

¹²⁶ 92 notifications were sent by the prisoner, 35 from the penitentiary establishment, 33 from the Public Defender's Office, 7 from the General Inspection of the Ministry of Justice, 6 by a lawyer, and 21 applications from other sources.

¹²⁷ Detailed information regarding the case is available in the 2024 Activity Report of the Criminal Justice Department of the Office of the Public Defender of Georgia.

should also be noted that the quality of photographs seen by members of the Special Preventive Group in 2024 was unsatisfactory—images were blurry, insufficient, or overexposed. Since there are no clear instructions for Doctors for storing photographic material, many of them did not have a dedicated folder on computers where photos could be stored with the names, surnames, and dates labeled, making it difficult to locate the files later.

As in previous years, there are still instances where, despite visible injuries, no report is sent to the Special Investigation Service. Of the 132 cases reviewed in 2024, only 114 (86%) were reported to the Special Investigation Service, while 18 (14%) were not. Some of the unreported cases included visible injuries to the face and eye area, with the nature and color of the injuries suggesting they were recent and likely due to violence.

Regarding documentation practices for detainees, both arrest records for criminal and administrative cases need updating. It is essential that fields be added to indicate whether the detainee resisted arrest and whether force was used, and in what form.

In 2024, there were still individual instances where isolator staff stood behind open doors, allowing them to overhear conversations between the detainee and the doctor. Rarely, the presence of a third person was documented on the medical examination form, but without justification. The Public Defender has repeatedly highlighted in recent reports that the installation of video surveillance cameras in medical rooms compromises the confidentiality of these meetings. Although curtains have been placed to ensure that the detainee's body is not visible to cameras during examination, the mere presence of cameras in the room and suspicion of possible audio recording may discourage detainees from speaking openly, which impedes the identification and documentation of possible cases of ill-treatment.

The situation at the Ministry of Internal Affairs' Temporary Accommodation Center for Migrants is also noteworthy. Although the center has fulfilled all of the Public Defender's recommendations—adopting injury documentation forms in line with the Istanbul Protocol, acquiring a camera, and approving photography procedures—doctors at the center have never suspected that any form of violence or excessive use of force may have been committed against individuals by Ministry staff during arrest, post-arrest, or during their stay.¹²⁸ Some injuries recorded in the injury logbook, officially attributed to household accidents, raise suspicions—based on their location—that they may have been inflicted by another person.¹²⁹

As for psychiatric institutions, it must be noted that, unfortunately, none of the institutions have taken sufficient measures to protect patients from ill-treatment. Moreover, neither psychiatric institutions nor residential facilities have established legal mechanisms for documenting suspected violence against

¹²⁸ According to the injury registration journal, as of 10 October 2024, a total of 73 injuries were recorded. Notably, these included injuries on the bodies of detainees in the form of hematomas and bruises, including in the area around the eye socket, which, according to the doctor's notes, were attributed to conflicts between detainees, self-harm, or domestic accidents.

¹²⁹ For example: an injury under the right eye – fainted and fell; an injury in the area of the left eyelid – accidentally hit by a floor mop; a scratch on the left eye socket – occurred accidentally while playing.

patients/beneficiaries or reporting such cases to investigative authorities. Injury documentation is either disorganized or entirely absent. It is also concerning that, despite the frequent use of restrictive measures against patients, not all such cases are documented. In all facilities, the justification for using restrictive measures is inadequate, increasing the risk of arbitrariness. Neither in 2024 nor in previous years has the Special Preventive Group ever encountered documented, substantiated decisions about restriction of patient rights in the medical files during their visits.

It is also important to note that the state has a duty to exercise proper oversight¹³⁰ and proactively detect and prevent violence and rights violations by staff against patients, as part of its positive obligations¹³¹. The ministerial order that should have established the rules, conditions, and composition of the monitoring/evaluation group has still not been adopted.¹³²

Insufficient Qualification and Number of Medical Personnel

In 2024, as in previous years, both in the penitentiary system and in psychiatric institutions, a major challenge remained the insufficient qualification and number of personnel which contributes to the risk of improper treatment in these facilities.

Unfortunately, during the reporting period, the shortage of medical personnel¹³³ in penitentiary establishments remained a problem. Due to the high demand, the existing medical staff are under significant workload, with particularly heavy pressure placed on on-duty personnel. The Public Defender's recommendation to increase the number of nurses and to fill vacant positions¹³⁴ within the shortest possible time was, regrettably, not implemented.

In psychiatric establishments, the insufficient number of personnel negatively affects both the quality of psychiatric care and the effectiveness of response during conflicts among patients. Additionally, challenges include inadequate staff qualifications, improper fulfillment of responsibilities, lack of motivation, low salaries, and poor working conditions. The lack of qualifications among staff (including the absence of relevant specialized training) is particularly problematic in situations involving the use of restraint methods, where the risk of patient injury increases. In 2024, no training was conducted for medical personnel in penitentiary establishments on managing crisis situations.

¹³⁰ European Court of Human Rights, Judgment of 1 February 2018 in the case *V.C. v. Italy*, no. 54227/14, paras. 89–95, available at: <https://bit.ly/2Lq2skO> [last accessed: 03.02.2025]. See also the case *Osman v. the United Kingdom*.

¹³¹ United Nations Convention on the Rights of Persons with Disabilities (2006), Article 14.2.

¹³² Article 261, Paragraph 5 of the Law of Georgia on Mental Health.

¹³³ In its report on the 2007 visit to Greece, the European Committee for the Prevention of Torture (CPT) stated that there should be no more than 300 prisoners per doctor and no more than 50 prisoners per nurse. In Georgia, the ratio of prisoners to nurses is high in large penitentiary establishments, and therefore, there is a need to increase the number of mid-level medical personnel.

¹³⁴ In Establishment No. 1, there were vacancies for 2 nurses, 1 dentist, and 1 on-duty doctor; In Establishment No. 2 – 3 nurse vacancies and 1 dentist vacancy; In Establishment No. 5 – 1 on-duty doctor and 1 nurse vacancy; Establishment No. 6 – 1 nurse vacancy; In Establishment No. 8 – vacancies for 1 doctor, 1 on-duty doctor, and 4 nurses; In Establishment No. 10 – 1 nurse vacancy; In Establishment No. 12 – 1 nurse vacancy; In Establishment No. 14 – 1 on-duty doctor vacancy; In Establishment No. 16 – vacancies for 2 on-duty doctors, 1 doctor, and 2 nurses; In Establishment No. 17 – 1 nurse vacancy; In various departments of Establishment No. 18 – 6 nurse vacancies.

As for the Ministry of Internal Affairs system, as of 2024, a medical unit was operating in 23 temporary detention isolators; however, round-the-clock medical personnel were available in only 16 of them. In 7 temporary detention isolators, a medical unit is still absent, and injuries are documented by emergency service doctors. It is important to increase the number of isolators where medical units are functional and doctors are employed.

Complaint / Grievance – Shortcomings in the Complaint Mechanism

The effectiveness of the complaint mechanism is a fundamental safeguard against ill-treatment. Unfortunately, in 2024, the effectiveness of the complaint mechanisms in penitentiary establishments, psychiatric facilities, and residential homes for persons with disabilities remained a challenge.

During monitoring conducted in penitentiary establishments in 2024, it was once again revealed that the realization of prisoners' right to file complaints is hindered by the informal prisoner hierarchy present within the facilities. Due to the influence of informal governance, as in previous years, prisoners continue to refrain from submitting complaints. 42% of inmates are serving their sentences in semi-open-type penitentiary establishments;¹³⁵ however, in 2024, none of the calls received by the Public Defender's Office came from prisoners in such facilities, including Establishments No. 14, No. 15, and No. 17.

Furthermore, it is notable that in Penitentiary Establishments No. 6 and No. 8, the process of using complaint boxes still allows for the identification of the complainant, as the receipt of confidential complaint envelopes is still dependent on facility staff. It is important to highlight that, although the content of the complaint remains unknown to the facility, even the mere act of writing a complaint may create problems for the inmate, causing them to refrain from requesting or submitting a confidential envelope.

In addition, for complaint mechanisms to be used effectively, it is essential that prisoners are adequately informed. This includes ensuring that foreign prisoners are provided with interpreter services when needed and that information about facility services and regulations is made available to them in a language they understand.

As in penitentiary establishments, the complaint mechanisms in psychiatric institutions were also found to be flawed. As in previous years, the situation in this regard remained troubling in 2024. Complaint boxes were either entirely absent from the facilities or left completely non-functional. Patients also lacked information about how to contact state oversight bodies. Moreover, as in past years, patients had no access to legal consultation.

As for the situation in residential facilities, visits conducted by the Special Preventive Group revealed that most institutions did not have a complaint box installed. In cases where a box was present, it served only a decorative purpose, and beneficiaries were not informed of its actual use. The so-called "feedback journal" was perceived by the facilities as a gratitude journal, which was offered to beneficiaries or their

¹³⁵ In 2024, there was an average of 10,045 prisoners per month in penitentiary establishments. Of these, Establishment No. 14 had a monthly average of 840 prisoners, Establishment No. 15 had 1,786, and Establishment No. 17 had 1,564.

relatives only when they wanted to write a positive comment. Monitoring also revealed that beneficiaries lacked information both about their rights and about the mechanisms for protecting those rights. The situation is relatively better in family-type homes and community homes for persons with disabilities, where beneficiaries are somewhat informed about the services and contact numbers for the Public Defender's hotline and the State Care Agency are visibly posted. However, even in these homes, the procedures for appealing violations of rights remain unknown to beneficiaries.

Informal Governance in Penitentiary Establishments

In terms of protecting prisoners from violence, the informal involvement of privileged inmates (so-called "watchers") in the management of certain penitentiary establishments remains a challenge, as it poses a serious risk of ill-treatment and often results in violence and abuse among inmates. The informal involvement of privileged inmates in the management of penitentiary establishments is frequently characterized by physical and severe psychological violence between prisoners.

It is noteworthy that during the visit to Penitentiary Establishment No. 17, specific inmates constantly accompanied members of the Special Preventive Group, which was likely intended, on one hand, to listen to the questions posed by the group members to other inmates and the answers provided, and on the other hand, to influence the inmates through their presence, in order to deter them from speaking about the problems existing in the facility. It should also be noted that the informal involvement of privileged inmates in the management of Penitentiary Establishments No. 15 and No. 17 was confirmed by inmates who had spent time in these establishments during 2024 and were later transferred to other institutions.

In this regard, it is also significant that the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment referred to the visible signs of informal hierarchy in Penitentiary Establishments No. 17 and No. 14 in its report following a visit conducted in October 2023.¹³⁶ The European Committee for the Prevention of Torture had also previously highlighted the issue of delegating authority to informal leaders in its 2019 report.¹³⁷ Moreover, in May 2021, the Committee paid a special ad hoc visit to Georgia to assess the situation in semi-open-type penitentiary establishments. . Following the visit, in its 2022 published report, the European Committee for the Prevention of Torture specifically pointed out the differentiated living conditions granted to high-ranking and lower-ranking prisoners in the hierarchy, the collection of so-called "common funds," the practice of silencing inmates, and the existence of only an apparent order¹³⁸. In the same report, the Committee noted that there was a kind of understanding between prison management and representatives of the inmate hierarchy that

¹³⁶ The report is available in English at the following link: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FGEO%2FROSP%2F1&Lang=en, para. 42 [last accessed: 05.03.2025].

¹³⁷ European Committee for the Prevention of Torture, Report on the visit to Georgia from 10 to 21 September 2018 (CPT/Inf (2019) 16), para. 53, available in English at: <https://rm.coe.int/1680945eca> [last accessed: 05.02.2025].

¹³⁸ European Committee for the Prevention of Torture, Report on the ad hoc visit to Georgia from 17 to 21 May 2021 (CPT/Inf (2022) 11), para. 12, available in English at: < > [last accessed: 01.02.2023].

any conflict among prisoners should initially be resolved informally, without formally informing the administration.¹³⁹

Overcrowding in Penitentiary Establishments

During the reporting period, overcrowding in penitentiary establishments remained a persistent problem, constituting one of the most significant challenges facing Georgia's penitentiary system. According to data from December 2024, 77% of the total prison population (9,098 prisoners) were held in just 5 out of the 14 penitentiary establishments.¹⁴⁰ In Penitentiary Establishments No. 2,¹⁴¹ No. 8¹⁴², and No. 15¹⁴³, the established numerical limits for prisoner accommodation were exceeded. It is worth noting that the most severe situation in this regard was observed in Establishment No. 15,¹⁴⁴ where, during the first nine months of the reporting period, the number of inmates exceeded the set limit by approximately one-third.

The Public Defender has, for years, recommended that the Minister of Justice develop a plan to address the problem of overcrowding in penitentiary establishments. The recommendation also emphasizes the need to increase the number of regime staff working in the wings of residential blocks so that at least one staff member responsible for order and security is assigned per 15 prisoners. According to the Council of Europe, the staff-to-prisoner ratio in member states ranges from 2.9 to 12.9, and the recommendation to ensure a 1:15 ratio is based on this data.¹⁴⁵

Arbitrary Restriction of the Rights of Patients in Psychiatric Institutions

According to Georgian legislation,¹⁴⁶ a doctor is authorized, in cases of extreme necessity and for safety reasons, to unilaterally restrict certain rights of a patient¹⁴⁷. It is unclear what is meant by the restriction

¹³⁹ Ibid, para 20

¹⁴⁰ In Establishment No. 8 – 2,266 prisoners; In Establishment No. 17 – 1,499 prisoners; In Establishment No. 15 – 1,600 prisoners; In Establishment No. 2 – 938 prisoners; In Establishment No. 14 – 741 prisoners.

¹⁴¹ The limit for placing prisoners in Institution No. 2 is 1,068. The number of prisoners exceeded the established limit during the 8 months of 2024: February +3.0% (+32), March +4.9% (+52), April +6.8% (+73), May +4.7% (+50), June +7.0% (+75), July +8.7% (+93), August +9.7% (+104), September +2.6% (+28).

¹⁴² The limit for placing prisoners in institution No. 8 is 2,426 (2,325 accused/convicted (Tbilisi, Gldani 7th m/d, 2nd km); 101 accused/convicted (Tbilisi, Abuseridze-Tbeli st. No. 11). The number of prisoners exceeded the established limit during the 10 months of 2024: January +5.3% (+129), February +10.1% (+244), March +9.7% (+235), April +8.5% (+205), May +9.0% (+218), June +11.0% (+266), July +3.8% (+91), August +5.3% (+129), September +5.3% (+128), October +3.3% (+81).

¹⁴³ The limit for placing prisoners in Institution No. 15 is 1,388. The number of prisoners exceeded the established limit in all months of 2024: January +31.0% (+430), February +32.1% (+446), March +34.0% (+472), April +32.1% (+446), May +30.8% (+427), June +31.8% (+441), July +36.7% (+509), August +36.0% (+499), September +34.2% (+475), October +14.0% (+194), November +15.9% (+221), December +15.3% (+212).

¹⁴⁴ The Subcommittee on Prevention of Torture noted in its report on its visit to Georgia from 8 to 14 October 2023 that Ksani Prison No. 15 was overcrowded and the number of prisoners held there exceeded the capacity limit by 143%. The report is available in English at the following e-mail address: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FGEO%2FROSP%2F1&Lang=en> para. 71 [Last accessed: 13.02.2025].

¹⁴⁵ 2024 Report of the National Preventive Mechanism of the Public Defender's Office of Georgia.

¹⁴⁶ Article 15, paragraph 3 of the Law of Georgia on Mental Health.

¹⁴⁷ The doctor may restrict such rights as: to receive complete, objective, timely and understandable information about his illness and intended psychiatric care; to familiarize himself with the medical documentation available about him; to refuse

of rights “for safety reasons,” and it is also ambiguous on what specific safety grounds a doctor is permitted to restrict a patient’s rights. To prevent arbitrariness, it is important to clearly define the maximum duration, criteria, and complaint procedures for the restriction of each individual right.¹⁴⁸

Physical Environment

In 2023, the physical environment remained problematic in temporary detention isolators, penitentiary establishments, psychiatric institutions, and residential facilities for persons with disabilities.

Unfortunately, semi-isolated sanitary units in shared cells for two or more people continued to be a problem in temporary detention isolators.

Throughout the reporting year, all cells in temporary detention isolators were under constant video surveillance. The Public Defender considers that video surveillance may only be justified in exceptional cases, when there is an immediate and real risk of self-harm or suicide. Furthermore, the infrastructure of the cell must also be taken into account. As noted, most isolators have semi-open toilets, which may fall within the camera’s field of view—this constitutes a serious violation of the detainee’s privacy and may be qualified as degrading treatment.¹⁴⁹

Unfortunately, the physical environment is also problematic in psychiatric institutions. In 2024, as in previous years, overcrowding and density remained a concern. Patients are still not provided with the standard minimum of 8 square meters of personal space. This issue is especially problematic in the “Center for Prevention of Addiction and Mental Health” and the “Tbilisi Mental Health Center,” where the number of patients almost constantly exceeds the established limits. In addition, poor sanitary-hygienic conditions and confined spaces with heavy odors make it impossible to deliver psychiatric care in a way that respects the dignity of patients.

Regarding conditions in residential facilities, it is worth to mention that in most of the facilities visited during preventive monitoring, the living conditions and overall sanitary-hygienic environment were more or less satisfactory. However, in some facilities, the conditions failed to ensure a well-maintained, clean, and, in some cases, safe environment for beneficiaries. This issue is particularly significant in the Dzevri and Bediani boarding homes for persons with disabilities, where the size of the institution, the health

treatment; to participate in elections; to receive and send letters and messages without checking; to use the telephone and other means of communication, and other rights, in accordance with the hospital's internal regulations.

¹⁴⁸ National Preventive Mechanism Report 2020, pp. 166-170; Parliamentary Report of the Public Defender of Georgia for 2022, Tbilisi, 2023, p. 53.

¹⁴⁹ Judgment of the European Court of Human Rights in the case of GORLOV AND OTHERS v. RUSSIA Applications nos. 27057/06 and 2 others. The European Committee for the Prevention of Torture also calls on the Italian Government to implement video surveillance in penitentiary establishments in a way that guarantees privacy when a prisoner uses the toilet. Follow-up report of the European Committee for the Prevention of Torture’s visit to Italy from 8 to 12 April 2016. CPT/Inf (2017) 23, para. 62, available at: <https://www.ecoi.net/en/file/local/1406598/1226_1505200729_16807412c2-rep.pdf>, [last accessed: 28.02.2024].

condition of the beneficiaries¹⁵⁰, and the shortage of staff make it impossible to maintain proper sanitary conditions.¹⁵¹

When discussing the physical environment in penitentiary institutions, special attention should be given to Penitentiary Establishment No. 17, where so-called "barrack-type" communal living spaces have still not been abolished, making it impossible to maintain proper sanitary-hygienic conditions. The majority of inmates are not provided with the minimum 4 square meters of personal living space. Ensuring 4 square meters per prisoner also remains a problem in Penitentiary Establishments No. 2 and No. 8.

Conditions of Placement for Juveniles in the Temporary Accommodation Center

It is important to note that, in line with the best interests of the child, the placement of a child in an immigration detention center—even when accompanied by an adult—must be considered only as a measure of last resort, and even then, for the shortest possible period. The European Court of Human Rights frequently finds violations of Article 3 of the Convention (prohibition of torture) in cases involving the detention of minors in immigration facilities, even when the same conditions and duration of detention would not be considered a violation of Article 3 for adults.¹⁵²

During the reporting period, monitoring visits carried out by the Special Preventive Group revealed that 11 minors were held at the Temporary Accommodation Center of the Migration Department of the Ministry of Internal Affairs of Georgia. Unfortunately, these minors were not offered any activities and were only able to watch television. There was no social worker present at the facility, and a psychologist visited only a few days per week. In this regard, it is also important to highlight the recommendation of

¹⁵⁰ These institutions house beneficiaries with severe and profound intellectual disabilities who require assistance in the process of self-care.

¹⁵¹ The bedrooms and sanitary facilities of the Bediani Boarding House for Persons with Disabilities have damaged infrastructure due to age and dampness. Beneficiaries are provided with a sufficient quantity of season-appropriate clothing and footwear. In both the Bediani and Dzevri residential institutions for persons with disabilities, the practice of washing clothing, bed linen, and underwear together remains problematic. Additionally, during the visit to the Bediani facility, several beneficiaries were observed to have insect bites on their bodies, which were caused by pediculosis. The administration was unable to present any documentation confirming that disinfection and disinsection procedures had been carried out in the wards. In assessing a violation of Article 3 of the European Convention on Human Rights, the European Court of Human Rights takes into account three criteria: the child's age and vulnerability, the material conditions in the placement facility, and the duration of the placement. Material conditions were assessed to include a noisy environment and the fact that the wing housing families was separated from the adult communal area only by transparent glass, as well as the fact that the nature of security measures resembled those of detention/prison facilities. European Court of Human Rights, *N.B. and Others v. France*, 31 March 2022, application no. 49775/20, and *M.D. and A.D. v. France*, 22 July 2021, application no. 57035/18, paras. 41–50. Available at: <https://hudoc.echr.coe.int/fre?i=001-211122>

¹⁵² The European Court of Human Rights takes into account three criteria when assessing a violation of Article 3 - the age and vulnerability of the child, the material conditions in the placement centre and the duration. The material conditions assessed included the noisy environment and the fact that the wing where the families were placed was separated from the common area for adults by transparent glass, as well as the fact that the nature of the security measures was similar to those of detention/prison facilities. Judgment of the European Court of Human Rights in the case, *N.B. and Others v. France*, 31 March 2022, application no. 49775/20 and Judgment of the European Court of Human Rights in the case, *M.D. et A.D. c. France* 22 July 2021, application no 57035/18, para: 41-50 Available at: <https://hudoc.echr.coe.int/fre?i=001-211122>

the European Committee for the Prevention of Torture, which states that in any facility where minors are deprived of their liberty, a social worker and psychologist must be present at all times and must maintain direct contact with the juvenile.¹⁵³

Safeguards for the Protection of a Detainee from Ill-Treatment

Informing the detainee – As in previous years, the process of informing individuals of their rights by the police remained problematic in 2024. Interviews conducted by the Special Preventive Group revealed that, in most cases, detainees were either not informed of their rights at all during the arrest or prior to questioning, or the information was provided only partially.

Access to a lawyer¹⁵⁴ – Unfortunately, requests to contact a lawyer are not recorded in either police departments or temporary detention isolators. In most cases, lawyers are contacted by the detainee's family members. Confidential meetings with lawyers in police departments also remain problematic, as the vast majority of facilities do not have designated rooms for such meetings. Detainees usually meet their lawyers in open, shared workspaces where police officers are present, rendering confidential conversations virtually impossible.

Informing the family – Interviews with detainees indicate that, with few exceptions, families are informed in cases of criminal detention. However, it is notable that, despite a general trend in previous years toward timely notification of third parties about a person's detention, after November 29, 2024—during the period of protests—most detainees stated that police officers did not inform their family members or relatives of their detention or whereabouts. Regarding the period prior to November 29, 2024, interviews with lawyers revealed that in many cases family members were not informed of the detainee's location and had to find out through a lawyer. It is also notable that, throughout 2024, the Public Defender's hotline received 233 requests concerning the determination of the location of persons detained under administrative procedures.

Audio and video recording – For years, the Public Defender has issued recommendations regarding video recordings and the need to regulate, through normative acts, such matters as the obligation to record interactions with citizens using shoulder cameras, the recording of detainees while in police vehicles, and the reasonable duration for storing such footage. The Public Defender has also recommended full video infrastructure coverage in police departments and the complete surveillance of detainee movement areas. Unfortunately, in 2024, no changes were made at the normative level in this regard. Specifically, patrol inspectors and officers of the Central Criminal Police Department and its territorial units are not required to record interactions with citizens. Apart from patrol inspectors, no regulation prescribes the rules or

¹⁵³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Safeguards for Irregular Migrants Deprived of Their Liberty*, excerpt from the 19th General Report, published in 2009, para. 99.

¹⁵⁴ Detailed information is presented in the 2024 Report of the National Preventive Mechanism of the Office of the Public Defender of Georgia and in the 2024 Activity Report of the Criminal Justice Department of the Office of the Public Defender of Georgia.

timelines for storing video recordings.¹⁵⁵ In practice, patrol inspectors and officers of the Central Criminal Police Department and territorial units rarely use video recording during their interactions with citizens.

Regrettably, police departments still do not record interrogations of detainees using audio or video equipment. According to the European Committee for the Prevention of Torture, it is crucial that any interrogation or interview conducted by police officers be audio-visually recorded, including the start and end times of the session and the names and surnames of all individuals present.¹⁵⁶ It is particularly unfortunate that, compared to previous years, there has been no substantial increase in the number of cameras installed in the internal and external perimeters of police departments and divisions. For example, in the Terjola District Police Division, there is no camera installed on the exterior perimeter, while in the Kutaisi City Police Department, there are no cameras either inside or outside. Compared to 2023, the number of surveillance cameras increased in the Adjara Police Department and the district police divisions of Chiatura (external perimeter) and Zestaponi, but decreased in Kobuleti, Chiatura (internal perimeter), and Sachkhere police divisions. In other inspected police departments, the number of installed cameras remained unchanged.

Video surveillance system issues, particularly those related to the archiving of video recordings, also appear in penitentiary institutions and the National Center for Mental Health. For many years, the Public Defender has pointed out in parliamentary reports¹⁵⁷ that to protect the interests of individuals held in closed institutions, it is essential to increase the retention and archiving periods for video footage. Initially, this period was 24 hours, later extended to 5 days, and subsequently to 30 days—an improvement welcomed by both the Public Defender and the Committee of Ministers of the Council of Europe.¹⁵⁸ Against this backdrop, it is especially concerning that, following amendments made in the previous reporting period, the video retention period in the penitentiary system has now been reduced to 10 days. This change significantly worsens the legal situation of accused and convicted persons in terms of preventing ill-treatment or other violations of their rights.¹⁵⁹

It is also noteworthy that, in its 2023 parliamentary report, the Public Defender criticized the fact that in parts of Special Penitentiary Service facilities No. 3, No. 11, and No. 8¹⁶⁰, prior to the upgrade of video

¹⁵⁵ Order No. 1310 of 15 December 2005 of the Minister of Internal Affairs of Georgia on the Approval of the “Instruction on the Rules for Conducting Patrol by the Patrol Police Department of the Ministry of Internal Affairs of Georgia,” Article 121.

¹⁵⁶ European Committee for the Prevention of Torture, 28th General Report, 2019, para. 81, available in English at: <https://rm.coe.int/16809420e3> [last accessed: 27.02.2024].

¹⁵⁷ Parliamentary Report of the Public Defender of Georgia for 2014, Tbilisi, 2015, pp. 43-44; Parliamentary Report of the Public Defender of Georgia for 2015, Tbilisi, 2016, p. 9; Parliamentary Report of the Public Defender of Georgia for 2016, Tbilisi, 2017, p. 20; Parliamentary Report of the Public Defender of Georgia for 2017, Tbilisi, 2018, p. 44; Parliamentary Report of the Public Defender of Georgia for 2018, Tbilisi, 2019, p. 43; Parliamentary Report of the Public Defender of Georgia for 2019, Tbilisi, p. 29.

¹⁵⁸ See Decision adopted by the Committee of Ministers of the Council of Europe at its 1348th meeting held on 4-6 June 2019, paragraph 5, available at < <https://bit.ly/3TgsMgx> > [Last accessed: 15.03.2024].

¹⁵⁹ Order No. 941 of the Minister of Justice of Georgia of October 20, 2023 “On determining the procedure for conducting surveillance and control by visual and/or electronic means, storing, deleting and destroying records” on amending Order No. 35 of the Minister of Corrections and Probation of Georgia of May 19, 2015.

¹⁶⁰ Part of Penitentiary Establishment No. 8, located in Tbilisi, Abuseridze-Tbeli St. No. 11.

surveillance systems, the video storage duration remained at a minimum of 120 hours¹⁶¹. As of now, the update of video surveillance systems in these institutions has not yet begun.¹⁶²

During the reporting period, the Public Defender's Office examined three cases in which complainants alleged that patients had been subjected to ill-treatment by staff members at the National Center for Mental Health. No criminal prosecution was launched against any staff members in any of the mentioned incidents, which is largely due to the absence of an archiving/storage function in the center's video surveillance system. This issue was also highlighted in the 2023 parliamentary report, along with a recommendation, which, unfortunately, was not implemented during the reporting period. According to the Public Defender's assessment, it is essential that the National Center for Mental Health ensures the archiving and reasonable retention of video recordings, which must be regulated through normative acts.¹⁶³

Role of the Judge – According to the Criminal Procedure Code of Georgia, at any stage of the criminal process, if a judge suspects that the accused or convicted person has been subjected to torture, degrading and/or inhuman treatment, or if the accused/convicted person informs the court of such treatment, the judge must refer the matter to the relevant investigative authority¹⁶⁴. A similar obligation applies to judges reviewing administrative offenses concerning individuals held accountable.¹⁶⁵ According to statistics provided by the Supreme Court of Georgia, in 2024, judges of district (city) courts exercised this authority 148 times.¹⁶⁶

Detention Practices – The Public Defender has long criticized the practice of detaining individuals who are formally summoned as witnesses by the police. In 2023, a review of detention logs and interviews with detainees and lawyers confirmed individual cases where a person was not detained upon entry into the facility but was later arrested, despite their detention being predetermined. Typically, upon entering a police facility, a person's mobile phone is confiscated, their freedom of movement is restricted, and they are not permitted to leave at will. During this period, police officers often attempt to obtain information from the summoned witness to use against them. In some cases, this is accompanied by threats and intimidation. This practice poses serious risks of ill-treatment, as prior to formal detention, individuals are not afforded legal safeguards, even though they are de facto and unlawfully deprived of liberty and under police control¹⁶⁷.

In terms of legal safeguards for detainees, the standardization and proper maintenance of documentation is vital. This ensures that all actions related to the detainee are recorded in detail and in chronological order. File-based documentation would enhance protection against ill-treatment, as police officers would

¹⁶¹ Letter No. 23854/01 of January 30, 2023, from the Electronic Surveillance Division of the Penitentiary Department of the Special Penitentiary Service.

¹⁶² Letter No. 21931/01 of January 27, 2025, from the Electronic Surveillance Department of the Special Penitentiary Service.

¹⁶³ Detailed information is available in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

¹⁶⁴ Article 191 of the Criminal Procedure Code of Georgia.

¹⁶⁵ Article 238¹ of the Administrative Offenses Code of Georgia.

¹⁶⁶ Letter No. P-61-25 of the Supreme Court of Georgia dated February 24, 2025.

¹⁶⁷ I.I. v. Bulgaria (Application No. 44082/98) available at < <https://hudoc.echr.coe.int/fre?i=001-69313> > [Last accessed: 28.02.2024].

be required to input all actions in real time into the system, preventing arbitrary alterations. Alongside the introduction of standardized electronic records and documentation, it is essential to maintain proper registration logs for detainees and for individuals transferred to temporary detention isolators. A unified log format should be developed for all departments, divisions, and units of the Ministry of Internal Affairs, capturing the entry and exit times of all individuals, as well as the purpose of their visit. Police facilities should be equipped with internal and external surveillance systems to verify the data recorded in the aforementioned logs.

Within the context of legal guarantees against ill-treatment, the activities of the Special Investigation Service are also noteworthy. Of the 132 suspicious cases reviewed by the Special Preventive Group, in 114 instances the Service was notified. However, investigators met with the detainee in person or remotely in only 35 cases (30.7%), a decrease compared to previous years.¹⁶⁸

3.4. Investigation of Alleged Ill-Treatment

Effective investigation of ill-treatment is one of the key guarantees for its prevention. Unfortunately, in 2024, numerous challenges persisted in this area.

First and foremost, the Public Defender has repeatedly emphasized the need for an independent investigative mechanism with authority over investigations and criminal prosecutions. Achieving this goal requires significant institutional strengthening of the Special Investigation Service. The list of offenses under the Service's jurisdiction should be reviewed, so it remains responsible only for crimes within its core mandate. It is commendable that, following amendments adopted in May 2024, the Service's mandate was extended to cover crimes committed by prosecutors. However, it should also include crimes committed by the Prosecutor General, the Minister of Internal Affairs, and the head of the State Security Service.

In terms of legal qualification it is noteworthy that under Georgian legislation, offenses related to ill-treatment, such as torture, threat of torture, inhuman and degrading treatment, are clearly and comprehensively criminalized under specific provisions¹⁶⁹ that reflect Article 3 of the European Convention on Human Rights. In contrast, general norms related to official misconduct cover a broader range of acts. Their qualifying circumstances—such as abuse of authority using weapons, violence, or humiliation—may overlap with or meet the threshold for torture or, at a minimum, inhuman or degrading treatment. To ensure the preventive effect of criminal law, it is vital that ill-treatment is criminalized exclusively under specific provisions, thereby eliminating the possibility of classifying such acts under other articles.

The issue of qualification under specific articles concerning ill-treatment is important also from the standpoint of imposing and enforcing a proportionate punishment. Unlike cases involving official misconduct, the following are not applicable to specific articles on ill-treatment: statutes of limitation for

¹⁶⁸ In 2023, this figure was 37.7%, in 2022 - 47.4%, in 2021 - 70%.

¹⁶⁹ Articles 144¹ to 144³ of the Criminal Code of Georgia.

exemption from criminal liability¹⁷⁰, as well as diversion;¹⁷¹ complete exemption from punishment is not allowed in cases involving plea agreements on special cooperation.¹⁷²

Strengthening human rights oversight institutions also requires expanding the mandate of the Public Defender of Georgia. For years, the Public Defender has urged Parliament to grant the authority to access investigative materials in cases of alleged ill-treatment or death before the investigation is concluded, to ensure effective oversight over the protection of fundamental rights.

In this section, we will additionally highlight separately the specific indicators of the initiation of investigations and criminal prosecutions against representatives of law enforcement agencies by the Prosecutor General's Office of Georgia and the Special Investigation Service. From January 1 to December 31, 2024 No investigations were launched by the Prosecutor's Office into alleged ill-treatment by employees of the Ministry of Internal Affairs (MIA). Criminal prosecution was initiated against 6 MIA employees; 4 individuals were granted victim status.¹⁷³ As to the Special Investigation Service initiated investigations into 140 criminal cases related to alleged physical and/or psychological violence by MIA staff.¹⁷⁴ Of these, the Prosecutor's Office launched criminal prosecution in only 2 cases. Victim status was granted to 98 individuals in 8 criminal cases; investigations were terminated in 17 cases.¹⁷⁵

Additionally, it is noteworthy that from January 1 to December 31, 2024, no investigations were launched by the Prosecutor's Office of Georgia into incidents of ill-treatment of prisoners by penitentiary staff. However, in 2024, criminal prosecution was initiated against 3 individuals in relation to cases of ill-treatment of prisoners by penitentiary staff, and 6 individuals were recognized as victims.¹⁷⁶ As for the Special Investigation Service, from January 1 to December 31, 2024, investigations were launched into 16 criminal cases concerning alleged physical and/or psychological violence against prisoners committed by officers of the Special Penitentiary Service. In these 16 criminal cases, no criminal prosecution was initiated, no individuals were recognized as victims, and investigations were terminated in 2 of the cases.¹⁷⁷

As a trend, it should be noted that both the Prosecutor's Office and the Special Investigation Service predominantly initiate investigations into alleged crimes committed by police and penitentiary staff under Article 333 of the Criminal Code of Georgia – abuse of official authority. It is noteworthy that in none of the cases under consideration did either the Prosecutor's Office or the Special Investigation Service initiate investigations under Article 144¹ (torture). Regarding investigations initiated under Article 144³ (inhuman or degrading treatment), the Prosecutor's Office did not initiate any investigations under this article in the cases under consideration, while the Special Investigation Service initiated investigations under this article in only 14 cases.

Additionally, in this section, it is noteworthy that during the reporting period, in several cases reviewed by the Office, delays were identified where the Prosecutor's Office took an unreasonably long time to

¹⁷⁰ Criminal Code of Georgia, Article 71, Part 5¹.

¹⁷¹ Criminal Procedure Code of Georgia, Article 168¹, Part 2.

¹⁷² Criminal Procedure Code of Georgia, Article 218, Part 8; Criminal Code of Georgia, Article 73¹.

¹⁷³ Letter No. 13/10019 dated 19 February 2025 from the General Prosecutor's Office of Georgia.

¹⁷⁴ Letter No. SIS 0 25 00002804 dated 13 February 2025 from the Special Investigation Service of Georgia.

¹⁷⁵ *ibid*

¹⁷⁶ Letter No. 13/10019 dated 19 February 2025 from the General Prosecutor's Office of Georgia.

¹⁷⁷ Letter No. SIS 0 25 00002804 dated 13 February 2025 from the Special Investigation Service of Georgia.

examine reports containing indications of alleged crimes committed by police officers, prior to deciding whether to initiate an investigation or to refuse to do so. According to the law, upon receiving information about a crime, an investigator or prosecutor is obligated to initiate an investigation.¹⁷⁸ Therefore, such a practice by the Prosecutor's Office—delaying the examination of the facts presented in a report for several months to over a year—can become an obstacle to conducting an effective investigation once it is initiated.¹⁷⁹

General Inspections / Internal Monitoring Mechanisms

The existence of a service within law enforcement structures responsible for monitoring the proper performance of duties by staff is critically important. In addition to conducting proactive monitoring, these internal bodies are also obligated to respond effectively to citizens' complaints concerning possible unlawful actions committed by their employees.

It is noteworthy that in 2024, the Public Defender's Office published a special report¹⁸⁰ presenting an analysis of key legislative shortcomings related to the activities of the General Inspectorates of the Ministry of Internal Affairs of Georgia and the Prosecutor General's Office of Georgia, as well as the Monitoring Department of the Special Penitentiary Service. Specifically, the analysis of the disciplinary accountability system in law enforcement structures—both from a legislative and practical perspective—highlighted problems with effective responses to citizen complaints. The existing institutional setup for internal control over disciplinary violations in law enforcement agencies, coupled with the absence of an effective external oversight mechanism, requires fundamental reform. It is essential to transform internal control mechanisms within law enforcement bodies to ensure they meet the criteria of independence, transparency, and effectiveness. Clear procedural rules must be established for disciplinary proceedings so that the individuals involved in complaint reviews, as well as the public, can trust the process and perceive it as fair. As for the practical shortcomings identified during the study of current practices, it is important to highlight that many of the deficiencies relate to the lack of effective and timely actions during the investigation process. Within such proceedings, the acquisition of neutral evidence is one of the most important factors—so that confirming a violation is not solely reliant on the confession of the alleged offender. Nevertheless, numerous cases were identified in which there was no indication that the agency had attempted to obtain neutral evidence. Additionally, the issue of informing complainants also emerged as a problematic aspect.

3.5. Spring and Winter Protest Rallies – Ill-Treatment and Other Human Rights Violations¹⁸¹

The year 2024 was particularly grave and memorable in terms of human rights violations during protest rallies, primarily due to the intensity of violations of the right to inviolability of dignity and the prohibition of torture and other forms of ill-treatment.

¹⁷⁸Criminal Procedure Code of Georgia, Article 100.

¹⁷⁹For detailed information, see the 2024 Activity Report of the Criminal Justice Department of the Office of the Public Defender of Georgia.

¹⁸⁰ Special Report of the Public Defender of Georgia, *Legislative and Practical Analysis of the Activities of General Inspections*, 2024. The report is available at: <https://shorturl.at/vPH4m> [last accessed: 23.01.2025].

¹⁸¹ For detailed information related to this chapter, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender of Georgia.

The wave of severe violations largely began during the April-May 2024 protest rallies (Spring Protests). The failure to hold law enforcement officers accountable for acts of violence committed during the spring protests, coupled with the lack of effective preventive measures (e.g., failure to equip special forces officers with identifying markers), set the stage for even more widespread use of disproportionate force and ill-treatment during the November 28, 2024 – March 1, 2025 protest rallies (Winter Protests).

Consequently, the number of individuals reporting ill-treatment increased during the Winter Protests. Based on interviews conducted by Public Defender's representatives with detainees apprehended during protest dispersals, there is a year-on-year upward trend in reports of ill-treatment: for example, 30.2% of detainees visited after the June 20-21, 2019 protests reported ill-treatment; in the March 7-9, 2023 protests – 20.8%; in the April-May 2024 protests – 51.1%; and in the November 28, 2024 – March 1, 2025 period – 60%. Furthermore, between November 29 and December 2, 2024, 79.5% of visited detainees alleged ill-treatment; and during the February 2-3, 2025 visits, 22 of 25 persons, 88% made the same claim.¹⁸²

In addition to beatings and violence towards citizens by law enforcement officials, in this period also took place anonymous individuals harassing and assaulting civil activists, journalists, and public figures, as well as organized phone threats and various forms of violent intolerance. Regrettably, no law enforcement officers have faced criminal prosecution in relation to these protest rallies, even in two documented video cases where the violent officers were unmasked and could be identified. In contrast, several hundred protesters were detained.¹⁸³ According to detainees, there were widespread illegal confiscations of phones and personal belongings.

The Public Defender's Office, under exceptional circumstances, reviewed two criminal case files under investigation by the Special Investigation Service related to the Spring Protests.¹⁸⁴ This review revealed that the investigation failed to meet the standards of effectiveness. The Public Defender submitted specific recommendations to the Special Investigation Service and the Prosecutor General's Office concerning investigative/procedural actions and reclassification of the charges.

The following key findings were identified by the Public Defender's Office in relation to both the Spring and Winter protest rallies:

- The alleged ill-treatment, including torture and inhuman and degrading treatment, of participants in both the spring and winter protests was systemic and, in certain cases, widespread.
- Dozens of victims reported similar, repeated methods of ill-treatment by special forces.
- Employees of the Ministry of Internal Affairs' Special Tasks Department (STD) lacked identifying markers, significantly hindering revealing accountable persons and investigating process as well as encouraging impunity.

¹⁸² For detailed information on the number of individuals visited by the Public Defender's representatives, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender of Georgia.

¹⁸³ The statistics are broken down by specific protest actions in the relevant subsections.

¹⁸⁴ One of the cases (the so-called Leonidze Street case) did not concern a crime committed directly during the protest but related to ill-treatment that occurred in parallel with the protests and in the vicinity of the assembly area.

- In some cases, the Ministry of Internal Affairs refused to assist the Special Investigation Service in identifying specific individuals, obstructing efforts to identify those responsible for human rights violations.
- No police officers were held accountable, even in cases where identification was possible (e.g., two incidents involving Member of Parliament Aleksandre Elisashvili and violence on Leonidze Street, where unmasked officers were visible and was possible to identify them).
- The ongoing investigations by the Special Investigation Service lack effectiveness.
- Investigations are episodic and focused on isolated individuals rather than systemically examining the events, including potential orders or tacit consent from superiors in order to recall full picture.
- The investigation is not being conducted under the articles related to torture, threats of torture, or inhuman and degrading treatment. Instead, the investigation into the episodes of both the spring and winter protests is being carried out under the articles concerning abuse of official power through violence, which does not adequately reflect the intensity and severity of the widespread ill-treatment.
- The investigation has obtained almost no relevant video footage from various state agencies or private establishments, nor recordings from police shoulder cameras or so-called radio communications, often citing unsubstantiated or contradictory explanations.
- The state continues to inconsistently and arbitrarily apply Article 156 of the Criminal Code (persecution based on intolerance), qualifying politically motivated or opinion-based persecution under unrelated provisions.
- Almost none of the individuals or groups responsible for physical assaults on activists and politicians during the Spring Protests have been prosecuted. The same applies to members of so-called "black-masked" groups involved in brutal attacks, including on journalists, during the Winter Protests.
- Organizers and perpetrators of threatening and offensive phone calls to citizens during the Spring Protests remain unidentified.
- Detentions were routinely and arbitrarily extended from 24 to 48 hours, raising concerns of intentional unlawful detention.
- Official arresting officers of protesters were not the actual detainers, raising suspicions of evidence falsification by police.
- Police officers documented as arresting parties often claimed they witnessed violations but could not see instances of ill-treatment due to crowd size and noise.
- Numerous journalists became victims of ill-treatment by law enforcement during the protests and were obstructed in performing their professional duties.

- While only a few protesters during the Spring Protests reported confiscation of phones and personal belongings, dozens did so during the Winter Protests, also reporting that phone data was accessed.
- During the winter protest rallies, the number of women reporting physical violence and verbal abuse by law enforcement officers increased.
- Cases of possible ill-treatment against minors and persons with disabilities were identified.
- The General Inspectorate of the Ministry of Internal Affairs has not initiated disciplinary action against any police officers, despite multiple reports of rights violations and verbal abuse.
- Administrative proceedings against protest participants are conducted under the Administrative Offenses Code, which lacks sufficient fair trial guarantees. Despite this, Parliament has significantly tightened administrative penalties.
- In two cases where the defendants allege the putting of drugs to them and their unlawful detention, the police did not even attempt to obtain neutral evidence during the search and seizure process.
- The Public Defender's Office faced difficulties in locating and finding detainees prior placing them in preliminary detention isolators.

Based on the above, the rights violations identified during the protest rallies—due to their nature and particularly their scale—include different aspects. These include breaches of the right to be free from ill-treatment, liberty, fair trial, and privacy, which will be briefly reviewed in the following subsection.

3.5.1. Treatment During Protest Rallie

3.5.1.1. Treatment During Spring Protests

Factual Circumstances and Forms of Ill-Treatment

The Public Defender, through an exceptional procedure, requested and was granted access to the investigative materials of the Special Investigation Service (SIS)¹⁸⁵ concerning incidents of ill-treatment against participants of the April and May 2024 protest rallies.

The investigation at the Special Investigation Service is being conducted under Article 333, Part 3, Subparagraph "b" of the Criminal Code of Georgia, which refers to abuse of power with violence, and is limited to identifying possible crimes committed by individual employees of the Ministry of Internal Affairs.

According to the Public Defender, classifying systemic acts of ill-treatment as “abuse of power with violence” fails to reflect the nature, intensity, and scale of violence used against demonstrators. The methods and intensity of violence, as well as the apparent purpose of the abuse, in almost all cases indicate inhuman, degrading, and humiliating treatment—and in some instances, reach the level of torture.

¹⁸⁵ Pursuant to subparagraph “e” of Article 18 of the Organic Law of Georgia *On the Public Defender of Georgia*, the Public Defender’s Office is authorized to access only the case materials in which a final judgment has entered into legal force.

Based on a review of the case files, the Public Defender submitted detailed recommendations to the Head of the Special Investigation Service and the Prosecutor General of Georgia, requesting the conduct of specific investigative actions, the recognition of certain individuals as victims, and the reclassification of the charges.¹⁸⁶

According to the investigative materials, the forms and methods of violence used by Ministry of Internal Affairs employees against citizens, as well as how they were executed, caused severe physical, psychological pain and moral suffering to victims, amounting in almost all cases to inhuman and degrading treatment. In some instances, the violence inflicted on individuals for participating in protests—considering its intensity, nature, and duration—amounted to torture due to its severity. For example, in one case, in addition to prolonged and brutal physical abuse, the victim reported that members of the Special Tasks Department (STD) simulated an attempted killing by strangulation. The unbearable pain was accompanied by feelings of helplessness, humiliation, and deep emotional anguish. At the current stage, the materials of the case made it possible for the Public Defender's Office to identify several clear and apparent cases of torture.

According to interrogation records of protest participants, they were subjected to ill-treatment by black-masked special forces not only during arrest but also after arrest—in so-called "live corridors" and inside vehicles. The officers beat detainees with hands, feet, and, in some cases, batons. Testimonies also describe intentional strikes using gas masks and shields. Even those who had their hands raised or were lying on the ground and posed no resistance were beaten. The violence lasted from several seconds to several minutes, with the number of blows ranging from a few to dozens (40–50 hits), often inflicted simultaneously by multiple special forces officers. Several detainees were struck in the head so forcefully that they lost consciousness or suffered concussions, with some also experiencing bleeding. According to detainees, in addition to physical abuse, they were also subjected to verbal abuse, using extremely humiliating and discriminatory language, which was morally and emotionally distressing for them.

Evidence of violence against detainees is also seen in video recordings¹⁸⁷ included in the investigative materials. One such video shows an opposition politician being assaulted by approximately ten special forces officers. According to the footage, one officer is holding his right arm, another is pulling up his left arm to prevent him from protecting himself, and while on the ground, he is kicked in the face and other parts of his body. Medical documentation confirms that, among other injuries, the politician had fractures of the orbital floor and nasal bones.

Minor detainees also reported having been subjected to violence. There are testimonies from women indicating they were also abused. Priesthood members present at the protest described being sprayed in the face with pepper spray (captured on TV footages) and being kicked 3–4 times.

In addition, there are indications of threats of rape made by police officers against one male detainee.

As for journalists present at the protest, they too were subjected to similar forms of physical violence despite being identifiable as journalists carrying out professional duties. According to their testimonies,

¹⁸⁶ Public Defender's Proposal No. 25/1903 of March 7, 2025.

¹⁸⁷ Video recording viewing protocols.

black-masked officers forcibly seized their equipment, used to film the ongoing events, and sprayed them with pepper spray intentionally, without warning, cause, or necessity.

According to the medical documentation of detainees, the injuries sustained included bruises, hyperemia (redness), and injuries to various parts of the body. Identified injuries include nasal bone fractures, fractures of the orbital floor, zygomatic and upper jaw bones, concussions, chest trauma, skull valve osteomas, and others.

The Need to Reconstruct the Full Picture and the Responsibility of Supervisory Officials

As already mentioned, the investigation is not focused on establishing the full picture of dozens of incidents of ill-treatment that occurred within the framework of police operations during the dispersal of protests, which were extended in time, but rather concentrates on individual and specific facts.

According to the Public Defender, the investigation must be conducted thoroughly and comprehensively: it is necessary to establish the circumstances laid out in the action plan¹⁸⁸ for securing the assembly, the responsible and supervisory officials, the process of decision-making and execution regarding the dispersal of the assembly and use of special means, a complete picture of each Ministry employee's actions during the dispersal (from high-level officials to rank-and-file officers, with indications of time and location), and the identification of individuals responsible for organizing, inciting, ordering/instructing, tacitly approving, executing, participating in, or aiding acts of ill-treatment — all for the purpose of ensuring justice.

To fulfill the procedural obligation under Article 3 of the European Convention on Human Rights, the European Court considers it necessary to verify whether the police operation was adequately regulated and organized in such a way that minimized the risk of serious harm to individuals¹⁸⁹; the need to establish the full picture of the protest dispersal and to conduct a systematic analysis of the events was also highlighted by the European Court in its ruling on the dispersal of the June 20-21, 2019 protest in Georgia.¹⁹⁰

An order from a superior official or a state authority cannot be used to justify ill-treatment.¹⁹¹ Georgian legislation also recognizes similar provisions regarding the execution of unlawful orders.¹⁹²

¹⁸⁸ Order No. 1002 of 30 December 2015 of the Minister of Internal Affairs of Georgia *"On the Approval of the Guideline Instruction on the Conduct of Officers of the Ministry of Internal Affairs of Georgia During Assemblies and Manifestations"*, Articles 5 and 8. According to this provision, during the dispersal of an assembly or manifestation, the Security Action Plan for conducting special measures is developed by the General Directorate for Public Security (GDPS), in coordination with the relevant units of the Ministry, and is approved by the Minister (or a person authorized by the Minister). The plan designates the event commander, the on-site supervisor, and the responsible person. It also defines the authorized official responsible for making decisions regarding the use of special means (pepper spray, rubber bullets, and tear gas) during the dispersal of assemblies. Responsibility for the lawfulness of the use of special means lies with the official who made the decision.

¹⁸⁹ *Muradova v. Azerbaijan*, Application No. 22684/05 02.04.2009, para. 113-114.

¹⁹⁰ *Tsaava v. Georgia*, Application No. 13186/20, 07.05.2024, para. 221.

¹⁹¹ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2, paragraph 3.

¹⁹² Law of Georgia "On Police", Article 48.

Furthermore, the inaction of a state official results in liability if they fail to take appropriate measures to prevent frequent acts of ill-treatment by law enforcement officers under their authority. The measures taken by the officials must be proportionate in scale to sufficiently end repeated violations or dismantle such a system.¹⁹³

The investigation should also focus on the fact that employees of the Special Tasks Department (STD) of the Ministry of Internal Affairs did not and do not have an obligation to wear identifying mark. It is noteworthy that establishing the obligation to wear identifying mark and ensuring its enforcement in practice does not require any special resources and, if desired, can be implemented without undue effort. The European Court has found violations in cases where it was not possible to identify masked specialized police officers in the context of mass protests. Distinctive signs would have ensured their subsequent identification and questioning regarding the conducted operation¹⁹⁴. The same issue was noted by the European Court in the case of the dispersal of the June 20-21, 2019 protest in Georgia, due to the lack of identification signs on members of the STD.¹⁹⁵

To determine the actions of Ministry of Internal Affairs employees during the dispersal of the protest, it is necessary to interrogate ministry leadership, the head of the Special Tasks Department, and STD members; they must be asked specific and detailed questions about when, at which location, and for what task they were deployed; what actions were taken by them personally and by the units under their command during the police operation; and which specific mobile phone number and application each of them used, so that through further investigative and procedural actions, it will be possible to obtain relevant information from those devices.

Due to the above-identified deficiencies revealed during the case review, the investigation fails to meet the procedural aspect of the state's positive obligation under Article 3 of the Convention and does not meet the standards of an effective investigation.

Issue with viderecordings

After the review of the criminal case materials, it became evident that the investigation failed to obtain most of the video and audio recordings covering the period relevant to the investigation (including recordings from handheld radio transmitters/so-called "walkie-talkies"), neither from state agencies nor from private entities located in the vicinity of the Parliament building, citing various and, at times, contradictory reasons.

For example, one public institution provided three mutually contradictory explanations to the investigation. Initially, they explained that the video footage relevant to the investigation was stored for 30 days. Later, they reported that they did not have video cameras at all, and therefore, no video footage was stored. On the third occasion, they clarified that although video cameras were installed at the location of interest, due to a malfunction, no recordings were made.

¹⁹³ Georgia v. Russia, Application No. 13255/07, 03.07.2014, para. 124.

¹⁹⁴ Hentschel and Stark v. Germany, Application No. 47274/15, 09.11.2017, para. 91; İzci v. Turkey, Application No. 42606/05, 23.07.2013, para. 68-69.

¹⁹⁵ Tsaava v. Georgia, Application No. 13186/20, 07.05.2024, para. 223.

According to a letter from the State Security Service's Operational-Technical Agency, the requested recordings of communications transmitted via handheld radios (from April 15 to May 15, 2024) are not stored at the agency, as during the mentioned period, the system was operating with technical faults and did not record communications transmitted through handheld radios.

A similar issue was revealed in relation to the retrieval of video recordings from police body cameras. Specifically, the interviewed police officers cited various reasons for the absence of the recordings (technical malfunction, not having a camera, battery died, the device broke, etc.).¹⁹⁶

In light of the fact that obtaining video recordings from entities systematically fails for various stated reasons—and considering that such recordings represent neutral evidence with high credibility and reliability—the investigation must not settle for formulaic responses, especially from public agencies. It must take effective steps to determine whether video recordings are being deliberately destroyed, concealed, or otherwise made inaccessible through dishonest means.

Use of Special Means (Pepper Spray, Tear Gas, Water Cannons, and Rubber Bullets)

It is noteworthy that several citizens reported the use of rubber bullets (in addition to tear gas). According to one of them, they underwent surgery at a clinic. Medical documentation indicated that the patient had an open wound on the cheek and temporomandibular area, with a foreign object lodged in the soft tissue, which required surgical removal¹⁹⁷. The investigative body retrieved a rubber bullet from the clinic. Another individual stated that a rubber bullet penetrated their gas mask and struck them in the eyebrow area. Additionally, two more citizens reported being hit by rubber bullets—one in the helmet and toe (the bullet also pierced the shoe), and the other in a bag (the bag was damaged), with a chunk of flesh torn off and treated by emergency services.

It is also noteworthy that the Special Investigation Service sent a written request¹⁹⁸ to the Ministry of Internal Affairs requesting information on the special means used on May 1–2. Specifically, they asked which special means were deployed, which units used them, whether rubber bullets were used, who made the decision, who was instructed to use them, and what were the formal and actual grounds for deploying rubber bullets.

In a written response, the Ministry of Internal Affairs informed¹⁹⁹ the Special Investigation Service that water cannons, tear gas, and hand spray (containing pepper) were used on May 1–2. However, the questions regarding rubber bullets and specific units were left unanswered.

¹⁹⁶ The Public Defender has long recommended that police officers be required to use body-worn video cameras during police operations. Also, in 2022, the Public Defender filed a constitutional complaint with the Constitutional Court, indicating that the discretion of a patrol officer not to use a body-worn camera when interacting with a citizen violates the right to be protected from torture and ill-treatment guaranteed by Article 9, Paragraph 2 of the Constitution of Georgia, and thus contradicts the Constitution of Georgia. < <https://constcourt.ge/ka/judicial-acts?legal=14806> >

¹⁹⁷ Seizure Report dated 12 June 2024.

¹⁹⁸ Letter of May 9

¹⁹⁹ Letter of June 18

Detention and Ill-Treatment of a Member of Parliament

On April 17, 2024, during a protest rally, Member of Parliament Aleksandre Elisashvili was detained under administrative procedure. During the arrest, physical force was used against Aleksandre Elisashvili,²⁰⁰ and video footage of the incident was publicly disseminated via media outlets.

The Special Investigative Service addressed the Ministry of Internal Affairs with photo stills cut from video footage showing individuals clearly involved in the violence against Aleksandre Elisashvili, in order to identify these employees²⁰¹. However, the Ministry of Internal Affairs has not responded to this inquiry.²⁰²

At the time of his detention, Aleksandre Elisashvili was an active member of the Parliament of Georgia. He was detained under administrative procedure, and thus, the only exception allowing for the detention of a Member of Parliament without parliamentary consent (i.e., being caught in the act of committing a crime) did not apply.

In addition, in this case, the police officers listed as arresting officers admitted during questioning that they were not the ones who actually detained Elisashvili. They stated that due to the chaos and commotion at the scene, they could not see who specifically carried out the arrest. According to them, they asked officers standing in front of them to make the arrest, though this was not mentioned in the official report. A suspicious circumstance arises from the fact that both officers claimed to have noticed an obscene gesture made by Aleksandre Elisashvili amid the large crowd and confusion, yet neither of them saw the violence committed against him—also allegedly due to the crowd and disorder.

The Public Defender's Office submitted a proposal to the Special Investigation Service and the Prosecutor General's Office, calling for specific investigative actions to be carried out. The Office also noted the possibility of evidence falsification and intentional unlawful detention by police officers.

Violence on Leonidze Street

On May 10, 2024, information was disseminated through mass media regarding violence committed against I.Ts. by police officers. This incident was particularly significant because one of the police officers involved in the violence was clearly visible in the released video footage, making identification possible.²⁰³ The Public Defender's Office immediately contacted the Special Investigation Service to obtain information regarding the response to the violence depicted in the video recording. Later, the Public Defender requested exceptional access to the criminal case materials, which was granted by the Special Investigation Service in this case as well.

During the investigation, the Special Investigation Service (SIS) requested from the Ministry of Internal Affairs the identity, exact workplace, position, and rank of the police officer shown in the video footage. However, the Ministry did not provide this information to the investigative body. Moreover, neither the Special Investigation Service nor the Prosecutor General's Office pursued alternative avenues to identify the police officer. Additionally, although the violence against I.Ts. was clearly confirmed—as noted

²⁰⁰ The Police Department of the Ministry of Internal Affairs informed the Special Investigation Service that Aleksandre Elisashvili was detained on 17 April 2024 under Articles 166 and 173 of the Code of Administrative Offenses.

²⁰¹ Letter dated 15 May 2024.

²⁰² As of November 2024.

²⁰³ The Special Investigation Service launched an investigation into the act of violence that occurred on Leonidze Street, Radio Tavisupleba, 11.05.2024, <https://www.radiotavisupleba.ge/a/32942057.html> [accessed: 27.03.2025].

above—I.Ts. was not recognized as a victim in the case, and the investigation was being conducted under the article related to abuse of power through violence.

In this particular criminal case, it was clear that no legitimate force had been used against I.Ts. that might later be considered "excessive." No coercive measures, detention, or removal from the scene were carried out against him. Therefore, what occurred was not excessive use of power, but rather arbitrary violence, which under criminal law constitutes inhuman or degrading treatment.

Thus, in a proposal addressed to the investigative service and the prosecutor's office,²⁰⁴ the Public Defender emphasized that in order to properly qualify this episode of ill-treatment, it is important to change the relevant article of the Criminal Code and reclassify the case under Article 144³ of the Criminal Code, which refers to degrading or inhuman treatment, in line with the practice established by the European Court of Human Rights under Article 3 of the Convention. As a result of this proposal, the Prosecutor's Office recognized I.Ts. as a victim in the case, but did not change the legal classification of the case, stating that "at this stage, there is no need to change the classification."²⁰⁵

In general, cases of ill-treatment by special forces officers are associated with substantial difficulties in investigation, primarily because the alleged perpetrators are often physically unidentifiable due to uniforms (including masks) and the absence of identification marks. However, it must be especially noted that in cases where the ill-treatment is captured on multiple videos and the suspected perpetrator is physically identifiable, the investigation bears a special obligation to take all reasonable measures to establish accountability, restore the victim's rights, maintain public trust, and eliminate any existing or potentially spreading guarantees of impunity among employees of law enforcement agencies.

Otherwise, even in situations where possible ill-treatment occurs in a crowded place, in the presence of many witnesses and video cameras, and no immediate countermeasures or investigative actions follow, and where no responsible individuals are identified as a result of the investigation, this not only severely undermines public trust in investigative authorities but also reinforces the perception of impunity within law enforcement structures, fostering arbitrariness and enabling future unlawful actions.

3.5.1.2. Ill-treatment during the winter protests

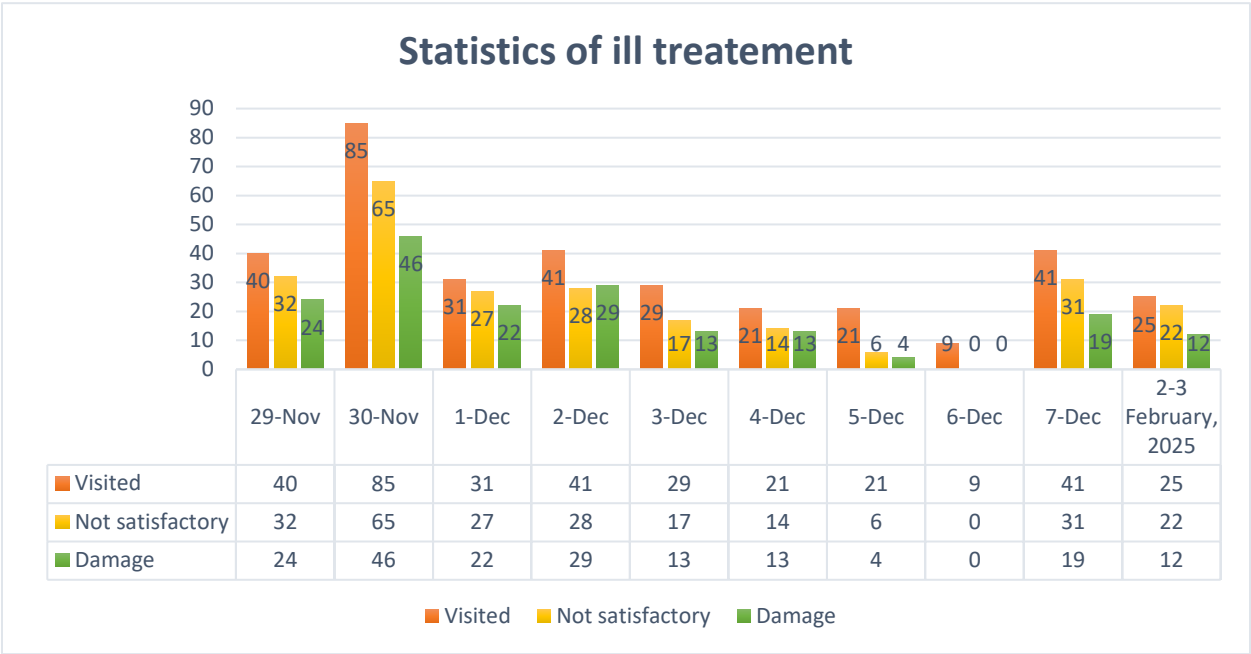
Factual findings and forms of ill-treatment

According to the table below, during the unlawful dispersal of peaceful protest rallies from November 28, 2024, through the night of December 3–4, and again on the night of December 6–7, as well as on February 2, 2025, almost all detainees were subjected to alleged torture, inhuman, and degrading

²⁰⁴ Public Defender's Proposal No. 25/1903 dated 7 March 2025

²⁰⁵ Letter No. 13/18 dated 5 January 2025 from the General Prosecutor's Office of Georgia

treatment by members of the Special Tasks Department."



It is noteworthy that the methods and techniques of treatment used against detainees during the spring 2024 protests were repeated during the autumn-winter protests; however, this time, the ill-treatment by the Special Tasks Department had a more systemic and large-scale character. Among other things, they displayed particular aggression toward journalists. The special forces did not refrain from committing ill-treatment publicly, and moreover—multiple instances of cruel treatment are revealed in front of the media and video cameras.

It is worth mentioning that on December 4 and 5, 2024, and also in the period following December 7, when the protests were not dispersed, citizens were detained by representatives of other units of the Ministry of Internal Affairs, and accordingly, on December 5 and 6, as well as in the period following December 7, the individuals visited by representatives of the Public Defender's Office mentioned ill-treatment relatively rarely.

The Public Defender repeatedly responded to facts of ill-treatment during the protests through public statements, expressed concern regarding the methods and forms of violent actions used by the police, the prevailing guarantee of factual impunity, specifically pointed out the necessity of identification marks, the need for proper legal qualification in the investigation, and called upon the Special Investigation Service and the Prosecutor's Office to conduct an effective investigation and to identify and punish all perpetrators.

Several circumstances point to the systemic nature of the ill-treatment—which includes torture, threats of torture, inhuman and degrading treatment: several dozen victims refer to similar methods, techniques, and forms of ill-treatment committed against them. Their testimonies reveal a consistent pattern characteristic of the actions of the Special Tasks Department. Specifically, detainees reported being thrown to the ground during arrest (including by being struck), being encircled while on the

ground/fallen, and being led through corridors where they were repeatedly struck in groups with hands and feet; also, minibuses where brutal violence continued, with targeted injuries inflicted on the face and head area, which in many cases were also visible on the victims. These circumstances may indicate that the uniform methods of ill-treatment had been pre-planned.

Information provided to the Public Defender

According to the detainees, the ill-treatment was carried out by members of the Special Tasks Department (they referred to them as special forces, Robocops, black-masked men, etc.); however, complaints of ill-treatment have also been received regarding other units of the Ministry.

According to the information received from the detainees visited by the Public Defender's Office: members of the Special Tasks Department beat them in groups, including by 3 to 15 individuals who would take turns. They hit them with kicks, hands, feet, fists, batons, shields, and helmets on various parts of the body; the detainees mostly had visible injuries in the head and facial areas. The detainees mentioned being struck in the buttocks area as a means of humiliation. Several male detainees reported threats of rape with a baton by members of the Special Tasks Department.

According to the detainees, a sort of "corridor" was arranged by members of the Special Tasks Department lined up in rows, through which the detainees were made to pass while the special forces officers beat them in groups and verbally insulted them. Members of the Special Tasks Department also physically and cruelly assaulted detainees in the minibuses: they were hit with hands and feet. Every time a new detainee was placed in the minibus, everyone was beaten, and this was repeated several times. Several detainees mentioned that pepper spray was used inside the minibus and then the door was shut.

There were cases where protesters reported being beaten in front of close relatives. Some also indicated that the violence had political motives. Several individuals mentioned earrings being torn from their ears.

Detainees from the February 2, 2025 protest stated that the head of the Special Tasks Department began verbally abusing citizens, and the special forces began making arrests. One person claimed that this individual was giving instructions to the special forces to beat the detainees. A person with disabilities indicated ill-treatment and also had visible injuries.

As for alleged ill-treatment by other units of the Ministry of Internal Affairs: one person arrested under criminal procedure indicated physical violence at the police station.

Three persons detained under administrative procedure stated that, in the entrance area of the police station building, in the presence of up to 10 people, they were forced to strip completely and do squats, which was degrading. One individual reported being cursed at in the Central Criminal Police Department building, being pressured to unlock their phone, being struck in the head with the phone, and being targeted with a laser.

Detainees in Batumi reported verbal and physical abuse by the police chief. A female detainee reported gender-based discrimination and being spat on by the police chief. A minor girl reported being dragged by the hair and roughly detained by police. Female detainees in Tbilisi also spoke of violence by police; they further noted verbal abuse, mocking and cynical treatment. Another female detainee said she was

grabbed by the hair and dragged. It is noteworthy that several hundred participants of the protest were detained under administrative charges for disobeying a lawful order of the police (as well as petty hooliganism). Therefore, physical resistance²⁰⁶ to the police by them can be theoretically ruled out, and for this reason, there was not even a hypothetical basis for the use of physical force against them.

Visibly noticeable injuries and special means

Detainees held in the Temporary Detention Isolator (TDI) and protesters visited at the clinic showed multiple injuries, especially in the face and head areas. The clothing of many detainees was bloodied as a result of the violence. One person underwent surgery due to a facial bone fracture. A request was made to call emergency medical assistance, but according to the citizen, it was not summoned.

The Public Defender's representative was unable to speak with two persons in the clinic, as the doctor explained that due to their critical medical condition, it was not recommended to speak with the patients. One individual was under such stress that they were unable to speak coherently. At different times, among those visited in the clinic, one person was unable to move independently, had their head and face bandaged, was seated in a wheelchair, and could not move their lower limbs. Also, a 21-year-old male underwent surgery due to multiple injuries, was non-responsive, and spent several days in an induced coma. In addition to physical violence, during the dispersal of the protests, the Ministry of Internal Affairs used active special means, including pepper spray, non-lethal weapons such as tear gas capsules, and water cannons.

The Public Defender's Office requested²⁰⁷ detailed information from the Ministry of Internal Affairs regarding the use of special means. Among other things, the Office inquired about the type and amount of special means used (tear gas, so-called pepper spray, non-lethal weapons such as rubber bullets, etc.) as stipulated in the security action plan; how many officers, at what time, at which location, used what type and amount of special means; whether specific special means were examined/tested, what their effect on human health is; what types and kinds of chemical substances were used and in what proportions, and so on. This information has not been received by the Office to this day.

Information and video material disseminated through public sources

In the publicly disseminated footage, multiple instances of ill-treatment are visible. Additionally, several individuals, including women, reported violence by the special forces. For example:

- The video recording depicts brutality, where a young man lying on the ground is first kicked in the face with the heel by one special forces officer, and then another officer strikes him in the facial area with his foot;²⁰⁸
- The video recording also captures the incident where poet Zviad Ratiani is brutally assaulted in a live corridor formed by law enforcement officers, where he is repeatedly struck by a group,

²⁰⁶ Resisting the police is a crime defined under Article 353 of the Criminal Code of Georgia.

²⁰⁷ Letters No. 2024/6973 dated 6 December 2024 and No. 25/1616 dated 26 February 2025 from the Office of the Public Defender of Georgia.

²⁰⁸ See the relevant video recordings posted on the online platform: <<https://www.youtube.com/shorts/8wEwR4rR3rQ>> <<https://www.facebook.com/share/v/19oSsMTXks/>> [31.03.2025]

including in the head area, and the violence against him continues as he is moved along the entire perimeter;²⁰⁹

- In multiple video recordings, protesters are seen being thrown to the ground and subjected to group violence²¹⁰; in addition, many citizens report ill-treatment against them;²¹¹
- In one of the video recordings, several individuals are seen leading a detainee toward a superior, and the head of the Special Tasks Department swings his leg in the direction of the detainee; considering the trajectory of the movement and the short distance to the detainee, a clear impression remains that the detainee is being kicked in the face or body area.²¹²

Investigation

According to legislation, the Public Defender's Office informs the investigative body about ill-treatment only on the basis of the individual's consent²¹³. During meetings with representatives of the Public Defender, numerous individuals reported ill-treatment but did not wish to pursue legal action. They cited distrust in the investigation as the reason for refusing to notify the investigative body; they also stated that they would not be able to identify the masked perpetrators, and therefore saw no point in doing so. Several individuals also mentioned fear of retaliation.

There were also cases where detainees did not file complaints and stated that they did not remember where or when they had received their injuries. One particular detainee, who had almost no uninjured area on his face and had a split nose, claimed that the injuries were caused by a fall.

All of the above-mentioned statements by victims of torture, inhuman, and degrading treatment clearly confirm that the unwillingness to approach the investigative body is mostly due to the ineffective investigation of past incidents of ill-treatment and the established practice of impunity for law enforcement officers.

²⁰⁹ Zviad Ratiani, who was beaten during arrest, was sentenced to 8 days of administrative detention by the court, Radio Liberty, 02.12.2024 <<https://www.radiotavisupleba.ge/a/33224078.html>> [31.03.2024]. See the relevant video recording posted on the online platform: <<https://www.youtube.com/shorts/4O6gU2wnr6E>> [31.03.2025]

²¹⁰ For example, see the relevant video recording posted on online platforms: <<https://www.facebook.com/share/v/1AwE7GpKmk/>> ; <<https://www.instagram.com/reel/DDINxIXIS2C/?>> <<https://www.instagram.com/reel/DDIfQGQCerH/?>> ; <<https://www.facebook.com/share/v/19cditNStI/>> <<https://www.facebook.com/share/v/1EJscp8mpH/>> ; <<https://www.facebook.com/share/v/14TaPubAMu/>> <<https://www.facebook.com/share/v/15SDBHEsgk/>> ; <<https://www.facebook.com/share/v/15jAJ4s6M5/>> [31.03.2025]

²¹¹ "He pushed me against the wall and then hit me in the head" - the story of the beating of Salome Zandukeli, Radio Liberty, 02.12.2024. <<https://www.radiotavisupleba.ge/a/33223836.html>> For an example, see the relevant video recording posted on online platforms: <<https://www.facebook.com/share/p/14dk5nGaMz/>> ; <<https://www.youtube.com/watch?v=HPTs2wPI7Lg>> ; <<https://www.facebook.com/share/p/19p3w3EAPQ/>> ; <<https://www.facebook.com/share/p/1AkdW9eKM5/>> ; <<https://www.facebook.com/watch/?v=495065682900768>> [31.03.2025]

²¹² For an example, see the relevant video recording posted on online platforms: <<https://www.youtube.com/watch?v=cqAC8781qoM>> <<https://www.youtube.com/shorts/AyVswzXGbt0>> [12.03.2025].

²¹³ Organic Law of Georgia "On the Public Defender of Georgia", Article 20, Paragraph 2.

Unfortunately, as with the spring protests, the Special Investigation Service is conducting the investigation of alleged crimes committed during the winter protests under Article 333, Paragraph 3, Subparagraph “b” of the Criminal Code of Georgia, which qualifies the violence against protest participants as abuse of official authority with violence. However, the criminal actions committed by law enforcement officers against dozens of individuals—protest participants and detainees—due to their nature, degree, and intensity of violence, are not merely abuse of official authority with violence. Rather, they clearly indicate acts of alleged torture, inhuman, and degrading treatment against the victims. This is excluded from the scope of abuse of power and points to ill-treatment, as supported by victims’ testimonies and, in many cases, confirmed by criminal acts depicted in video footage disseminated by the media—such as detainees being dragged into corridors of special forces officers and being physically assaulted in groups with repeated blows by hands and feet over a period ranging from several seconds to several minutes; as well as physical violence which, according to testimonies, continued in police minivans using the same methods. Notably, the deliberate injuries inflicted on victims in the head and facial areas clearly indicate the intent to commit ill-treatment.

The initiation and conduct of an investigation under a general provision on official misconduct for these incidents cannot be considered as fulfilling the procedural obligation under Article 3 of the European Convention.²¹⁴ Specifically, in the context of assemblies and demonstrations, the European Court of Human Rights qualifies the use of batons and tear gas by law enforcement officers against demonstrators as a violation of Article 3 of the Convention.²¹⁵ The deliberate use of unnecessary force by police against protesters, including strikes with rubber and/or plastic batons in public, constitutes ill-treatment and, in the case of several complainants, equates to torture.²¹⁶

Therefore, it is revealed that in the spring and winter of 2024, there were instances of alleged inhuman and degrading treatment by law enforcement officers toward peaceful assembly participants, detainees, and journalists. In the case of several individuals, the severity of the ill-treatment equates to alleged acts of torture committed with the intent to punish. Accordingly, it is necessary and essential for the investigation to be conducted under the correct legal qualification—Articles 144¹, 144², and 144³ of the Criminal Code.

It should be specifically noted that it is important to investigate alleged criminal acts committed through the inaction of other police officers. Officers stationed behind the Special Tasks Department’s line at the protests could see and hear the possible unlawful actions of individuals only a few meters away, and at their request/order and in their presence, citizens were detained, taken through corridors, and loaded into vehicles. However, none of them witnessed acts of ill-treatment against detainees. In contrast, victims’ testimonies state that they were subjected to severe physical violence. The injuries described in medical documentation and multiple instances of violence by special forces officers against citizens shown in media footage confirm the detainees’ testimonies. Therefore, these officers, through their inaction,

²¹⁴ For a detailed discussion of the distinction between torture and inhuman and degrading treatment, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender; also see the Special Report of the Public Defender of Georgia “Practical Analysis of the Qualification of Ill-Treatment under General and Special Articles”.

²¹⁵ *Izci v. Turkey*, Application No. 42606/05 23.07.2013, paras. 7-8, 75.

²¹⁶ *Shmorgunov and others v. Ukraine*, application No. 15367/14, 21.01.2021, paras. 364-374, 392-396, 418-422, 429-433.

participated in the ill-treatment and failed to prevent the crime, despite having both the duty and the ability to do so.

Police inaction was also evident in several cases in video footage circulated on social media, where citizens are seen pointing out specific masked individuals to patrol police officers and telling them that these individuals were beating and verbally abusing people. However, the patrol police officers did not respond accordingly.

Just as during the investigation of the spring 2024 protests, it is essential in the investigation of the crimes committed during the autumn-winter protests to determine the complete picture of the dispersal of the protest, to identify the decision-makers and executors, from the ministry's leadership to rank-and-file officers, and to clarify each of their roles and functions in the crime. Otherwise, the investigation cannot be considered effective.

Journalists

During the autumn-winter 2024 protests, along with protest participants, journalists also became victims of particular aggression by law enforcement officers. Journalists were subjected both to ill-treatment and to obstruction of their professional activities.

During the autumn-winter 2024 protests, at various times, information and video recordings were disseminated through the media regarding physical violence against journalists and cameramen, verbal abuse, obstruction of their work, and damage to their equipment; also, reports of injuries, including due to the use of tear gas.

Unfortunately, many journalists and media representatives were injured during the protests; several of them required medical assistance in healthcare facilities, and their physical safety and lives were put at risk.

On the very first day of the protest dispersal, journalist Guram Rogava became a victim of ill-treatment by a member of the Special Tasks Department, who attacked him during a live broadcast.

One journalist explained that he was suddenly and completely without cause detained by masked police officers. According to him, during the arrest, more than ten law enforcement officers threw him to the ground, where they hit him with hands and feet in various areas of the face and body. He had injuries in multiple areas. According to reports, as a result of the violence committed against him, he required nasal surgery. Additionally, journalist Mariam Gaprindashvili was injured during a live report, which required her transportation to a clinic.²¹⁷

All of these cases require effective investigation and holding the responsible individuals accountable. The state must ensure a safe environment for journalists to carry out their work²¹⁸. According to the Public Defender's Office, not a single perpetrator has been identified or punished for the criminal acts committed against journalists.

²¹⁷ For an example, see the relevant video posted on online platforms: <https://www.facebook.com/share/v/1GXc4gYThr/>; < <https://www.facebook.com/share/v/1GXc4gYThr/> > [12.03.2025].

²¹⁸ See the Public Defender's briefing on current events, 10.12.2024. < <https://shorturl.at/HemKc> > [12.03.2025]

3.5.2. Individual and repeated criminal acts revealed in parallel with the spring 2024 protests

Political and opinion-based persecution

In parallel with the spring 2024 protests, information was regularly disseminated through mass media regarding group attacks by unidentified individuals against politically active persons and civil activists.

Among them was well-known educator Lado Afkhazava, who, according to reports, was attacked and physically assaulted by several individuals in the city of Lanchkhuti. According to the same information, the attack was related to his publicly expressed position regarding the law on “transparency of foreign influence” and his participation in protest rallies. The Ministry of Internal Affairs launched an investigation into this incident under Article 126, Part 11, Subparagraph “g” of the Criminal Code, which refers to violence committed against two or more persons. Within the framework of the investigation, two individuals were recognized as victims, and criminal prosecution was initiated against one person²¹⁹. The Special Investigation Service did not initiate an investigation under Article 156 of the Criminal Code, which refers to persecution through violence based on intolerance.

In contrast, it should be noted that Aleksandre Elisashvili was charged under Article 156, Part 2, Subparagraph “a” of the Criminal Code, which refers to persecution through violence or threat of violence on the basis of a person’s expression, opinion, conscience, religion, belief, or due to their political, public, professional, religious, or scientific activity.

It is unclear why, in one case, verbal abuse described in the victim’s testimony, which was related to their political or public activity, was deemed sufficient for the qualification of persecution on political grounds, while in another case the act was qualified solely as violence, thus excluding the element of intolerance.

Following the examination of complaints submitted to the Public Defender’s Office—where complainants pointed to persecution and insults committed against them in connection with their professional, public, or political activity—the Public Defender identified the state’s ambiguous and, arguably, arbitrary approach.

With regard to crimes allegedly committed with a motive of intolerance²²⁰, it is important that the state does not leave legitimate questions unanswered regarding the application of the specific article—Article 156 of the Criminal Code.

Telephone threats

Following the spring 2024 protest rallies, participants of the protests and activists were being massively called from unknown numbers, which was accompanied by verbal abuse and threats.

Regarding these facts, according to the Personal Data Protection Service,²²¹ the frequent calls to citizens from unknown numbers, the verbal abuse, and possible threats had a premeditated and organized nature. According to the statement, the service forwarded all received complaints and notifications related to this

²¹⁹ Letter No. 13/32005 of the Prosecutor General's Office of Georgia dated May 16, 2024.

²²⁰ For detailed information, see the 2024 Activity Report of the Public Defender's Criminal Justice Department.

²²¹ Statement on making telephone calls to citizens, Personal Data Protection Service, 24.05.2024 <<https://shorturl.at/melPv>> [31.03.2025]

issue to the Prosecutor's Office of Georgia for the purpose of deciding on response and initiation of investigation.

The Public Defender's Office was informed by a letter from the Prosecutor's Office that the referral from the Personal Data Protection Service, for the purpose of further response, was forwarded from the Prosecutor's Office of Georgia to the Ministry of Internal Affairs of Georgia, and that no one was recognized as a victim or as an accused in the case.²²²

3.5.3. Individual and repeated criminal actions revealed in parallel with the winter 2024 protests

Attacks by violent groups

Numerous reports were disseminated through the media regarding acts of violence committed by violent groups against private individuals. Among them, one case involved a brutal attack on journalist Maka Chikhladze and her cameraman Giorgi Shetsiruli²²³. In addition, video footage circulated on social networks shows that patrol police officers may have been present at a location adjacent to the group wearing masks and the so-called "black-clad" formation.²²⁴ However, according to Maka Chikhladze, they left the scene without responding.²²⁵

In another instance, the police witnessed a masked individual issuing threats and saw that one person was holding a baton. However, instead of detaining or stopping them, the footage shows a police officer slowly following the individuals in question and then turning back.²²⁶ Another video description indicates that during the coverage of the protest near the Blue Gallery, a journalist from "Publika" was physically assaulted, but the police did not detain the perpetrator.²²⁷

Verbal abuse and other violations of rights.

In addition to physical violence, the detainees indicated verbal abuse by law enforcement officers. Verbal aggression towards protesters, expressed through swearing, obscene, and offensive language, is also confirmed by video/audio materials broadcasted live on television.²²⁸

Additionally, public statements and video recordings of women were released, in which law enforcement officers verbally insult women, using degrading references and words towards them.²²⁹ One woman also

²²² Letter No. 13/11484 of February 25, 2025.

²²³ "Shabatis eteri" journalist Maka Chikhladze was attacked by mobs - cameraman seriously injured, TV Pirveli, 07.12.2024 < <https://shorturl.at/4lfMC> > See the relevant video recordings on the online platform: <<https://www.facebook.com/share/v/15bpd88ne/>> <<https://www.facebook.com/share/v/17oabroN8Q/>> [31.03.2025].

²²⁴ "See the relevant video on the online platform: < <https://shorturl.at/0BwNo> > [12.03.2025].

²²⁵ "Shabatis Eteri" journalist Maka Chikhladze was attacked by thugs - the cameraman was seriously injured, TV Pirveli, 07.12.2024 < <https://shorturl.at/4lfMC> > [31.03.2025]

²²⁶ See the relevant video on the online platform: < <https://www.facebook.com/share/v/1B85E8kzAH/> > [9.12.2024].

²²⁷ See the relevant video on online platforms: < <https://www.facebook.com/share/v/1APKPeoo3B/> > [9.12.2024].

²²⁸ See the relevant video on online platforms: < <https://www.facebook.com/watch/?v=27589165020731888> > <<https://www.youtube.com/watch?v=o0C11ZfiZqs>>

²²⁹ "Tinder's Aslarian Bozebo", - Police Indecency and Violence Against Female Demonstrators, Radio Liberty, [07.02.2025] <<https://www.radiotavisupleba.ge/a/33306780.html>>

spoke about sexual harassment by the police.²³⁰ A detained woman publicly spoke about verbal abuse of a sexual nature by the police.²³¹

Checking of phones and confiscation of personal belongings

The detainees indicated that during the autumn-winter 2024 protests, SSD members carried out the confiscation/seizure of their mobile phones and other personal belongings, as well as the viewing/checking of personal information, without any legal basis or procedure. It is noteworthy that during the spring protests, several individuals referred to such practices, while during the winter protests, the complaints from detainees regarding the confiscation of belongings took on a mass character.

The Public Defender's Office,²³² in all cases where detainees expressed the desire for a response, addressed the Ministry of Internal Affairs to obtain information regarding the confiscated items. However, with the exception of one case, the Ministry has not yet provided a response to the Office.²³³

It should be noted that SSD employees do not have the authority to carry out investigative actions,²³⁴ including neither the seizure of items nor the request of information. According to the Criminal Procedure Code²³⁵, seizure of items is permissible only by a court ruling or, in cases of urgent necessity, by a decision of an investigator (with subsequent judicial oversight).

In addition, individuals detained under administrative and criminal procedures also indicated cases where police officers from other divisions of the Ministry of Internal Affairs forcibly unlocked phones, demanded passwords, viewed information, and listened to voice messages. Unfortunately, to this day, the Ministry of Internal Affairs has not provided the Public Defender's Office with information regarding the legal basis for the confiscation of items, including mobile phones, from the detainees. Moreover, the information provided by detainees regarding the confiscation/seizure of phones and personal belongings by law enforcement officers, as well as the viewing/checking of information stored in phones and computer devices, may contain elements of crimes against property (theft/robbery), as well as violations of privacy and personal data (Articles 157–157¹ of the Criminal Code), if it is established that the mentioned actions were carried out without legal basis.

²³⁰ See the relevant video on online platforms: <<https://www.youtube.com/watch?v=uTRn9myonLU>> [31.03.2025]

²³¹ Bea Gazdeliani: They told me in the department, we know about you, that you used to dance striptease, Publica, 10.12.2024. <<https://shorturl.at/0rQv7>> [31.03.2025]

²³² Resolutions of the Public Defender's Office of Georgia dated December 9, 2024 No. 2024/7028 and No. 2024/7070, dated December 10, 2024 No. 7090 and No. 2024/7118, dated December 11, 2024 No. 2024/7157, No. 2024/7158 and No. 2024/7162, dated December 12, 2024 No. 7207, dated December 17, 2024 No. 2024/7322 and No. 2024/7323, dated December 19, 2024 No. 2024/7411, dated December 20, 2024 No. 2024/7455, dated January 17, 2025 Letters No. 25/388.

²³³ In this case, the lawyer explained that the detainee's personal belongings were confiscated: a mask, gloves, a leather wallet, cash, plastic cards, a driver's license, an ID card, a wristwatch, a microphone, bracelets, crosses, and mobile phones, and they were not returned to him after his release from the detention center. According to the Ministry of Internal Affairs, these items were confiscated based on a court ruling and are attached to a criminal case, the investigation of which is ongoing into the alleged fact of organizing and participating in group violence.

²³⁴ Order No. 30 of the Minister of Internal Affairs of Georgia of April 1, 2019.

²³⁵ Criminal Procedure Code of Georgia, Articles 111-112, 119-120, 136.

3.5.4. Right to Freedom

Illegal detention during the spring protests

In April and May of 2024, individuals detained under administrative procedures had their administrative detention periods unjustifiably extended up to 48 hours.²³⁶ Before the expiration of the initial 24-hour period, the police sent templated letters to the DMI, stating that evidence was being gathered in the case and that it was advisable to extend the detention period by an additional 24 hours. In many of these letters, the names and surnames of the detainees were not even mentioned—only personal identification numbers were indicated.

In these cases, where a person has been detained, identified, and physically removed from the scene, and has already spent 24 hours in isolation as an administratively detained individual, it is unclear what purpose is served by extending the detention period for an additional 24 hours.

Based on the above, the actions of the Ministry of Internal Affairs employees reveal signs of a crime under Article 147 of the Criminal Code (intentional illegal detention), the investigation of which was highlighted by the Public Defender in a proposal sent to the Special Investigative Service and the General Prosecutor's Office.

Groundless detentions during the winter protests

The Public Defender responded with a public statement to the information provided by detainees, according to which they were apprehended by SSD employees, then handed over to other officers who also did not have any identifiable insignia, and subsequently transferred to patrol police officers. The patrol police transported them to administrative police buildings, where the documentation regarding their administrative detention began to be drawn up. According to some of the detainees, the arresting officers indicated incorrect information, specifically naming police officers who had not actually carried out the arrest. The Public Defender's Office has, for years, pointed out this harmful practice during the detention of citizens at protest rallies, which constitutes a gross violation of administrative procedural norms and creates grounds for misleading the courts.²³⁷

Additionally, the Public Defender notes that there were no legal grounds for the detention of dozens of citizens.²³⁸

"Transfer" for questioning and the right to legal defense

Information and video recordings circulated through the media and social networks revealed that police officers were "transferring" citizens for questioning.²³⁹ In addition, there were instances where information was disseminated via social networks and media outlets indicating that lawyers were not being given the

²³⁶ According to the case materials, the detention period was extended to 48 hours for at least 70 people.

²³⁷ Public Defender's representatives visited those detained at the rally, 29.11.2024 < <https://shorturl.at/q8xU4> > [Last viewed: 12.03.2025].

²³⁸ For detailed information, see the 2024 Activity Report of the Public Defender's Criminal Justice Department.

²³⁹ For example, see the relevant video recording on the online platform: <<https://www.facebook.com/watch/?mibextid=wwXlfr&v=866571169017747>> [31.03.2025]

opportunity to attend search procedures and were not being allowed access to citizens/persons under their defense who had been taken to police stations.

According to procedural legislation, participation in questioning is voluntary, and a witness is only obligated to appear for questioning in court. The legislation does not provide for the possibility of “transferring” a person for questioning. Such an action constitutes illegal detention, as in these circumstances citizens are deprived of their freedom of movement and placed under the exclusive authority of the police. Detention, however, is permissible only by a court order or in clearly defined exceptional cases provided by law.

Furthermore, in accordance with the fundamental guarantee of a fair trial — the right to legal defense — citizens must be granted the opportunity for immediate and confidential communication with a lawyer. The imposition of restrictions that hinder the proper exercise of the right to legal defense is inadmissible.

3.5.5. The right to a fair trial

The Code of Administrative Offenses and the tightened penalties

For many years, the Public Defender has been issuing recommendations²⁴⁰ to the Parliament of Georgia regarding the necessity of replacing the Code of Administrative Offenses of Georgia, as an incomplete normative act, and developing and adopting a new code. Unfortunately, the recommendation of the Public Defender remains unfulfilled to this day. On the contrary, in December 2024 and February 2025, the legislative body tightened the penalties: the fine was increased to 5,000–6,000 GEL, and in some cases up to 10,000 GEL, and the term of administrative detention was extended to 60 days — at a time when the law does not fully provide for the guarantees of a fair trial.

It is noteworthy that, based on the Public Defender’s appeal, OSCE/ODIHR published a critical opinion regarding these legislative changes and pointed out their incompatibility with the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. According to the opinion, disproportionate sanctions may, in themselves, be sufficient to establish a violation of the right to peaceful assembly. Harsh administrative and criminal sanctions must be repealed or substantially revised.²⁴¹

Alleged falsification of evidence in an administrative case

As already noted, the person effecting the arrest, in almost all cases, is an employee of the Special Tasks Department, whereas the persons who draw up the arrest reports are, as a rule, inspectors of the Tourist Security Division of the Foot Patrol and Contactless Patrol Units of the Patrol Police. Accordingly, the persons who actually carry out the arrest and the persons who are recorded in the reports as having carried out the arrest are different police officers. Notably, this fact is not denied by the police officers in

²⁴⁰ See 2013 Parliamentary Report, p. 281; 2014 Parliamentary Report, p. 404; 2015 Parliamentary Report, p. 469; 2017 Parliamentary Report, p. 117; 2018 Parliamentary Report, p. 109; 2019 Parliamentary Report, p. 161; 2020 Parliamentary Report, p. 147; 2021 Parliamentary Report, p. 118; 2022 Report, p. 131; 2023 Report, p. 130.

²⁴¹ See OSCE/ODIHR published a conclusion on the amendments to the Law on Assemblies and Manifestations, 17.03.2024. < <https://shorturl.at/yjbul> > [31.03.2025]

their testimonies either.

Article 369 of the Criminal Code of Georgia provides for the falsification of evidence by a participant in a civil or administrative case or by their representative. In the given cases, signs of possible falsification of evidence—namely, the arrest report—by employees of the Ministry of Internal Affairs, acting as representatives of an administrative body, are revealed due to the insertion of incorrect information and data in the reports. Accordingly, the Public Defender indicated in the proposal that the investigation should be initiated under this article."²⁴²

The problem of neutral evidence in the cases of individuals detained under criminal procedure

The examination of the materials of two criminal cases revealed a harmful practice established by police officers. Specifically, personal searches were conducted without any attempt to create or obtain neutral evidence, which is of essential importance for holding a person criminally liable. It is noteworthy that in these cases, the individuals have been charged with the purchase and possession of narcotic substances, based on personal searches conducted under urgent necessity, following operative information. The charges presented by the investigation rely solely on the testimonies of the arresting police officers and the official records of the personal searches conducted by those officers.

Based on the outcomes of the examined cases, the Public Defender addressed Tbilisi City Court with two Amicus Curiae opinions²⁴³.

Proposals

To the Parliament of Georgia:

- The list of crimes under the jurisdiction of the Special Investigation Service should be revised, and only those crimes that fall within the core mandate of the Service should remain under its jurisdiction (crimes defined under Articles 153–159, 162–163, and paragraph 4 of Article 164 of the Criminal Code of Georgia should be removed from the jurisdiction of the Service);
- In 2024, an amendment should be made to subparagraph "z" of the third part of Article 94 of the Penitentiary Code, specifying that an accused/convicted person has the right to spend no less than 2 hours daily in the open air;
- An amendment should be made to the Law of Georgia "On Mental Health" to clearly differentiate between informed consent for hospitalization and informed consent for treatment;
- Through amendments to the Law of Georgia "On Mental Health," a clear procedure should be ensured for restricting a patient's rights by a doctor for safety purposes, under the condition of the existence of legal protection guarantees (it should be defined under what criteria the restriction of each right is allowed, for what duration each right may be restricted, and how the decision can be appealed).

²⁴² Proposal No. 25/1903 of the Public Defender of Georgia of March 7, 2025.

²⁴³ Amicus of the Court Opinion No. 25/1549 of February 24, 2025.

- Through amendments to the Law of Georgia "On Mental Health," it should be defined that in cases of forced rapid tranquilization of a patient, the requirements and guarantees defined under Article 16 of the Law of Georgia "On Mental Health" (use of restrictions on a patient) must apply;
- The Law of Georgia "On Mental Health" should clearly define the mandatory measures to be taken by institutions in cases where a restriction method is applied to a patient undergoing voluntary treatment, and the procedures for reviewing the legal basis of the patient's treatment, and, in case of non-compliance, the corresponding sanction;
- The Law of Georgia "On Mental Health" should define the obligation of the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia to develop and approve an internal guiding document mandatory for psychiatric institutions for the prevention and management of crisis situations, so that institutions minimize the risks of escalation;
- To gain public trust toward law enforcement structures and to ensure the transparent and fair handling of citizens' complaints, a discussion should be initiated on a comprehensive reform of General Inspections, which would provide an effective external mechanism for verifying the results of internal service investigations into disciplinary violations, through judicial oversight;
- A new Code of Administrative Offenses, compliant with human rights standards, should be adopted;
- The institutional investigative jurisdiction of the Special Investigation Service should extend to the investigation of alleged crimes committed by the Prosecutor General, the Minister of Internal Affairs, and the Head of the State Security Service.

Recommendations

To Georgian Government

- The Government of Georgia should develop an action plan aimed at reducing the number of prisoners, and in this process, should take into account both Recommendation No. R (99) 22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and the growth of the prison population, and also the document PC-CP (2015) 6 rev 7 on prison overcrowding, prepared by the Director General for Human Rights and Rule of Law of the Council of Europe;
- A systemic analysis should be conducted in the field of criminal justice regarding the estimated demand for psychiatric inpatient beds over the next 10 years, and a specific plan should be developed, focused on the provision of adequate psychiatric care in various locations, including the possibility of providing outpatient psychiatric care.

To Ministry of Justice of Georgia

- In 2025, ensure the isolation of accused persons from convicted persons in Facilities No. 2 and No. 8, at the very least, by placing them in separate cells;
- In the plan to overcome the problem of overcrowding in penitentiary institutions, take into account the increase in the number of regime staff working in the wings of prisoners' residential buildings, so that there is at least one staff member responsible for maintaining order and security for every 15 prisoners;

- When placing a person in a de-escalation room or a solitary (secure) cell, ensure the joint, multidisciplinary work of a psychologist, psychiatrist, social worker, doctor, and other staff members of the institution in order to reduce/eliminate risks;
- In 2025, introduce an amendment to the regulations of penitentiary institutions to define that the maximum duration of placement of an accused/convicted person in a de-escalation room shall be 24 hours;
- In 2025, introduce an amendment to the regulations of Penitentiary Facilities No. 2 and No. 8, specifying that the placement of a minor in a de-escalation room or a solitary (secure) cell is inadmissible;
- In 2025, in all penitentiary institutions where minors are held, a special space shall be arranged, which will have a child-friendly environment and will ensure continuous multidisciplinary work aimed at overcoming crises. The duration of stay in this space, which should not exceed several hours, and the procedure for using this space shall be defined by the regulation of the relevant penitentiary institution;
- In 2025, de-escalation rooms and solitary (secure) cells shall be equipped with a safe environment, including wall and floor coverings made of soft materials;
- Amendments shall be introduced into the regulations of penitentiary institutions to ensure that, during the period of placement in a de-escalation room, an accused/convicted person is given the opportunity to make a phone call;
- In 2025, the Monitoring Department of the Special Penitentiary Service shall conduct systemic inspections by means of:
 - Ensuring the examination and subsequent response to the practice in penitentiary institutions of prolonged placement of prisoners with mental health problems in de-escalation rooms and solitary (secure) cells, the use of handcuffs, and the lack of access to psychiatric assistance, for the purpose of preventing the ill-treatment of prisoners.
 - Ensuring the examination and subsequent response to the practice in penitentiary institutions of transferring prisoners to de-escalation rooms and solitary (secure) cells without legal basis and for punitive purposes, for the purpose of preventing the ill-treatment of prisoners.
- In 2025, through amendments to the regulations of penitentiary institutions, the maximum duration of prisoners' segregation should be defined, as well as the obligation to review the segregation measure after 14 days from its application, and thereafter at the same time interval;
- Through amendments to the regulations of penitentiary institutions, it should be prohibited to require prisoners to simultaneously expose different parts of their body during a full-body search;
- Through systemic inspections, the Monitoring Department of the Special Penitentiary Service should identify and eliminate the practice of demanding so-called "squats" during full-body searches of accused/convicted persons and ensure an appropriate response;
- Considering the current conditions and available resources, a strategy should be developed to divide the system into relatively smaller facilities and to create balanced infrastructure, and the prepared document should be shared with the Public Defender's Office;
- In Facility No. 17, so-called "barrack-type" living units should be abolished.
- In penitentiary institutions, each prisoner should be provided with no less than 4 square meters of living space.

- In penitentiary institutions, the number of employed nurses should be increased by at least twofold by the end of the calendar year;
- The frequency of consultations with specialist doctors should be ensured in such a way that patients' waiting time does not exceed 2 weeks;
- Planned medical referrals should be carried out within the timeframes defined by Order No. 381 of the Minister of Justice of Georgia dated 15 February 2019;
- Screening examinations should be ensured in penitentiary institutions for age groups specified under the state health program;
- Amendments should be made to the regulations of penitentiary institutions to define that the presence of a third party during medical personnel's visits to prisoners is permissible only in exceptional cases, when the doctor considers it necessary for their own or the patient's immediate and real safety risks; such necessity must be justified in writing (the expected threats should be described in detail in the documentation); in such exceptional cases, medical services should be provided without the non-medical person listening to the conversation, and while maintaining a reasonable distance;
- To systematize information on the health of accused/convicted persons, an Electronic Health Record (EHR) system should be introduced in the penitentiary system;
- A periodic mental health screening tool for prisoners should be developed and implemented in penitentiary institutions;
- Taking into account the specifics of penitentiary institutions, at the sub-legislative normative level, the composition of the psychiatric multidisciplinary team, the functions of each team member, and the procedure for organizing and providing psychiatric care should be defined; at the normative level, the obligation of the psychiatric multidisciplinary team should be defined to:
 - Assess the needs of patients with mental health problems who do not require inpatient treatment;
 - Based on the identified needs, develop an individual biopsychosocial support plan and provide appropriate assistance.
- In case of the need to extend placement in a de-escalation room, the prisoner should immediately be transferred to an environment tailored to the needs of persons with mental health problems;
- For persons with mental health problems who have been prescribed psychotropic medications, regular physical health check-ups should be ensured, including relevant clinical and laboratory examinations in accordance with the clinical guidelines for disease management;²⁴⁴
- Considering the importance of the issue, Order No. 663 of 20 November 2020 ("On the approval of the rule for recording injuries of accused/convicted persons resulting from possible torture and other cruel, inhuman or degrading treatment in penitentiary institutions") should be aligned as a matter of priority and without delay with Article 139 of the Penitentiary Code;
- Through a legally binding document, the minimum retention period for video recordings in penitentiary institutions should be set at 30 days;

²⁴⁴ Management of Psychosis and Schizophrenia", Clinical Guide to Disease Management, see link < <https://shorturl.at/U0uE5> > [Last accessed:29.03.2025].

- In 2025, every foreign-language-speaking prisoner should, if needed, be provided with interpreter services, including the provision of information on available services and regulations in the institution in a language they understand;
- In 2025, through professional trainings and educational programs, no less than 20% of the medical personnel of penitentiary institutions should undergo retraining;
- The Monitoring Department of the Special Penitentiary Service should be tasked with conducting a systemic inspection of the exercise of the right to outdoor walks by prisoners in Facility No. 8, and should inform the Public Defender about the results of the inspection and the measures taken;
- The regulations of penitentiary institutions should define that, for newly admitted accused persons, until they are issued telephone cards, the penitentiary administration shall, upon request, ensure their confidential contact with the hotline;
- In 2025, the number of social workers and psychologists should be increased by no less than twofold;
- In closed and high-risk facilities, ensure the arrangement of walking yards at ground level²⁴⁵, where relaxation and recreation will be possible;
- In accordance with the rule approved by Order No. 633 of the Minister of Justice of Georgia dated 30 November 2020, "On the approval of the rule for documenting injuries of accused/convicted persons resulting from possible torture and other cruel, inhuman or degrading treatment in penitentiary institutions," all doctors responsible for medical examinations should undergo training on the comprehensive documentation, recording, and photographing of prisoners' injuries. In addition, the relevant service should supervise the practical application of the skills acquired during this training;
- In 2025, the regulations of penitentiary institutions should define that during the period of solitary confinement as a disciplinary measure and restriction of telephone communication rights, as well as during placement in a de-escalation room or solitary cell for no more than 24 hours as a security measure, prisoners must be given the opportunity to contact their lawyer and the hotline by telephone;
- The regulations of penitentiary institutions should define that, in the case where the right to a telephone conversation is restricted by an investigator/prosecutor, if the accused requests it, the administration of the penitentiary institution shall ensure contact with their lawyer;
- In 2025, at least 50% of penitentiary institution staff who are in contact with prisoners should be retrained in the management of psychiatric crisis situations, the identification, assessment, and treatment of prisoners with mental health problems, including in areas of communication and risk;
- In 2025, to ensure the possibility of sending confidential complaints in penitentiary institutions, confidential complaint envelopes should be placed in such a way that receiving the envelope does not depend on the institution's staff and does not reveal the prisoner who is receiving it. In addition, material and technical resources (paper, pen, envelope) should be freely accessible to all prisoners, and they should be allowed to keep a certain number of envelopes in their cells;

²⁴⁵ The design and ground-level arrangement of walking yards was discussed by the European Committee for the Prevention of Torture during its visit to Georgia in 2014. Para. 75, Report available at: <<https://rm.coe.int/09000016806961f8>> [Last accessed: 05.01.2025].

- In 2025, through professional training and educational programs, at least 20% of the medical staff of penitentiary institutions should be retrained;
- In 2025, an amendment should be made to the regulations of penitentiary institutions to specify that placement of a prisoner in a de-escalation room or solitary (secure) cell may be carried out only as an extreme measure. The application of such a measure must be justified with reasoning as to why placement in the de-escalation room or solitary (secure) cell is considered the only available option. Furthermore, the regulation should state that before using the de-escalation room or solitary (secure) cell, the institution's staff must first use other, comparatively less restrictive means, such as direct supervision by staff or supervision through electronic means;
- Each accused and convicted minor must be provided with an environment separated from adults and tailored to their needs, in accordance with international standards.

To the Minister of Internal Affairs of Georgia

- In pilot mode, ensure the audio-video recording and reasonable-term storage of the process of explaining rights to a detained person by police officers and the delivery of information about rights in documentary form in several police units;
- In police stations and temporary detention isolators, proper documentation of the detained person's request to notify a family member or lawyer should be carried out through the maintenance of relevant registries;
- Ensure the possibility of a confidential meeting between a detained person and a lawyer in the police station, including the arrangement of a suitable space if necessary;
- In 2025, increase the number of isolators that have a functioning medical unit.
- Doctors employed in temporary detention isolators should undergo training on the documentation of bodily injuries in persons placed in isolators in accordance with the Istanbul Protocol, including photographing and storage of the photographic material;
- In 2025, employees of territorial units and the criminal police should gradually be equipped with shoulder cameras, and a subordinate normative act should define the obligation to record interactions with citizens, as well as the rules and timeframes for storing the recorded video material;
- The obligation of patrol inspectors to record interactions with citizens should be defined by Order No. 1310 of the Minister of Internal Affairs of Georgia dated 15 December 2005, "On the approval of the instruction on the rules for patrolling by the Patrol Police Department of the Ministry of Internal Affairs of Georgia." The obligation to record video should apply in the following cases: identification of a person; frisk and visual inspection; special search and inspection; restriction of movement of a person or vehicle or actual possession of an object; and detention of a person;
- Police vehicles should gradually be equipped with video surveillance systems covering the interior and exterior perimeter of the vehicle;
- A normative act should define the obligation to continuously record video during a detained person's presence in a police vehicle, using interior and exterior perimeter vehicle cameras, or, in their absence, a body camera;
- The number of video cameras should be increased in police departments, divisions, and units, and cameras should be installed in all locations where a detained person or a person voluntarily invited for questioning is present;

- In pilot mode, ensure continuous audio-video recording of the interrogation process of a detained person in several police units;
- Amend Order No. 625 of the Minister of Internal Affairs of Georgia dated 15 August 2014, and add fields to the form of the administrative detention report approved by Annex No. 9 for entering the following information: time of drafting the report; circumstances of the detention; whether there was resistance; whether force was used and in what form;
- Standardized electronic file documentation/records containing information about detainees should be introduced in police institutions, in which all actions related to the detained person—including arrest, entry into and exit from the institution, body inspection, the detainee's request to contact a lawyer/doctor/family member and whether this was ensured, the exact time and reason for release or transfer of the detainee, and accurate information about the person's whereabouts during detention—should be recorded in detail and in chronological order;
- The General Inspection should examine the proper maintenance of detainee registration books.
- Through registry maintenance, ensure the registration of all persons brought into police departments, divisions, and units, with an indication of their status and the times of their entry into and exit from the building;
- The General Inspection should study the practice of de facto restriction of liberty and subsequent detention of individuals summoned as witnesses and take appropriate measures to eliminate this practice;
- Ensure regular training for temporary detention isolator staff on human rights and the effective performance of their official duties;
- For minors placed in the Temporary Accommodation Center of the Migration Department:
 - Ensure the creation of an environment adapted to the needs of minors and young children.
 - In the case of a minor being present in the center, ensure the continuous presence of a social worker and a psychologist in the institution, with the possibility of direct and frequent contact with minors.
 - Increase the time minors can spend in the open air and offer them child-appropriate activities, including educational activities.
 - Provide them with information about their rights and complaint mechanisms in simple, understandable language (including through booklets and other means).
- A guideline document on conflict prevention and management should be developed for the Temporary Accommodation Center of the Migration Department;
- Eliminate the practice of prolonged placement of individuals in the strict supervision room, as defined by Article 25 of Order No. 231 of the Ministry of Internal Affairs of Georgia "On the approval of the standard operating procedure of certain structural units of the Migration Department of the Ministry of Internal Affairs of Georgia" in the Migration Department's Temporary Accommodation Center, and maintain a registry that records the exact time of entry and exit of individuals placed in the strict supervision room;
- The placement of minors in the strict supervision room, as defined by Article 25 of Order No. 231 of the Ministry of Internal Affairs of Georgia, should be prohibited in the Temporary Accommodation Center of the Migration Department;
- A damage documentation form should be developed and approved, to be completed by the escorting physician of Georgia if the person to be returned alleges or the physician suspects

torture or ill-treatment; in addition, the procedure for notifying the appropriate investigative body by the physician should be defined;

- Ensure that SSD staff are equipped with identifying insignia and regulate, by normative act, the mandatory use of such insignia;
- Cooperate with the Special Investigation Service in the process of identifying abusive or witness police officers. Also, provide detailed information about the special means used;
- The use of body cameras during police operations should be made mandatory;
- Proper and comprehensive internal inspections should be carried out regarding unethical behavior, verbal abuse, and other human rights violations committed by police officers;
- An effective investigation should be conducted into the so-called telephone threat cases that occurred in parallel with the spring protests, including the identification of the organizers;
- An effective investigation should be conducted into the attacks on citizens and politicians by the so-called black masked violent groups.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia:

- The Ministry should identify and eliminate cases of violence by staff against patients in psychiatric institutions through monitoring;
- The Ministry should develop and implement a detailed instruction for staff on interactions with patients in psychiatric institutions, which must include standards for the protection of patient rights and the provision of quality psychiatric care;
- The Ministry should develop and implement a strategy for the prevention of and response to conflicts among patients, which should also include the obligation to provide appropriate psychological assistance to patients who are victims of violence;
- An internal guideline document for the prevention and management of crisis situations, mandatory for psychiatric institutions, should be developed and implemented to minimize the risks of escalation within institutions;
- In consultation with the Public Defender's Office, the instruction on the use and procedures of physical restraint methods should be updated;
- The Ministry should study and eliminate the practice of prolonged segregation of patients from other patients at the National Center for Mental Health and LLC "Batumi Medical Center";
- Soothing rooms should be created in psychiatric institutions, where a therapeutic environment will be ensured and the patient will have the opportunity for voluntary isolation and calming sensory stimulation;
- The Ministry should develop²⁴⁶ detailed instructions for emergency medical response crews dispatched in response to psychiatric cases reported by the LEPL Public Safety Management Center (112) of the Ministry of Internal Affairs, on how to persuade the patient to accept psychiatric help, determine the necessity of involuntary hospitalization, and explain the patient's rights;

²⁴⁶ Information on the meaning, purpose and characteristics of a comfort room is provided at the following link: World Health Organization, Quality Rights: Freedom from coercion, violence and abuse. WHO Quality Rights Core training: mental health and social services. Topic 8: Supportive environments and the use of comfort rooms. Available in English: <https://apps.who.int/iris/bitstream/handle/10665/329582/9789241516730-eng.pdf> [last accessed: 03.02.2025].

- The Ministry should examine cases of patients formally receiving voluntary psychiatric care being hospitalized against their actual will, and take all necessary measures to ensure the immediate discharge of patients for whom there is no legal basis for the application of the involuntary psychiatric care procedure;
- Amendments should be made to the Minister's order²⁴⁷ to make it mandatory at all stages—initiation, continuation, and change of treatment scheme—to complete the form approved by Order No. 108/n of the Minister of Labour, Health and Social Affairs of Georgia (Form No. IV-300-12/a);
- A unified form for informed consent for hospitalization in a psychiatric institution should be developed and approved by the Minister's order;
- A form of informed consent for psychiatric care under the biopsychosocial approach should be developed;
- An order should define the obligation of psychiatric institutions that, after obtaining consent for hospitalization, the patient must be provided with accurate and comprehensive information about the biopsychosocial components of psychiatric care, and informed consent must be obtained from the patient for each component;
- Through monitoring in psychiatric institutions, the Ministry should identify and eliminate cases of administering injections and medications against the patient's will and/or by using force.
- In accordance with the Law of Georgia on Mental Health, ensure the possibility for patients to leave the inpatient facility for a short period without being formally discharged, taking into account the patient's mental condition;
- Ensure the assessment of the needs of patients who have been placed in the inpatient facility for more than 6 months, with the aim of discharging them from the institution and referring them to community-based services;
- Develop and approve by ministerial order the obligation for psychiatric institutions to provide patients, upon admission and thereafter on a regular basis, with verbal and written information in a language they understand regarding the internal regulations of the institution and their rights;
- Develop and approve by ministerial order accessible, simple, and confidential in-hospital and out-of-hospital procedures for submitting statements/complaints, mandatory for psychiatric institutions;
- The Ministry should study, through monitoring, the issue of reviewing the legal status of patients formally receiving voluntary treatment after the application of restrictive measures in psychiatric institutions;
- The Ministry should, through monitoring, examine the legality and justification of the use of restraint methods;
- Specific rules for documentation in psychiatric institutions should be developed, which should include procedures for documenting injuries on patients' bodies and notifying investigative bodies;
- A state external supervision and monitoring mechanism should be created for the provision of psychiatric care outside the hospital, with a mandate to receive confidential/open complaints from users of psychiatric services, their representatives, and other interested persons about

²⁴⁷ Order No. 87/N of the Minister of Labor, Health and Social Protection of Georgia on Approval of the Rules for Placement in a Psychiatric Hospital, March 20, 2007, Tbilisi.

violations related to service quality and rights, and to conduct regular, systematic, and proactive monitoring of psychiatric service providers;

- Ensure the training of facility staff so that they can recognize the side effects of “Clozapine” which may lead to fatal outcomes;
- The Ministry should ensure training for the staff of psychiatric institutions on at least the following topics: multidisciplinary teamwork, de-escalation techniques, patient rights and ethical standards, recovery-oriented approaches, and modern psychiatry—with special emphasis on understanding the importance of the biopsychosocial model of psychiatric care and developing the practical skills necessary for its implementation;
- A strategy should be developed for the prevention of and response to conflicts among beneficiaries in housing services for persons with disabilities;
- The shelter of the National Center for Mental Health, as well as the institutions in Bediani and Dzevri for persons with disabilities, should be closed, and beneficiaries should be transferred to alternative care services where they will live in conditions as close as possible to a family and community environment;
- The Ministry should study and respond accordingly to cases of placement of beneficiaries in housing services for persons with disabilities against their will;
- In order to establish an effective mechanism for the protection of beneficiaries’ rights in shelters and housing services for persons with mental health problems, accessible, simple, and confidential procedures for submitting statements/complaints should be developed and approved by ministerial order, detailing all aspects of the exercise of this right for shelters and housing services for persons with disabilities;
- The existing model for funding somatic (physical) health services should be changed so that beneficiaries placed in any type of housing service have full and timely access to free medical care;
- Ensure the conduct of screening examinations for beneficiaries in age groups defined by the state healthcare program;
- In housing services, ensure the management of medication side effects through appropriate examinations and consultations;
- Define the obligation for all types of housing service providers to maintain a stock of emergency medications on site;
- Require service providers to inform beneficiaries residing in housing services for persons with disabilities about their rights and the mechanisms for the protection of those rights;
- Supervise the process by which providers of housing services for persons with disabilities inform beneficiaries about their rights and the mechanisms for protecting those rights;
- Take all necessary measures to ensure, through systematic monitoring, the compliance of psychiatric institutions’ conditions with the standards established by the regulation on the issuance of medical activity licenses and inpatient facility permits.

To the Minister of Justice of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia:

- Through mutual cooperation, a time-bound plan should be developed for the full integration of penitentiary healthcare into the system of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

To the Special Investigation Service and the Prosecutor General's Office of Georgia:

- The Public Defender's Proposal No. 2024/7325 of 17 December 2024 in the case of I.Ts. (Leonidze Street episode) and Proposal No. 25/1903 of 7 March 2025 regarding the spring protests should be fully implemented;
- The investigation into the winter protests should be conducted effectively. The legal classification should be revised, and the investigation should also proceed under the special articles related to ill-treatment. The investigation should fully analyze the events and identify the responsibility, role, and functions of all individuals involved—from leadership to rank-and-file;
- An investigation should be conducted into the possible unlawful appropriation of personal belongings of citizens during the winter protests, as well as into the alleged unlawful access to and retrieval/viewing of information from personal electronic devices.

To the Special Investigation Service:

- A unified approach should be developed regarding the qualification under Article 156 of the Criminal Code of Georgia (Persecution), and if necessary, a guiding document should be drafted for this purpose;
- An effective investigation should be conducted into the attack by so-called masked violent groups on Maka Chikhladze and Giorgi Shetsiruli.

To the Prosecutor's Office of Georgia:

- Cases in which signs of persecution are identified or revealed should be classified under Article 156 of the Criminal Code of Georgia and, in accordance with the institutional investigative jurisdiction, should fall under the responsibility of either the Special Investigation Service or the Prosecutor's Office.

To Common Court Judges:

- In criminal and administrative offense cases, judgments should not be based solely on police officers' testimonies in the absence of neutral evidence.

To LLC "National Center for Mental Health":

- A legally binding document should establish a minimum video recording archive period of at least 10 days; based on a study of current practice, the issue of setting the archive retention period to 30 days should be reviewed and planned;
- All necessary measures should be taken to ensure that high doses of heavy sedative psychotropic medications are not routinely administered to all newly admitted patients. Such pharmacotherapeutic interventions should be conducted only after careful individual assessment,

alongside oral medications, and in doses that do not result in excessive sedation or a high risk of serious side effects.

4. The Right to Liberty and Security

4.1. Introduction

In the present chapter, issues related to the protection of the right to liberty and security during the reporting period are reviewed, such as the unjustified restrictions on the right to free movement, the use of preventive measures and problems related to appeals; unlawful administrative detentions; shortcomings revealed in the application of release mechanisms for prisoners, including those sentenced to life imprisonment, and others.

It should be noted that the above-mentioned issues are also reviewed in the Public Defender's 2023 parliamentary report; however, during the reporting period, the shortcomings revealed in the previous year were not eliminated. Moreover, in relation to administrative detentions, the risks of arbitrariness in the interference with the right to liberty have further increased.

It is regrettable that, as in previous years, many of the Public Defender's recommendations remain unfulfilled. Among them, the obligation for law enforcement officers participating in special operations to use body cameras, and the rule for the use of body cameras during special operations, have not been normatively defined. It is also noteworthy that no amendments have yet been made to the Code of Administrative Offenses of Georgia, and the obligation for the court reviewing an administrative case to check the legality of administrative detention has not been established, among others.

For years, the Public Defender has been submitting a proposal to the Parliament in the parliamentary report, according to which, if accepted, it would be deemed inadmissible to apply and/or extend extradition detention if, after revealing sufficient grounds for extradition proceedings against a person, the person has already spent 9 months in custody cumulatively under ongoing criminal proceedings against them, including for any criminal case committed within the territory of Georgia.²⁴⁸ Unfortunately, this proposal of the Public Defender remains unfulfilled to this day, and in order to further advocate for solving the problem, the constitutional claim²⁴⁹ submitted by the Public Defender to the Constitutional Court of Georgia has still not been substantively reviewed.

4.2. Unjustified restriction of the right to free movement

During the reporting period, the unlawful practice by law enforcement agencies continued, whereby individuals, in relation to whom there is no legal basis provided by legislation, are unjustifiably restricted from crossing the border of Georgia based on a verbal instruction from an investigator. During the reporting period, the Public Defender's Office studied 2 such cases.²⁵⁰

²⁴⁸ Parliamentary Report of the Public Defender of Georgia for 2023, p. 107; Parliamentary Report of the Public Defender of Georgia for 2022, p. 96; Parliamentary Report of the Public Defender of Georgia for 2021, p. 91; Additionally, on December 7, 2021, the Public Defender addressed the Parliament of Georgia with a legislative proposal - Proposal of the Public Defender of Georgia No. 15-2/11520 of December 7, 2021.

²⁴⁹ Constitutional claim No. 1808 of the Public Defender of Georgia dated January 12, 2024 "Public Defender of Georgia against the Parliament of Georgia".

²⁵⁰ Report on the activities of the Criminal Justice Department of the Public Defender's Office of Georgia for 2024.

In one case studied by the Public Defender's Office during the reporting period, on July 18, 2024, the employees of the Border Protection Department of the Ministry of Internal Affairs did not allow the citizen of the Republic of Azerbaijan, A.S., and members of his family to cross the state border of Georgia at Tbilisi Airport, through the Republic of Turkey, for the purpose of traveling to Bosnia and Herzegovina. In the second case, the citizen of the Russian Federation, V.S., on September 28, 2023, planned to travel to the city of Antalya, Republic of Turkey, via Tbilisi International Airport, but the employees of the Ministry of Internal Affairs did not allow the departure.²⁵¹ In both cases, the Public Defender addressed the Prosecutor General with a request to initiate an investigation. In both cases, an investigation was initiated under signs²⁵² of a crime provided for by Article 152, Part 2 of the Criminal Code of Georgia.²⁵³

Regarding the practice revealed in previous years²⁵⁴, from 2021 to 2023, the Public Defender's Office studied 5 cases where, based on the instruction of a law enforcement agency representative, specific individuals were not allowed to cross the Georgian border. Based on the results of the case studies, the Public Defender addressed the Prosecutor General of Georgia²⁵⁵ with appropriate proposals and requested the initiation of investigations. Out of these 5 facts, investigations were initiated in 3 cases; however, the investigations have so far been ineffective, and as of now, no individual has been recognized as a victim or charged within the relevant investigations²⁵⁶. In 2 cases, investigations were not initiated at all.²⁵⁷

4.3. The practice of appealing a ruling on the application or modification of a preventive measure

The Public Defender considers that, at the stage of substantive consideration of the case, in the event of an appeal against a ruling on the application or modification of a preventive measure, the appellate court should be obliged to immediately deliberate on the legality of the preventive measure, and not after the conclusion of the case, together with the verdict. According to the Public Defender's assessment, such a practice renders meaningless the possibility of appealing the ruling on the preventive measure, since after the conclusion of the case and the delivery of the verdict, the preventive measure imposed on the person automatically ceases to be in force. In order to eliminate this problem, the Public Defender submitted a

²⁵¹ Proposals of the Public Defender of Georgia No. 2024/5317 of October 9, 2024 and No. 2024/1671 of June 6, 2024.

²⁵² Illegal interference with the exercise of the right of a legally resident of Georgia to freely move within the territory of the country, freely choose their place of residence or freely leave Georgia, as well as the right of a citizen of Georgia to freely enter Georgia, which has caused significant damage, committed by violence, threat of violence or abuse of official position, is punishable by a fine or corrective labor for a term of up to one year or house arrest for a term of one to two years or imprisonment for a term of up to two years, with deprivation of the right to hold a position or engage in an activity for a term of up to three years (Part 2 of Article 152 of the Criminal Code of Georgia).

²⁵³ Letters of the Prosecutor General's Office of Georgia dated January 17, 2024 No. 13/1892 and dated June 26, 2024 No. 13/41420.

²⁵⁴ Parliamentary Report of the Public Defender of Georgia for 2021, p. 82; Parliamentary Report of the Public Defender of Georgia for 2022, p. 90; Parliamentary Report of the Public Defender of Georgia for 2023, p. 96.

²⁵⁵ Proposals of the Public Defender of Georgia No. 15-2/2829 of May 16, 2022, No. 15-12/5499 of May 30, 2022, No. 15-12/12194 of December 7, 2022, No. 15-4/11654 of November 21, 2022 and No. 2024/1178 of May 20, 2024.

²⁵⁶ Letters of the Prosecutor General's Office of Georgia dated February 3, 2025 No. 13/5579, dated February 3, 2025 No. 13/5451, dated February 3, 2025 No. 13/5452.

²⁵⁷ Letters of the Prosecutor General's Office of Georgia dated September 26, 2023 No. 13/65124 and January 22, 2024 No. 13/3590. According to the position of the Prosecutor General's Office, as a result of the study of the materials, no facts of committing crimes provided for by the Criminal Code of Georgia were identified.

proposal to the Parliament of Georgia. Unfortunately, the Parliament did not take this proposal into account during the reporting period either.²⁵⁸

It is noteworthy that the practice of applying preventive measures has not substantially changed during the reporting period compared to previous years. The analysis of statistical data shows that the main types of preventive measures imposed on defendants continue to be detention or bail. Other preventive measures, as in previous years, are generally applied rarely.

According to the statistics provided by the Supreme Court of Georgia, in 2024, a preventive measure was applied to a total of 10,658 persons.²⁵⁹ Of these, the percentage of detention amounted to 41% – 4,379 cases. In 2024, compared to 2023, the percentage of detention among preventive measures increased. Specifically, in 2023, a preventive measure was applied to a total of 11,830 persons, of whom 4,479 were subjected to detention – 37.86%.²⁶⁰

As for the application of non-custodial preventive measures, it is noteworthy that in 2024, a non-custodial preventive measure was applied to 6,279 persons, among whom, as a non-custodial measure, bail/bail with detention security was determined for 6,189 persons. Accordingly, the percentage of bail application among non-custodial preventive measures in 2024 amounted to 98.6%. The trend has remained practically unchanged over the years. In 2023, the share of bail also constituted 98.6% of non-custodial measures, in 2022 – 98%, in 2021 – 97.2%, in 2020 – 96.7%, and in 2019 – 96.3%.²⁶¹

4.4. Administrative detentions.

In the context of administrative detentions, it is, first of all, noteworthy that the shortcomings existing in the legislation remain problematic, which the Public Defender of Georgia has been pointing out for years²⁶². Specifically, the issue of the authority to check the legality of administrative detention is problematic. When a person challenges the administrative detention before the judge reviewing the case of an administrative offense, the judge does not verify the legality of the detention and considers it within a separate proceeding. Unfortunately, the proposal issued by the Public Defender over the years to eliminate this problem remains unfulfilled to this day. During the reporting period as well, the incorrect practice continued of administratively detaining citizens during protest rallies, unjustifiably extending the detention period up to 48 hours, and, through this form, unjustifiably interfering with the freedom of expression.²⁶³

Against this background, it is particularly regrettable that in December 2024, several legislative amendments inconsistent with human rights standards were introduced into the Code of Administrative

²⁵⁸ An amendment should be made to the Criminal Procedure Code of Georgia, according to which, in the event of an appeal against a ruling on the use or change of a preventive measure at the substantive stage of the case, the Court of Appeals shall have a clear obligation to immediately consider the legality of the preventive measure.

²⁵⁹ Letter No. P-61-25 of the Supreme Court of Georgia dated February 24, 2025.

²⁶⁰ Letter No. P-19-24 of the Supreme Court of Georgia dated March 5, 2024.

²⁶¹ Parliamentary Report of the Public Defender of Georgia for 2023, Tbilisi, 2024, p. 98.

²⁶² Parliamentary Report of the Public Defender of Georgia for 2023, p. 98; Parliamentary Report of the Public Defender of Georgia for 2022, p. 88; Report of the Public Defender of Georgia for 2021, p. 81; Parliamentary Report of the Public Defender of Georgia for 2020, p. 103-104.

²⁶³ Report on the activities of the Criminal Justice Department of the Public Defender's Office of Georgia for 2024.

Offenses of Georgia. Among them, particularly noteworthy is the granting of authority to the police, for the purpose of preventing the repeated commission of an administrative offense, to administratively detain a person, to conduct a personal search and search of belongings, and to seize items and documents.²⁶⁴

The amendment does not define a specific basis for preventive detention, nor does it impose any evidentiary standard (specific fact or information) for its use. The Public Defender believes that, in the absence of a 48-hour period for administrative detention and judicial control over the legality of detention, the introduction of preventive administrative detention under a code incompatible with human rights further increases the risks of arbitrary interference with the right to freedom of the individual. Similarly, the legislative amendments are vague and unpredictable in terms of personal searches, searches of items, and seizure of items and documents for the purpose of preventing the repeated commission of an administrative offense.²⁶⁵

4.5. The practice of parole and the replacement of the unserved part of a sentence with a lighter form of punishment²⁶⁶

Throughout 2024, as in previous years, the practice of parole and the replacement of the unserved part of a sentence with a lighter form of punishment, as well as the legislative framework regulating this issue, remained problematic. The existing practice and legislative framework do not establish uniform, foreseeable, and clear grounds for determining who is entitled to benefit from the legislative relief. First of all, it is noteworthy that the list of criteria for the assessment of a convict is incomplete. The Public Defender considers it necessary to refine the normative framework and to pay attention to more criteria when deciding on parole or the replacement of the unserved part of a sentence with a lighter form of punishment, including aspects related to the convict's future plans, prospects, opportunities, and other matters. Regarding the deficiencies in the legislative framework, it should also be noted that if the board deems it necessary to receive additional information from the convict for the purpose of deciding on parole, it conducts an oral hearing. However, the legislation does not define the preconditions for when and in what cases it is appropriate to obtain additional information from the prisoner, which creates the possibility for subjective or arbitrary decision-making by the board. Unfortunately, this problem has not been eliminated even after the enactment of the new Penitentiary Code.

During the reporting period, the Public Defender's Office requested copies of all decisions made by all six local boards, as well as by the local board reviewing the cases of female convicts in April 2024, and by the Third Local Board of Eastern Georgia, the Local Board of Western Georgia, and the Local Board reviewing juvenile cases in October 2024.²⁶⁷

As a result of examining the decisions, both positive and negative trends were identified. The positive trend from the previous year has been maintained, and it can be said that the decisions made by the local boards are, in general, reasoned, and no systemic shortcomings are revealed in this regard.

²⁶⁴ Law of Georgia on Amendments to the Administrative Offenses Code of Georgia, 13/12/2024, 169-IMS-XIMP.

²⁶⁵ For a detailed analysis of legislative changes, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

²⁶⁶ Details are available in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

²⁶⁷ Letter No. 2024/6735 of the Public Defender's Office of Georgia dated November 28, 2024.

At the same time, it should be noted that during the reporting period, the Public Defender's Office also identified not isolated cases where problems with reasoning still appear. Specifically, in some negative as well as positive decisions, the reasoning presented by the board is problematic and deviates from the existing practice.²⁶⁸

As for the negative trends revealed as a result of examining the cases, first of all, we highlight the inconsistent practice in the assessment of the main criteria. Local boards, when considering the issue of parole and the replacement of the unserved part of the sentence with a lighter form of punishment, are guided by the assessment of five main criteria.²⁶⁹

In the decisions of the local boards studied by the Public Defender's Office, there are positive decisions identified where the personal file of the convict does not differ from the personal files of other prisoners in relation to whom a negative decision was made; however, in these cases, the boards assess the same criteria differently. From the boards' decisions, it is not evident what distinguishing factors, significant for the assessment of the criteria, were identified in the given cases that led to a different evaluation.

Additionally, the Public Defender's Office identified problems in the assessment of individual criteria by the boards. For example, the nature of the crime committed by the convict is one of the criteria evaluated by the local boards in relation to the convict. In the deliberation on the nature of the crime by the local board, no kind of gradation or differentiation is revealed depending on what category of crime is present, whether it is violent or non-violent, or whether it is intentional or negligent. The board often places all criminal acts on the same level, and no individual assessment of the act committed is evident according to this criterion. The same can be said about such an assessment criterion as family conditions. Specifically, in the majority of negative decisions, even in cases where the convict describes their family situation in a positive context and this is also confirmed by the characterization provided by the institution, the boards assess this criterion negatively, reasoning that the specific "situation already existed before the convict's admission to the penitentiary establishment and, as a matter of fact, the family could not serve as a deterrent or as a determinant of the convict's behavior," and so forth. It is also noteworthy that in the decisions of the local boards, significant attention is paid to the convict's involvement in social activities as one of the decisive factors in the resocialization-rehabilitation process. However, it is significant that, in some cases, despite the convict's participation in various educational, cultural, sports, and/or other types of activities, the board does not evaluate this positively for one reason or another, which, according to the Public Defender's assessment, is neither reasoned nor fair²⁷⁰. Furthermore, the board does not take into account those cases where the convict, despite willingness, was not involved in activities due to specific hindering circumstances.

It is also noteworthy that there is vagueness in the boards' deliberations regarding the incentives applied to the convict. Specifically, from the decisions, it appears that, in one case, the board may theoretically explain that it is deprived of the opportunity to positively assess a specific criterion based solely on several

²⁶⁸ A detailed discussion is presented in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

²⁶⁹ The nature of the crime; the behavior of the convict during the period of serving the sentence; the facts of the convict's past crimes, convictions; family conditions; the personality of the convict.

²⁷⁰ A detailed discussion is presented in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

incentive measures (regardless of their form). In another case, it may not positively assess based on the specific form of the incentive. Additionally, it should be noted that in the assessment of the convict's personality, along with other circumstances, attention should also be paid to whether the convict requires special supervision from the institution's administration. However, it is noteworthy that the board focuses on this component only when reviewing the cases of convicts with a heightened risk of danger, whereas in the decisions concerning convicts with a medium level of risk, this component is not described in a positive context.

The board also inconsistently assesses the issue of the victim's consent regarding the application of a relief mechanism to the convict. In some cases, when the convict does not present the victim's consent, the board assesses it negatively and considers that reconciliation with the victim is important for the purposes of preventing new crimes and restoring justice. However, in cases where the victim agrees to the application of relief to the convict, the board points out that the victim's subjective attitude cannot serve as a guarantee for eliminating the risk posed by the convict and for preventing the commission of a new crime after release.

The study of local boards' decisions also reveals that in reasoning their decisions, the boards use template texts for each criterion discussed. In many parts of the reasoning of decisions, reference is made to negative circumstances that do not correspond to the convict's personal file and therefore are disconnected from reality. It is also revealed that in some decisions, the future expectations of the boards regarding certain convicts are not foreseeable. When the board believes that the positive behavior shown by the convict and the activities they have undertaken are not sufficient for their resocialization, according to the Office's opinion, it is necessary to provide a deeper justification of this opinion, so that it is foreseeable for the convict what they could do in the future.

Additionally, it should be noted that, unfortunately, as in previous years, the statistics on the parole of convicts have worsened during the reporting period as well. Specifically, in 2019, 1,279 convicts were released on parole, in 2020 — 830, in 2021 — 829²⁷¹, in 2022 — 635²⁷², and in 2023 — 434. This statistical indicator further deteriorated during the reporting period — in 2024, 342 convicts were released from serving their sentences.²⁷³

It should also be noted that a declining trend is observed in the statistics on the replacement of the unserved part of a sentence with a lighter form of punishment. Specifically, in 2019, the sentence was replaced for 236 convicts, in 2020 — for 545, in 2021 — for 440²⁷⁴, and in 2022 — for 388²⁷⁵. In 2023, the downward trend continued, and only 274 convicts benefited from this relief. The regression was evident in 2024 as well, and the sentence was replaced for only 202 convicts²⁷⁶.

²⁷¹ 2021 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia, 56.

²⁷² Letters No. 381189/01 of December 30, 2022 and No. 43214/01 of February 16, 2023 of the Department of Personnel Management of Local Councils of the Special Penitentiary Service.

²⁷³ Letter No. 20774/01 of the Special Penitentiary Service dated January 24, 2025.

²⁷⁴ 2021 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia, p. 56.

²⁷⁵ Department of Personnel Management of Local Councils of the Special Penitentiary Service Letters No. 381189/01 of December 30, 2022 and No. 43214/01 of February 16, 2023.

²⁷⁶ Letter No. 20774/01 of the Special Penitentiary Service dated January 24, 2025.

Alongside the active use of mechanisms for early release and non-custodial sentences, the best motivator for convicts would be the offering of activities that directly impact the reduction of the remaining sentence term or the change in the type of punishment. It is important that such a mechanism be actively used for convicts assigned to the household service, so that, on the one hand, their effort/work is recognized, and on the other hand, such an approach creates strong motivation for those convicts who, for various reasons, including the influence of the informal hierarchy existing in prisons, find it difficult to decide to join the household service. For convicts, along with the hope of returning to society, the existence of a regime tailored to their individual needs is extremely important. In the 2023 report, the Public Defender welcomed the introduction of digital education²⁷⁷ in Facility No. 16.²⁷⁸ It should be positively noted that in 2024, digital education was introduced in Penitentiary Establishment No. 5 as well. Also, Penitentiary Establishments No. 1, No. 2, and No. 8 were fully equipped for digital education, which, of course, is commendable. The Public Defender hopes that from 2025, prisoners in Facilities No. 1, No. 2, and No. 8²⁷⁹ will already have the opportunity to benefit from this method of learning, and that efforts will continue to introduce digital education in other penitentiary establishments as well.

4.6. Results of Amnesty

It should be noted that on September 17, 2024, the Parliament of Georgia adopted the Law of Georgia "On Amnesty."²⁸⁰ It should be positively assessed that the Public Defender's Office also participated in the committee discussions of the amnesty law draft.²⁸¹

Unfortunately, the Law of Georgia "On Amnesty" still did not address persons sentenced to life imprisonment. The law also did not provide any relief for those individuals who suffer from chronic and/or incurable diseases. The Public Defender's Office expresses hope that the Parliament will consider this direction in the future. It is also noteworthy that, according to the draft law submitted for consideration at the first reading in the Parliament of Georgia, in order to apply amnesty to a convict, it was necessary that each victim, during the enforcement of the law, express their consent regarding the application of amnesty to the convict before the investigative body or the court²⁸². At the same time, according to the draft law, the court was authorized to decide on the application of amnesty to a person convicted of a domestic crime without an oral hearing.

According to the assessment of the Public Defender's Office, within the framework of the above-mentioned version of the draft law, there remained a risk that, for the purpose of obtaining the victim's consent necessary for the application of amnesty, the victim could be subjected to certain pressure by

²⁷⁷ Digital learning allows convicted students to remotely engage in the university learning process, attend online lectures, and have interactive communication with lecturers.

²⁷⁸ The "Digital University" was named among the 3 best projects by the European Organization for Prison and Correctional Systems (Europris). 37 projects from European countries were nominated for the annual Europris award. Information is available at: < <https://sps.gov.ge/news/4458?type=> >

²⁷⁹ 2024 Report of the National Preventive Mechanism of the Public Defender's Office of Georgia.

²⁸⁰ Law of Georgia "On Amnesty" of September 17, 2024.

²⁸¹ Report on the activities of the Criminal Justice Department of the Public Defender's Office of Georgia for 2024.

²⁸² According to the draft law, along with the consent of the victim, the person had to express their consent to a protective order being issued based on the Law of Georgia "On Prevention of Violence against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence", regardless of the risk of recurrence of violence, for the period by which the person's sentence was reduced as a result of the amnesty, but not more than 9 months.

the convict or a party, and therefore, the expressed consent might not have been the result of the victim's true free will. According to the position of the Public Defender, in order to avoid all the mentioned risks, the victim should confirm their consent directly before the court, and the court should itself be convinced of the authenticity of the victim's will. It is welcome that the Parliament of Georgia took this position into account, and in the draft law submitted for the second reading, an amendment was introduced, according to which, when deciding on the application of amnesty to a person convicted of a domestic crime, the judge determines the victim's position through a court session held with an oral hearing, without the presence of the accused, the convict, and their defense attorney. This provision was also reflected in the final version of the law.

Proposals

To the Parliament of Georgia

- An amendment should be made to the Code of Administrative Offenses of Georgia, according to which the verification of the legality of administrative detention shall be defined as an obligation of the court reviewing the administrative case;
- Article 30 of the Law of Georgia "On International Cooperation in Criminal Matters" should be supplemented with Paragraph 12¹, according to which it will be deemed inadmissible to apply and/or extend extradition detention if, after the identification of sufficient grounds for extradition proceedings against a person, the individual has spent a cumulative total of 9 months in custody within the framework of ongoing criminal proceedings against them, including for any criminal case committed on the territory of Georgia;
- An amendment should be made to the Criminal Procedure Code of Georgia, according to which, in the event of an appeal against a ruling on the application or modification of a preventive measure at the stage of substantive consideration of the case, the appellate court shall have a clear obligation to immediately deliberate on the legality of the preventive measure;
- The Penitentiary Code should define the mandatory criteria for conducting oral hearings by the local board. At the same time, the local board should retain the authority to conduct an additional oral hearing if necessary.

Recommendations

To the Minister of Internal Affairs of Georgia

- In 2025, at the normative level, the obligation for law enforcement officers participating in special operations to use body cameras and the rule for the use of body cameras during special operations should be defined;
- All law enforcement officers participating in special operations should be equipped with body cameras.

To the Minister of Justice of Georgia

- The assessment criteria established by Order No. 320 of the Minister of Justice of Georgia dated August 7, 2018, on the approval of the rule for the consideration and decision-making on parole

by the local boards of the Special Penitentiary Service — a state sub-agency within the system of the Ministry of Justice of Georgia — should be supplemented with criteria related to the convict's future plans, prospects, opportunities, and other relevant issues;

- Ensure the introduction of the Digital University in Penitentiary Establishments No. 3, No. 6, No. 10, No. 12, No. 14, No. 15, No. 17, and No. 18;
- To create motivation for convicts to engage in various rehabilitation activities, a mechanism should be created and introduced that directly impacts the reduction of the remaining sentence term or the change in the type of punishment;
- In 2025, introduce new and diverse rehabilitation activities in all penitentiary establishments and increase the number of resocialization activities and the number of convicts involved in them by no less than 50%;
- For the purpose of involving foreign-language-speaking convicts in rehabilitation activities, ensure the registration by 2025 of all prisoners who do not speak the Georgian language and offer all of them the opportunity to study Georgian. At the same time, ensure their involvement in activities where the lack of Georgian language skills does not create a substantial barrier to participation. In addition, it is advisable to consider the possibility of conducting activities in a foreign language for the relevant groups or providing translation services. It is also possible to retrain convicts present in the facilities so that they themselves can conduct Georgian language courses for prisoners who do not know the Georgian language.

5. The Right to a Fair Trial

5.1. introduction

The proper functioning of the judiciary is a necessary precondition for the protection of all fundamental rights discussed in the present report. Unfortunately, despite numerous attempts in Georgia, both the legislative and institutional integrity of the judiciary remains a challenge.

During the reporting period, as in previous years, forms of violation of the right to a fair trial continued to persist, such as: the issuance of guilty verdicts without neutral evidence, based solely on police testimonies; denial of a lawyer's participation in investigative actions; imposing an obligation on the defense to maintain confidentiality of case materials without specific justification or scope; delays in expert examinations, which hinder the defense from presenting desired evidence in court; and etc. Violations of fair trial standards were revealed even more acutely during court proceedings of individuals detained during mass protests.

In 2024, the European Court of Human Rights found violations of the right to a fair trial in six cases against Georgia. These mainly concerned delays in proceedings²⁸³, and in two cases, the issue of recusal of judges²⁸⁴. Additionally, it is worth noting the European Court's decision in the case "Bakradze v. Georgia," in which the applicant – a former judge – argued that the High Council of Justice of Georgia denied his reappointment as a judge based on discriminatory motives, due to his critical views toward the judicial system and his role in the judges' association "Unity of Judges." In this case, the Public Defender of Georgia submitted a third-party intervention (*amicus curiae*). The European Court found that in the reappointment process of the former judge Bakradze, among other circumstances, the questions posed to him by members of the High Council of Justice created a *prima facie* basis for discriminatory treatment, which the national courts failed to properly examine.²⁸⁵ The Court found a violation of Article 14 of the European Convention (prohibition of discrimination) in conjunction with Article 10 (freedom of expression) and Article 11 (freedom of assembly and association). This case may influence not only Georgia but also all member states of the Council of Europe in terms of increasing the fairness and transparency of judicial appointment procedures.²⁸⁶

It is noteworthy that, in the context of reforming the justice system, a significant portion of the proposals issued by the Public Defender of Georgia to the Parliament of Georgia remain unimplemented²⁸⁷. Among these, the Code of Administrative Offenses stands out, which does not comply with human rights standards. It must also be regrettably noted that, in 2024, the functionality for confidential communication between the defense attorney and the defendant was still not introduced in the program for holding remote court hearings (Cisco Meeting Server (CMS)). The conclusions issued by the Independent Inspector continue not to be published. The Public Defender's recommendation regarding a legislative amendment, which would abolish the blanket restriction on a convict's access to classified operational

²⁸³ These cases are: "Kadzania v. Georgia"; "Mgeladze v. Georgia"; "I.B. v. Georgia"; "Khachapuridze and Khachidze v. Georgia".

²⁸⁴ These cases are: "Kezerashvili v. Georgia" and "Tsulukidze and Rusulashvili v. Georgia".

²⁸⁵ "Bakradze v. Georgia", European Court of Human Rights, No. 20592/21, paras. 84-85.

²⁸⁶ Volkan Aslan, Bakradze v. Georgia: A Landmark Shift in the Burden of Proof for Judicial Appointments, Strasbourg Observers, 21.02.2025. < <https://bit.ly/3Qw0Rbx> > [25.02.2025].

²⁸⁷ Public Defender's 2023 Parliamentary Report, Tbilisi, 2024, pp. 130-131.

information reflected in the protocol of the inmate risk assessment team, and would impose on the court an obligation to consider, in each individual case, the possibility of disclosing such information to the convict, remains unimplemented. Additionally, recommendations aimed at addressing the systemic problem of prolonged delays in the consideration of prisoners' administrative claims have also not been fulfilled. Specifically, no legislative or practical measures have been taken in the form of increasing the number of judges or introducing narrow specialization.

5.2. Institutional problems present in the court

In the present subsection, we will discuss the main events of 2024 that confirm the existing challenges in the court system in terms of institutional and individual judicial independence.

5.2.1. Monitoring of judges' asset declarations

The Law of Georgia "On the Fight Against Corruption" provides for the procedure of monitoring asset declarations of public officials, including judges. Its purpose is to determine the compliance of submitted asset declarations with the legislation²⁸⁸. On April 3, 2024, it became known to the public that in the common courts system, cases were underway concerning individual judges²⁸⁹, who are requesting the annulment of Order No. 72 of the Head of the Anti-Corruption Bureau dated December 8, 2023, and the protocol of Session No. 1 of the independent commission established for the selection of public officials to be inspected in 2024, dated January 12, 2024, as defined by that order.

In parallel with the initiation of court proceedings, suspension of the act's validity has been used as a means of provisional measure.²⁹⁰ As a result, as of today, the process of verifying the asset declarations of these judges has been suspended, and during the ongoing review of the cases regarding the verification of judges, the procedural timeframes established by law have been violated.²⁹¹

The Public Defender calls upon the judiciary to prioritize the review of these cases, which are of high public interest.

In order to support the reduction of corruption risks within the judicial system, during the past year the Public Defender called upon the Parliament of Georgia to make legislative amendments and impose an obligation on the Independent Inspector to publish asset declarations.²⁹² Unfortunately, this proposal was not implemented during the reporting period.

5.2.2. Composition of the High Council of Justice

²⁸⁸ Article 18¹ of the Law of Georgia "On Combating Corruption".

²⁸⁹ Mikheil Chinchaladze, Levan Murusidze, Sergo Metopishvili and Vasil Mshvenieradze.

²⁹⁰ Letter No. 00005414 of the Head of Administration of the Anti-Corruption Bureau of Georgia dated April 3, 2024.

²⁹¹ Letter No. 0002029 of the Anti-Corruption Bureau dated February 7, 2025, according to which, as of February 7, 2025, the preparatory hearing in the case of Sergo Metopishvili was held at the Administrative Cases Board of the Tbilisi City Court on January 22, 2025, and in the case of Levan Murusidze - on January 24, 2025. As for the cases of the plaintiffs - Mikheil Chinchaladze and Vasil Mshvenieradze, the court hearing has not been held yet.

²⁹² Public Defender's 2023 Parliamentary Report, Tbilisi, 2024, p. 11

By the decision of the Tbilisi City Court dated March 12, 2025, the President's decree of July 15, 2024, which appointed a non-judge member²⁹³ to the High Council of Justice, was annulled, and the President was instructed to appoint the plaintiff in the same case as a member of the High Council of Justice.²⁹⁴

It is noteworthy that, according to Article 52, Paragraph 1, Subparagraph "d" of the Constitution of Georgia, the appointment of a member of the High Council of Justice is within the authority of the President of Georgia.²⁹⁵ Pursuant to part 11¹ Article 47 of the Organic Law "On Common Courts," the President of Georgia appoints a member of the High Council of Justice of Georgia based on a competition. Information about the competition is published by the Administration of the President of Georgia on its official website and through mass media outlets. Furthermore, Subparagraph "e" of Paragraph 4 of Article 3 of the General Administrative Code of Georgia stipulates that the provisions of this Code do not apply to the activities of executive authorities related to "the President of Georgia's powers to appoint and dismiss persons to and from positions provided for by the Constitution of Georgia, as well as the exercise of powers defined under Subparagraphs 'a'–'d', 'f, and 'h' of Paragraph 1 of Article 52 of the Constitution of Georgia."

It should be noted that the decision of the Tbilisi City Court of March 12, 2025, differs from the decisions made by the common courts of Georgia on similar matters.²⁹⁶ For example, in its 2014 ruling, the Tbilisi Court of Appeals, as well as the Tbilisi City Court in the March 12, 2025 decision, shared the view that the legality of the President of Georgia's decree regarding the selection of a member of the High Council of Justice is subject to judicial review only in terms of adherence to procedural norms. Within the scope of this review, the court made the following significant clarification concerning the appellant's argument about the President violating a selection criterion in the candidate selection process—specifically, the professional qualification of the selected candidate: "The scope of freedom in candidate selection derives from the Constitution of Georgia. The selection of a candidate falls within the President of Georgia's discretion, and therefore, any interference by the court is excluded... the evaluation of the candidate falls outside the competence of the court."²⁹⁷

However, unlike the above-mentioned decision of March 12, 2025, in its ruling of October 24, 2014, the Tbilisi Court of Appeals concluded that, when making a decision regarding the appointment of a member of the High Council of Justice of Georgia, the President of Georgia acts within the authority granted to him/her by the Constitution, and in this case remains outside the scope of administrative regulation, enjoying special discretion, into which judicial interference is inadmissible based on the principle of separation of powers.²⁹⁸ On this basis, the court found it impossible to review and resolve the part of the plaintiff's claim that sought to obligate the President of Georgia to appoint, as a member of the High

²⁹³ Interpressnews, President Appoints Kakha Tsikarishvili as Non-Judge Member of the High Council of Justice, 15.07.2024 <https://shorturl.at/6UuLX> > [26.02.2025].

²⁹⁴ The court declared Tsikarishvili's appointment to the Justice Council invalid and ordered the administration to appoint Kakochashvili, Publika, 12.03.2025 < <https://shorturl.at/VJT5t> > 13.03.2025.

²⁹⁵ Subparagraph "d" of paragraph 1 of Article 52 of the Constitution of Georgia.

²⁹⁶ Decision of the Administrative Cases Chamber of the Tbilisi Court of Appeal of October 24, 2014 in case No. 3b/-14.

²⁹⁷ Decision of the Administrative Cases Chamber of the Tbilisi Court of Appeal of October 24, 2014, in the case No. 3b/-14, p. 21.

²⁹⁸ Decision of the Administrative Cases Chamber of the Tbilisi Court of Appeal of October 24, 2014 on the case, No. 3b/-14, p. 16

Council of Justice, a competition participant who met the requirements established by the President's decree.

It is notable that this decision of the Court of Appeals was upheld by the Supreme Court.²⁹⁹

In contrast to the above-discussed ruling of the Court of Appeals in 2014, during the proceedings of the 2025 case, the representatives of the President acknowledged the claim before the Tbilisi City Court³⁰⁰. According to Paragraph 2 of Article 3 of the Administrative Procedure Code, "An administrative body participating in administrative proceedings may conclude the case by settlement, refuse the claim, or acknowledge the claim only if this does not contradict the legislation of Georgia." Accordingly, acknowledgment of a claim does not automatically lead to the satisfaction of the claim. The court is obligated to examine the legal validity of the demands and only thereafter make a decision.³⁰¹ The purpose of this restriction is to prevent the conclusion of administrative proceedings on the initiative of a party without examination of the substantive circumstances of the case in exceptional situations. This condition ensures control over the conduct of the administrative process and creates a guarantee for thorough examination of the dispute.³⁰²

Additionally, in one of the cases, while deliberating on the legal nature of the powers of the President of Georgia, the Constitutional Court explained that "the Constitution recognizes powers of the President that, unlike decisions on matters of citizenship, are not limited by statutory regulation clauses, which indicates that in exercising such powers, the scope of the President's discretion is particularly broad."³⁰³ With regard to the member of the High Council of Justice, the Constitution, unlike with some other powers—such as the granting of citizenship—does not refer to a procedure established by other legislation. According to the Constitutional Court's assessment, this places such powers among those where the President enjoys especially broad discretion.

It is noteworthy that the case discussed in the present subsection was accepted into proceedings by the court on July 22, 2024. Accordingly, by the time the decision was issued, more than seven months had passed, thereby violating the procedural timeframes established by law³⁰⁴. As a result, during this period, the Council had to operate without the member appointed by the President.

5.2.3. Accessibility of the court acts

²⁹⁹ Ruling of the Supreme Court of Georgia of March 12, 2015 No. BS-779-765(K-14).

³⁰⁰ The court declared Tsikarishvili's appointment to the Justice Council invalid and ordered the administration to appoint Kakochashvili, Tabula, 12.03.2025. < <https://shorturl.at/6luzf> > [21.03.2025].

³⁰¹ Commentary on the Administrative Procedure Code of Georgia, Vachadze, Tordia, Turava, Tskepladze, 2005, p. 27.

³⁰² Administrative Procedural Law Handbook, Kopaleishvili, Skhirtladze, Kardava, Turava, 2008, p. 22.

³⁰³ Decision of the Constitutional Court of Georgia No. 3/3/1601 of March 7, 2025 in the case, "Public Defender of Georgia vs. Parliament of Georgia", II-35.

³⁰⁴ Article 2, Part 2 of the Code of Administrative Procedure. According to Article 59, Part 3 of the Code of Civil Procedure, the period for considering a case shall not exceed 2 months, which in special cases may be extended up to 5 months.

The Public Defender welcomes the amendments made on June 13, 2023, to the Organic Law “On Common Courts” regarding the accessibility of court decisions. The new regulation established an entirely new and significantly simplified model of access to judicial acts, with its effective date set as January 1, 2024. At the same time, the process of obtaining court decisions as public information was also simplified at the legislative level.³⁰⁵

Unfortunately, as of now, the above-mentioned legislative regulations concerning the proactive publication of court acts have not been implemented. Despite the legislative regulation, during the reporting period, court decisions were not published on the special website created for publishing court decisions: <http://ecd.court.ge/>

Additionally, it should be noted that during the reporting period, information was disseminated indicating that representatives of non-governmental organizations were restricted from attending sessions of the High Council of Justice.³⁰⁶ The Public Defender addressed the Council to request justification³⁰⁷ for this restriction; however, the Council did not provide any information on the matter.³⁰⁸

5.2.4. Disciplinary Liability of Judges and Involuntary Assignment

The Public Defender welcomes the amendments made on May 29, 2024, to Subparagraph “b.g” of Paragraph 8 of Article 751 of the Organic Law “On Common Courts,” which established as an exception to disciplinary liability a judge’s scientific and/or analytical reasoning on judicial reform, the improvement of the functioning of the justice system, and/or other issues related to the development of law. With this step, the Parliament of Georgia adopted the recommendation of the Venice Commission.³⁰⁹ At the same time, it is noteworthy that the existing list of disciplinary liabilities already restricts judges from engaging in political activity, including publicly expressing political views.³¹⁰ Based on this, the Public Defender will observe in practice whether international standards of freedom of expression for judges are adequately upheld during disciplinary proceedings.

One indicator for assessing the effectiveness of reform related to disciplinary proceedings should also be the pace of the work of the High Council of Justice in this regard. In this respect, unlike previous years, the work of the Council significantly improved in 2024.³¹¹ In 2024, the Council reviewed 391 disciplinary cases,³¹² thereby exceeding the total number of cases reviewed over the previous three years.³¹³

³⁰⁵ Accessibility of Judicial Acts: Progress and Key Challenges, Institute for the Development of Freedom of Information (IDFI), 2024, p. 16. <https://idfi.ge/public/upload/Analysis/Accessibility%20of%20Geo.pdf>

³⁰⁶ Interpressnews, GYLA and “Court Watch” representatives were not allowed to attend the session of the High Council of Justice. < <https://shorturl.at/puWgE> > [04.03.2025].

³⁰⁷ Public Defender’s letter No. 25/1028 of January 31, 2025.

³⁰⁸ Letter No. 130/244-03-o of the High Council of Justice of February 17, 2025.

³⁰⁹ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION), FOLLOW-UP OPINION TO PREVIOUS OPINIONS CONCERNING THE ORGANIC LAW ON COMMON COURTS, CDL-AD(2023)033, 2023, para. 31-33 < <https://shorturl.at/jzHIZ> > [05.02.2025].

³¹⁰ Subparagraph “B.E.” of Article 751, Paragraph 8 of the Organic Law of Georgia “On Common Courts”.

³¹¹ Public Defender’s 2023 Parliamentary Report, p. 114.

³¹² Letter No. 130/244-03-0-O of the High Council of Justice of February 17, 2025.

³¹³ For comparison, see the 2023 Parliamentary Report of the Public Defender, p. 11

In its parliamentary reports from previous years, the Public Defender negatively assessed the amendments made at the end of December 2021 to the Organic Law “On Common Courts,” based on which, among other changes, the maximum term for judicial assignment without the judge’s consent was increased from 1 to 4 years.³¹⁴ With the legislative amendments carried out in 2024, the total period of assignment without consent was reduced from 4 years to 3 years, which is a positive step, though not sufficient.

It is noteworthy that, in 2024, as in 2023, the Council did not exercise its authority to assign a judge to another court without their consent.³¹⁵ Regarding assignments made with consent, in total, in 2024, the Council reviewed and issued decisions on the assignment of 6 judges with their agreement. All assignments were justified by a shortage of judges. However, two assignments were carried out with mutually contradictory justifications: on January 30, the Council issued two decrees—by one decree, Ekaterine Eliadze, a judge of the Civil Cases Chamber of the Tbilisi City Court, was assigned to the Mtskheta District Court, because due to the shortage of judges at the Mtskheta District Court and in the interest of proper administration of justice, the Council deemed it necessary to assign another judge.³¹⁶ At the same time, on the same day, the Council assigned Roman Kupatadze, a judge of the Mtskheta District Court, to the Rustavi City Court.³¹⁷

5.3. The right to have a case heard within a reasonable time

5.3.1. Case hearings in the common courts system

As in previous years, the timely adjudication of cases within a reasonable period remains an intractable problem in the courts. Moreover, despite the requirements of the legislation,³¹⁸ appellate courts do not collect statistical data related to compliance with timeframes for proceedings within their courts. Accordingly, they do not have information on how many cases were concluded within the time limits established by law and how many were not.³¹⁹

Based on the analysis of information requested from the courts, the statistical data for 2024 regarding criminal cases is as follows:

³¹⁴ Parliamentary Report of the Public Defender for 2021, pp. 100-102; Parliamentary Report of the Public Defender for 2022, pp. 111-112; Parliamentary Report of the Public Defender for 2023, p. 115.

³¹⁵ Letter No. 130/244-03-0-O of the High Council of Justice of February 17, 2025.

³¹⁶ Decree No. 1/6 of the High Council of Justice of January 30, 2024.

³¹⁷ Decree No. 1/5 of the High Council of Justice of January 30, 2024.

³¹⁸ Subparagraph “e” of Article 25, paragraph 1 of the Organic Law “On Common Courts”: 1. The Chairman of the Court of Appeal: e) organizes the work of the court, studies and generalizes information on case flow management (including the rates of case intake and completion, deadlines for proceedings, reasons for adjourning hearings and delaying proceedings) and provides this information at least once a year to the judges and the High Council of Justice of Georgia; within the scope of his/her competence, takes measures to eliminate systemic causes of delaying proceedings.

³¹⁹ Letter No. 49/2025 of the Tbilisi Court of Appeal dated February 12, 2025. Letter No. 83 of the Kutaisi Court of Appeal dated February 13, 2025 - 2/10.

	Total number of cases heard (2024 y.)	Percentage of cases heard in violation of the legally established timeframe (criminal cases)			
		2024 y.	2023 y. ³²⁰	2022 y. ³²¹	2021 y. ³²²
Appeals Court of Tbilisi	1429	17,28 %	20.4%	17,6%	31%
Appeals Court of Kutaisi	921	23,12%	20,9%	16,8%	18,7%
Supreme Court ³²³	1502	0,13%	0,52%	1,04%	22,7%

One of the factors contributing to the violation of the right to a trial within a reasonable time in criminal cases is the unjustified delay in expert examinations. The study of one particular case³²⁴ revealed that the expert examination, instead of being completed within the 365 days provided by law, was finalized and the report prepared three years after it was ordered.³²⁵ According to the National Bureau of Forensic Expertise, the delay was caused by the volume of the expert request and factors related to human resources.³²⁶

In previous years as well, the Public Defender has studied numerous cases related to delays in medical expert examinations by the National Bureau of Forensic Expertise³²⁷. It is unfortunate that the problem of delays in completing criminal forensic examinations and delivering them to the requesting party persists.

		Percentage of cases heard in violation of the legally established timeframe (administrative and civil cases)
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³²⁰Public Defender's 2023 Parliamentary Report, p. 117.

³²¹Public Defender's 2022 Parliamentary Report, p. 115.

³²² Public Defender's 2021 Parliamentary Report, p. 104

³²³ Letter No. P-61-25 of the Supreme Court of Georgia dated February 24, 2025.

³²⁴ Criminal Case №170300820001

³²⁵ For detailed information on this case, see the 2024 Activity Report of the Department of Criminal Justice.

³²⁶ Letter No. 2024/1723 of the Public Defender's Office of Georgia dated June 9, 2024.

³²⁷ Report on the activities of the Criminal Justice Department of the Public Defender's Office of Georgia for 2023, 2024, 195-201. Report on the state of protection of human rights and freedoms in Georgia for 2023 of the Public Defender of Georgia, 2024, 39-40.

	Total number of cases heard (2024 y.)	2024 y.	2023 y. ³²⁸	2022 y. ³²⁹	2021 y. ³³⁰
Appeals court of Tbilisi	1409	32,4%	16,39%	15,5%	56%
Appeals court of Kutaisi	703	36,4%	33,1%	51,6%	35%
Supreme Court	1471	94,54%	93,4%	95,6%	99,9%
Supreme Court (admissibility stage)	1151	64.03%	54,08%	54,6%	77%

Unfortunately, with regard to the timeframes for case hearings, the situation has not only failed to improve, but in the area of civil and administrative cases, it has actually worsened. In the Kutaisi Court of Appeals, the percentage of cases heard in violation of legally established timeframes increased slightly, while in the Tbilisi Court of Appeals it increased significantly.

Regarding administrative proceedings, it is noteworthy that, during the reporting period—as in previous years—delays in the review of prisoners' claims by the courts were again observed³³¹. In one case, in the Tbilisi City Court, the preparatory hearing was scheduled more than 9 months after the claim was admitted into proceedings.³³²

5.3.2. The procedure for electing chairpersons in the common courts

³²⁸ Public Defender's Report for 2023, p. 118.

³²⁹ Public Defender's Report for 2022, pp. 115-116.

³³⁰ Public Defender's Report for 2021, Tbilisi, 2022, 105.

³³¹ Reports of the Public Defender of Georgia: "On the State of Protection of Human Rights and Freedoms in Georgia" 2020 Report, pp. 136-137; 2021 Report, pp. 104-106; 2022 Report, pp. 115-116; 2023 Report, pp. 118-119.

³³² Tbilisi City Court ruling of February 16, 2024 (case No. 3/1075-24).

As in the previous year, the Tbilisi City Court, despite the requirements of the law, does not process statistical information regarding how many cases each judge has in progress, how many new cases are assigned to them during the year, and how many cases they manage to conclude.

Additionally, the Public Defender has, for years, been requesting the introduction of a democratic procedure for appointing court chairpersons, under which judges themselves would elect chairpersons, instead of the Council appointing individuals to the position. Unfortunately, this recommendation was also not implemented during the reporting period.

5.3.3. Timeframes for case hearings in the Constitutional Court

In 2024, 42 constitutional claims and 2 constitutional submissions were registered in the Constitutional Court. Of these, the court issued only 12 procedural records and 10 rulings.³³³ During the reporting period, the court substantively reviewed 17 constitutional claims, all of which had been submitted between 2018 and 2023. In total, in 2024, the Constitutional Court issued 32 procedural records and 56 rulings.

Compared to the previous year, the statistical data slightly decreased during the reporting period, and the court issued a total of 18 decisions. Accordingly, for years now, numerous cases continue to await decisions, despite the fact that their substantive consideration has already been completed. At this stage, the number of such cases is as follows:

Year of claim registration	Adjudicated cases that await judgment delivery
2015	3
2016	10
2017	6
2018	6
2019	6
2020	7
2021	9
2022	4
2023 ³³⁴	
2024	0

As of today, the substantive review has been completed and 61 constitutional claims are awaiting the announcement of a decision. Additionally, 70 constitutional claims are registered with the Constitutional Court of Georgia and are awaiting the scheduling of a preparatory hearing, while 31 constitutional claims are awaiting a substantive hearing.

The Organic Law of Georgia “On the Constitutional Court” does not strictly regulate the timeframes related to the review of cases in the Constitutional Court³³⁵. The Public Defender’s proposal³³⁶ to establish

³³³ Letter No. 01/60 of the Constitutional Court of February 20, 2025.
³³⁴ The court did not provide data for 2023. The remaining data is taken from letters received in previous years and from the court's official website: <https://constcourt.ge/>
³³⁵ Public Defender's 2023 Parliamentary Report, p. 120.
³³⁶ Public Defender's 2023 Parliamentary Report, p. 130.

procedural timeframes for the Constitutional Court to ensure the implementation of effective justice was not fulfilled during the reporting period.

5.4. The Right to a Fair Trial within the Framework of Prisoners' Sentence Reduction and Release Mechanisms ³³⁷

5.4.1. Release from sentence due to illness or old age, or postponement of sentence execution due to illness or pregnancy

During the reporting period, the Public Defender's Office examined the shortcomings identified in judicial practice of 2015–2023 concerning the issues of sentence postponement and/or release of convicted persons due to health conditions, old age, or pregnancy, and published a special report on the matter.³³⁸ The study of practice revealed that proceedings related to release/postponement of sentence are characterized by numerous flaws, which require legislative amendments in order to be resolved through a unified standard.

The following key findings were identified as a result of the study:

- The Penitentiary Service, as a rule, does not apply to the court to initiate the procedure. It is noteworthy that prisoners themselves are forced to appeal to the court, despite the fact that the expert examination is appointed and conducted by the Penitentiary Service, and a corresponding severe medical conclusion exists.³³⁹
- There is inconsistent practice concerning the release from serving a sentence of prisoners for whom sentence postponement was already granted due to severe illness and who are now requesting release from the remainder of their sentence. In the majority of cases, the convict is not released from serving the sentence. Only two cases were confirmed in which the court released a convict from serving the remainder of the sentence, despite the fact that sentence postponement had already been applied due to serious health conditions.
- Procedural legislation does not allow a party to request an oral hearing in the appellate court to review evidence that was examined in the first instance court in violation of the law.
- Legislation does not regulate how far in advance a forensic medical examination must be conducted prior to filing a motion for sentence postponement or release. This issue is also not clarified by practice.
- No substantial deficiencies were identified regarding the use of the sentence postponement mechanism for pregnant prisoners or for those who have a child under the age of one.

³³⁷ The information mentioned in this subsection is available in detail in the 2024 Activity Report of the Criminal Justice Department of the Public Defender, as well as in the relevant special reports.

³³⁸ "Mechanisms for Postponement of Sentence Execution and Release from Further Serving of Sentence Due to Illness, Old Age or Pregnancy in Georgia", Special Report of the Public Defender of Georgia, 2024.

³³⁹ The study identified only one case where the service petitioned the court to release a convicted person from further serving their sentence.

5.4.2. Effectiveness of the parole and sentence modification mechanisms for prisoners sentenced to life imprisonment and the criminal cases related to their convictions³⁴⁰

As of November 28, 2024, there were 89 individuals sentenced to life imprisonment held in the penitentiary system, including 86 men and 3 women. Of these, 4 male prisoners have been assigned a release date by a pardon act issued by the President of Georgia.

The Public Defender examined the criminal cases of those sentenced to life imprisonment and their history within the penitentiary system during the period of sentence execution. The study covered the cases of prisoners who had served 12 years in a penitentiary facility³⁴¹. Additionally, the existing legislative framework surrounding life imprisonment and the legal mechanisms for release were analyzed, both in Georgia and in foreign countries.

The study revealed the following significant circumstances related both to criminal proceedings and the execution of sentences by the convicted individuals:

- The regulatory norms existing in Georgia regarding life imprisonment and mitigation mechanisms comply with international standards.
- The majority of reviewed cases procedurally and substantively correspond to the legislation in force at the time of their adjudication. However, the quality and technology of evidence collection do not meet modern standards.
- Problems of insufficient substantiation were identified in several cases, where the body of evidence did not dispel reasonable doubt concerning the individual's commission of the crime—an especially problematic issue, given that such verdicts resulted in life imprisonment.
- In one case, a lack of proper justification for sentencing was revealed. In another case, three convicted individuals were not granted the opportunity to personally participate in the appellate review of their case.
- In 20 cases, newly discovered circumstances were identified, about which the convicts had no information and, consequently, had not applied to the court for a review of their sentence. In 3 of these cases, the Public Defender's Office considered that grounds for the release of the prisoners existed. One of these prisoners has already been released from the penitentiary facility through the involvement of the Public Defender's Office. Specifically, this individual had been serving a sentence since 2004 and, due to legislative changes, should have been released as early as 2019. However, absent the legal findings identified by the Public Defender during the course

³⁴⁰ A detailed analysis of the issues presented in this subsection is available in the Public Defender's special report, "Legislative and Practical Analysis of Justice and Parole for Life Sentenced Prisoners", 2025.

³⁴¹ The determination of this deadline was determined by the fact that on February 9, 2021, the Minister of Justice of Georgia approved the "Program for the Preparation of Life Sentenced Persons for Release", which is mandatory for life sentenced persons who wish to be released on parole or to replace the remaining sentence with a lighter one. The opportunity to start the program is available to a convict who has actually served 12 years. At the moment, there are 59 such life sentenced persons in the penitentiary system, one of whom refused to transfer information about him to the Office. As part of the study, the Criminal Justice Department of the Public Defender's Office of Georgia fully reviewed the materials of 47 criminal cases against 58 life sentenced persons.

of this report, the prisoner could have remained in the penitentiary system for life, unlawfully. The individual was promptly informed about the issues uncovered by the Office, on the basis of which they applied to the court. The Public Defender intervened in the case as *amicus curiae*, and as a result, the prisoner was released directly from the courtroom.

- The criminal case of one convicted individual, following the conviction, is no longer available in either the prosecution service or the courts. Due to the absence of full case materials, the prisoner is deprived of the opportunity to seek a review of the verdict based on newly discovered circumstances, should such arise and the prisoner wish to pursue it.
- In accordance with the Criminal Procedure Code in force at the time the case was considered, 4 convicted individuals were denied the opportunity to have their cases reviewed by two judicial instances.
- Of the life-sentenced individuals, 9 committed the offense that led to their life imprisonment before reaching the age of 21.

Although prisoners sentenced to life imprisonment have the possibility—under conditions defined by law—to have their life sentence replaced with house arrest or community service and/or to be released from serving the remainder of the sentence, as of 2024, no prisoner sentenced to life imprisonment has left a penitentiary facility through the use of such a mitigation mechanism, including the 37 prisoners who have completed the “preparation program for the release of a life-sentenced prisoner,” which lasts for two years.³⁴²

According to the information submitted to the Public Defender’s Office,³⁴³ it appears that in both first instance and appellate courts, the primary basis for rejecting motions/complaints and thereby refusing the release of prisoners from penitentiary facilities is the court’s assessment that the time served by the prisoner is insufficient. While the court’s requirement that a proportionate sentence be served for the commission of an especially grave crime may, of course, be a fair demand, it is important that courts also give due and reasoned attention to factors such as the behavioral progress of the life-sentenced prisoner, the report on the preparation-for-release program, the prisoner’s positive characterization, and, by considering all components in conjunction, issue a decision that ensures life-sentenced individuals are not left with the impression that the crimes they committed in the past render any prospect of release merely abstract.

In one case during 2024, the court once again denied a motion, without thoroughly examining the personality of the prisoner and other relevant circumstances, on the basis that the specific prisoner had been pardoned by the President of Georgia and had already been assigned a release date. As a

³⁴² For detailed information on the results of the petitions considered during 2024 for the release from serving the sentence of life imprisonment convicts/commencement of the sentence with house arrest or community service, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender’s Office.

³⁴³ Letter No. 2070/01 of the Special Penitentiary Service dated January 24, 2025. Letter No. 164 of the Tbilisi City Court dated January 23, 2025. Letter No. 08 of the Mtskheta District Court dated January 22, 2025. Letter No. 22 of the Ozurgeti District Court dated January 22, 2025. Letter No. 1571 of the Kutaisi City Court dated January 23, 2025. Letter No. 26 of the Batumi City Court dated January 24, 2025. Letter No. 14/2025 of the Tbilisi Court of Appeal dated January 24, 2025. Letter No. 41-2/10 of the Kutaisi Court of Appeal dated January 24, 2025.

result, such prisoners were no longer considered life-sentenced individuals and, accordingly, were no longer eligible for the mitigation mechanisms provided under the law for life-sentenced prisoners³⁴⁴. It is worth noting that there is no consistent approach in the courts regarding the assessment of cases involving life-sentenced individuals who have been assigned a release date by a presidential act.³⁴⁵ As of today, the Parliament of Georgia has not implemented legislative amendments in line with the recommendations of the Public Defender of Georgia. Thus, the issue of whether the possibility of parole/replacement with house arrest or community service for a life-sentenced individual—who has been assigned a release date by a presidential pardon—should be considered by the common courts or by the relevant local councils of the Special Penitentiary Service, is still decided based on the individual interpretation of the reviewing body (court or local council of the Special Penitentiary Service). This, in turn, creates the risk of inconsistent practice and divergent approaches, since in one case the prisoner's situation may worsen when reviewed by one body, while in another case, the prisoner may benefit from the mitigation mechanism if reviewed by another.

5.5. Legality of Searches Conducted Without Neutral Evidence³⁴⁶

For several years, the Public Defender has been calling on state agencies to implement the 2020 precedent-setting decision³⁴⁷ of the Constitutional Court, which abolished the possibility of using a seized illegal item as evidence if, during the search, the investigators could have, but failed to take proper measures to obtain neutral evidence confirming the credibility of the search.³⁴⁸

Nevertheless, during the reporting period, a case was identified in which representatives of a law enforcement agency did not attempt to obtain such neutral evidence of a personal search that, along with other evidence, would have convinced an objective observer of the defendant's commission of the crime. The fact of the seizure of a narcotic substance as a result of the search was confirmed solely by the testimonies of the police officers who participated in the investigative action³⁴⁹. This deficiency was not remedied at either the appellate or Supreme Court level.³⁵⁰

5.6. Infringement of the Right to Defense and Imposition of a Confidentiality Obligation on the Defense³⁵¹

³⁴⁴ Tbilisi City Court ruling of December 3, 2024 in case No. 439/19025; Tbilisi City Court ruling of May 22, 2024 in case No. 419/22384.

³⁴⁵ See Department of Criminal Justice 2023 Activity Report, p. 260.

³⁴⁶ For detailed information, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office.

³⁴⁷ Decision No. 2/2/1276 of the Constitutional Court of Georgia of December 25, 2020 in the case Giorgi Keburia v. Parliament of Georgia, II-104.

³⁴⁸ Public Defender's 2023 Parliamentary Report, p. 123. Public Defender's 2022 Parliamentary Report, p. 123-125. Criminal Justice Department Activity Report 2022, p. 151-153.

³⁴⁹ Criminal case №070130821002

³⁵⁰ Judgment of the Tbilisi Court of Appeal of November 14, 2023. Judgment of the Supreme Court of Georgia of January 12, 2024.

³⁵¹ For detailed information, see the 2023 Activity Report of the Criminal Justice Department of the Public Defender's Office

During the reporting period, the Public Defender's Office examined the circumstances of the infringement of U.A.'s right to defense during the search of his residence.³⁵² It is noteworthy that from the moment U.A.'s freedom of movement was restricted and he was under the exclusive control of police officers, he was already a detainee/suspect and had the right to access a lawyer.

Although, by law, the absence of a lawyer does not prevent the conduct of a search in cases of urgent necessity, it is significant that the residence was fully controlled by the police, which eliminated any threat of destruction of possible evidence located in the apartment. It is important to note that the lawyers were at the entrance door of the apartment building, but the police delayed them and did not allow them to be present during the search process. The investigative body was not required to postpone the search but rather to ensure the presence of the lawyers who were already on site at the ongoing search, so that they could exercise the right to defense without obstruction.

Considering above mentioned, and considering that the items seized during the search were allegedly the potential evidence forming the basis of the charge against U.A., the restriction of the defense lawyers' presence during the investigative action—the search—might have aimed precisely at obstructing U.A.'s exercise of his defense. All the more so, it is unclear whether the standard established by the Constitutional Court of Georgia was upheld.³⁵³

According to the Public Defender's assessment, the prevention of the lawyers from entering and meeting with the detained suspect U.A. for 55 minutes (until the completion of the search) constitutes unlawful interference in the work of lawyers, which hindered the exercise of the suspect's defense. Accordingly, signs of a criminal offense provided for under Article 364 of the Criminal Code of Georgia—unlawful interference in a lawyer's professional activity with the purpose of obstructing the exercise of defense—were evident.

In addition, in U.A.'s criminal case, a confidentiality obligation was imposed on the defense. It should be noted that the Criminal Procedure Code of Georgia does not define the scope of a confidentiality obligation and, as was the case here, the confidentiality obligation imposed on the defense usually extends to the entirety of the criminal case materials.³⁵⁴

Based on the public statements disseminated by the authorities, it is assumed that the materials of the case related to the charge under Article 157¹ of the Criminal Code contained information regarding the private life of other individuals. Accordingly, the protection of this information is an obligation of the state, and imposing a confidentiality obligation on the defense may serve as a suitable means. However, in the context where the Ministry of Internal Affairs and the Prosecutor's Office disseminated information concerning U.A.'s case and also published part of the evidence, it became necessary to protect the presumption of innocence of the accused, so that the public would not form a perception of the

³⁵² Analysis of the live broadcast of television channels revealed that during the search, the police officers standing at the door of the apartment did not allow the lawyers to enter the apartment for approximately 55 minutes. In addition, 7 minutes after the lawyers entered the building, the police officers took the detained U. A. out of the building and put him in a car.

³⁵³ See the subsection "Lawfulness of searches conducted without neutral evidence" of this chapter.

³⁵⁴ The charges brought against U. A. included illegal acquisition and storage of firearms and ammunition (Article 236 of the Criminal Code of Georgia) and invasion of privacy (Article 1571 of the Criminal Code of Georgia).

defendant's guilt prior to the delivery of a verdict by the court. Therefore, taking into account the high public interest in the case, it was important that the defense be given the opportunity to express a counter-position and arguments regarding the public statements of the prosecution and the published part of the evidence. This was especially relevant given that the majority of court hearings were closed to the public. Furthermore, the justification for imposing a confidentiality obligation on the defense regarding the charge of illegal possession of ammunition—cartridges—filed against U.A. remains unknown.

Based on all of the above, the Public Defender considered it advisable for the prosecution to deliberate on the scope of the confidentiality obligation imposed on the defense in U.A.'s case, and to limit this obligation specifically to information containing the private life of other individuals, by establishing a prohibition on disclosing any form of identification of such persons. Accordingly, on June 6, 2024, the Public Defender addressed the Prosecutor's Office with a proposal³⁵⁵ to initiate an investigation into the obstruction of the right to defense of the accused U.A., and to define the scope of the confidentiality obligation imposed on the defense. As of December 20, 2024, the Prosecutor's Office was still reviewing the circumstances indicated in the proposal.³⁵⁶

5.7. The Principle of Irremovability of Judges³⁵⁷

Over the years, the Public Defender has pointed out in parliamentary reports³⁵⁸ that substitute judges were not appointed at the beginning of the substantive hearing of a case, and in most cases, when the composition of the court changed, the substantive hearing was not restarted. As a result, verdicts were based on evidence that had not been directly examined by the judge who made the decision.

It is noteworthy that in a decision adopted in 2024³⁵⁹, the Constitutional Court of Georgia shared the Public Defender's *amicus curiae* opinion³⁶⁰ and declared as unconstitutional the normative content of Article 184 of the Criminal Procedure Code of Georgia (as in force prior to June 29, 2021), which deprived a substitute judge—who was not appointed at the stage when the case was transferred to the trial judge—of the possibility to re-hear or re-examine the case/individual pieces of evidence when: the evidence was examined prior to the substitute judge's involvement in the case and evaluating the reliability of such evidence requires the judge's direct, personal participation; there is a need to clarify a

³⁵⁵ Proposal No. 2024/1670 of the Public Defender of Georgia of June 6, 2024

³⁵⁶ Letters of the Prosecutor General's Office of Georgia dated June 21, 2024 No. 13/40467, dated August 5, 2024 No. 13/51012, and dated December 20, 2024 No. 13/82423.

³⁵⁷ Department of Criminal Justice Annual Report 2024.

³⁵⁸ Reports of the Public Defender of Georgia: "On the State of Protection of Human Rights and Freedoms in Georgia" 2017 Report, pp. 105-106, 117; 2018 Report, pp. 99, 109; 2019 Report, pp. 153, 161; 2020 Report, p. 147.

³⁵⁹ Decision No. 1/4/1300 of the Constitutional Court of Georgia of November 20, 2024 in the case "Giorgi Gulaberidze and Badri Shushanadze vs. the Parliament of Georgia".

³⁶⁰ Public Defender of Georgia's *amicus curiae* opinion No. 15-5/14782 of November 29, 2018.

specific issue/piece of evidence and the substitute judge is unable to fully assess the previously examined evidence solely by reviewing the case materials.

The Public Defender hopes that the implementation of the above-mentioned decision will eliminate existing deficiencies in the practice of common courts, which, in turn, will ensure the protection of a key aspect of the right to a fair trial for defendants.

5.8. Calculation of the Term of a Criminal Record³⁶¹

In one of the cases reviewed during the reporting period, a systemic problem regarding the calculation of the term of a criminal record was identified. This issue affects not only the qualification of new charges brought against a person and, consequently, the sentence imposed, but is also significant in terms of the application of mitigating mechanisms, including amnesty.

According to the Criminal Code, different periods are established for the extinguishment of a criminal record in the case of conditional sentencing and in the case of imprisonment for a serious crime. Pursuant to Article 79 of the Code, in the case of a conditional sentence, the criminal record is considered extinguished after the expiration of the probation period³⁶², whereas in the case of imprisonment for a serious crime, the record is considered extinguished 6 years after serving the sentence.³⁶³ However, based on the established practice of the Supreme Court³⁶⁴, in cases of repeat offense qualification, where the person had previously been sentenced for a past crime to a partly served sentence in a penitentiary facility and partly to a conditional sentence with a probation period, the term for the extinguishment of the criminal record (in the case reviewed by the Office—6 years) is calculated not from the completion of the actual custodial sentence, but from the end of the probation period.

Unfortunately, as a result of such practice, we are faced with a situation where a convicted person, who had a part of the prison sentence conditionally suspended, begins the calculation of the expungement period later, and therefore, more time must pass for expungement than would have been required if the entire sentence had been served in a penitentiary institution.

5.9. Admissibility of Extradition³⁶⁵

During the reporting period, the Public Defender's Office reviewed the rulings of the common courts regarding the admissibility of the extradition of Azerbaijani journalist A.S., who was detained in August 2024. As a result, the Public Defender addressed the Supreme Court of Georgia with an *amicus curiae* opinion.

Although information regarding violations of journalists' rights and unwarranted criminal prosecution due to journalistic activities in the Republic of Azerbaijan is available in public sources, and was also indicated

³⁶¹ For detailed information on this issue, see the 2024 Activity Report of the Department of Criminal Justice.

³⁶² Criminal Code of Georgia, Art. 79, Part 3, Sub-paragraph A.

³⁶³ Criminal Code of Georgia, Art. 79, Part 3, Subparagraph D.

³⁶⁴ February 26, 2021 ruling in case No. 113-21.

³⁶⁵ For detailed information on this case, see the 2024 Activity Report of the Department of Criminal Justice.

in the Public Defender's *amicus curiae* opinion, the common courts considered the extradition of A.S. to the Republic of Azerbaijan to be admissible without addressing whether there was a possibility of criminal prosecution against him in Azerbaijan due to his journalistic activities, and whether there was an excludable condition for extradition in this regard.³⁶⁶

Proposals

To the Parliament of Georgia:

- The Civil Procedure Code should establish that, during the collegial review of cases, the composition of the panel of judges should be determined by the electronic case distribution program instead of the court chairperson;
- The time limit for the Constitutional Court to issue a final decision should be established.
- A new administrative offenses code, in accordance with international human rights and constitutional standards, should be adopted;
- The Criminal Procedure Code should define the obligation of the agency conducting investigative actions, except in cases of objective impossibility, to present neutral evidence to the court, including continuous video footage of the search and seizure process and/or testimony of a neutral witness, which will confirm the legality of the investigative action;
- The procedure for electing the chairpersons of courts (panels, chambers) should be changed, and specific judges of the court should be granted the authority to elect chairpersons;
- Amendments should be made to Article 37¹ of the Organic Law of Georgia on Common Courts, and the maximum period for the assignment of a judge without their consent should be one year;
- The list of public officials in Article 2 of the Law on Fight against Corruption should be supplemented to include the Independent Inspector of the High Council of Justice;
- The deadline for a life-sentenced prisoner to apply for parole or early release should be reduced by several years;
- In cases where the President determines the release date of a life-sentenced prisoner, a procedure should be established for the application and consideration of mitigation mechanisms, which would clarify whether this issue should be reviewed by the common courts, in accordance with the general rules and conditions established for life-sentenced prisoners, or by local councils of the Special Penitentiary Service, based on the procedure for early release or replacement with a lighter form of punishment for unserved parts of the sentence. Furthermore, the prisoner's condition should not worsen as a result. Also, based on the results of the study, appropriate legislative amendments should be made;
- A reasonable time frame should be defined to establish a maximum limit, beyond which a medical expert's report from an earlier examination will no longer be relevant in the review of requests for postponement or release from sentence due to health issues, and to eliminate divergent approaches or inconsistent judicial practices regarding defendants;
- The Appellate Court should be granted the authority to hear, at the party's request, a petition with an oral hearing and review evidence that was unlawfully examined in the first instance court, concerning the issue of release from sentence or postponement of sentence execution due to illness or old age or based on pregnancy;

³⁶⁶ Tbilisi City Court Ruling No. 115 of 2024. Supreme Court of Georgia Ruling No. 2111-24 of December 9, 2024.

- Common courts should be granted the authority to consider the issue of release from the remainder of the sentence for a prisoner whose sentence has already been postponed due to health issues;
- The legislation should clearly define the start date for the mandatory period during which the issue of the application of a mitigation mechanism for life-sentenced prisoners should be considered, in the case of multiple judgments;
- Amendments should be made to the Criminal Code of Georgia to grant common courts the authority to set a specific release date for life-sentenced prisoners, as well as to consider the necessity of developing a so-called "safeguard mechanism";³⁶⁷
- Amendments should be made to the legislation, according to which the blanket restriction on prisoners' access to classified operational information included in the risk assessment team's protocol should be abolished, and the court should be obligated to consider the possibility of informing the defendant about the information in each individual case.

Recommendations

The High Council of Justice of Georgia:

- Ensure the proactive publication of court acts in compliance with the law;
- Publish the conclusions prepared by the Independent Inspector of the High Council of Justice of Georgia in accordance with personal data protection standards;
- Amend the decision of the High Council of Justice of Georgia No. 1/56, dated May 1, 2017, to ensure that, in appellate and Supreme Court cases, when a collegial panel is involved, all three members of the panel are selected based on the principle of randomness;
- Improve the technical and software infrastructure for remote court hearings so that confidential communication between the client and the lawyer is possible;
- Review the provisions of Article 5, Paragraphs 6, 7, and 8 of the decision No. 1/56 of the High Council of Justice of Georgia, dated May 1, 2017, regarding the automated electronic case distribution system in the common courts of Georgia;
- Ensure the implementation of legislative and/or practical measures, such as increasing the number of judges or introducing narrow specialization, to avoid delays in the consideration of administrative appeals by prisoners and to prevent unnecessary delays in case processing.

To Tbilisi City Court, Tbilisi Court of Appeals, and Kutaisi Court of Appeals

- Annually process statistical information on the number of cases in each judge's docket, the number of cases assigned to them annually, and the number of cases they conclude each year;

³⁶⁷ Within the framework of the so-called insurance mechanism, if the court changes a life sentence to a fixed-term sentence, and the convict significantly worsens his behavior during the term to be served, the penitentiary service has the authority to apply to the court with a reasoned petition regarding the cancellation of the preferential mechanism.

- Annually process statistical data on compliance with procedural timeframes established by law, to have information on how many cases in courts are heard within the legally established time limits and how many are heard in violation of these time limits.

6. Right to Private Life

6.1. Introduction

In 2024, no significant progress was observed in the area of the inviolability of private life. On the contrary, in some aspects, there were signs of regression, mainly due to amendments introduced to the legislation. Specifically, it has become possible to restrict the rights provided for under Article 165² of the Criminal Procedure Code for individuals accused or convicted of crimes against the constitutional order and the foundations of national security of Georgia, or for terrorism-related offenses. These rights are directly connected to the inviolability of private life.³⁶⁸ The decision to impose such restrictions can be made by the director of a penitentiary establishment on their own initiative or based on a request from the State Security Service. It is noteworthy that the director of the establishment does not have the authority to verify the validity of the request from the security service. Consequently, the legislator has created a precondition under which a person's right to the inviolability of private life may be restricted without proper justification.³⁶⁹

It is unfortunate that, according to the amendment introduced to the Penitentiary Code on December 13, 2024, the possibility for prisoners to replace short-term visits with video visits has been postponed until January 1, 2026. This delay is due to the Ministry of Justice's inability to ensure the necessary infrastructural and material-technical readiness of all penitentiary establishments.³⁷⁰ Specifically, in its 2023 report, the Public Defender issued a recommendation³⁷¹ to prioritize the installation of the necessary infrastructure for video visits in penitentiary establishments №2, №3, №6, №12, and №18. It is noteworthy that the design of the video visitation space is currently underway in establishment №12.³⁷² Additionally, it is welcome that the necessary infrastructure for video visits has already been installed in establishments №2 and №18, where prisoners have had the opportunity to exercise their right to video visits. Similarly, video visit infrastructure has also been established in the high-risk establishments №3 and №6.

The Public Defender welcomes the decision of the General Prosecutor's Office to fully disclose the November 4, 2022, order on the "Notification on the Conduct of Covert Investigative Actions."³⁷³ With this step, the General Prosecutor fully implemented the recommendation from the Public Defender's parliamentary report from the previous year.³⁷⁴ In 2024, the Prosecutor's Office of Georgia issued written notifications regarding the conduct of covert investigative actions to 1,800 (one thousand eight hundred)

³⁶⁸ The rights of the accused/convicted person to correspondence, telephone conversations, short visits, long visits, and to leave the penitentiary establishment for personal reasons may be restricted. In addition, the rights of the convicted person to videoconference and short trips outside the prison may be restricted.

³⁶⁹ For detailed information, see the next subsection of this chapter - "Amendments to the Penitentiary Code of September 17, 2024".

³⁷⁰ Explanatory note on the draft law of Georgia "On Amendments to the Penitentiary Code", <<https://info.parliament.ge/file/1/BillReviewContent/374853?>> [Last accessed 19.02.2025].

³⁷¹ Public Defender's 2023 Parliamentary Report, p. 144.

³⁷² Position of the Ministry of Justice on the recommendations issued to the Ministry in the report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia in 2023. Available at the following e-mail address: < <https://web-api.parliament.ge/storage/files/shares/zedamxedveloba/adamianisuflebebi/2024/pozicia-iusticia-2.pdf> > [Last accessed 18.02.2025].

³⁷³ Order No. 211-g of the Prosecutor General of Georgia of November 4, 2022 "On Notification of Conducting Covert Investigative Actions". < <https://shorturl.at/nHN8E> > [Last accessed 07.03.2025].

³⁷⁴ Public Defender's 2023 Parliamentary Report, p. 146.

individuals,³⁷⁵ which exceeds the figure from 2023. Specifically, in 2023, 1,358 individuals received such notifications.³⁷⁶ The Public Defender inquired about the number of cases in which the notifications issued in 2023 and 2024 were appealed, but it was revealed that the General Prosecutor's Office of Georgia and the common courts do not keep such statistics.³⁷⁷

Additionally, it is positively assessed that, during the reporting period, the Special Penitentiary Service funded 60 minutes of talk time per month for juvenile defendants and convicts for both local and international calls.³⁷⁸

This chapter will review the following aspects of the right to the inviolability of private life: contact with the outside world in penitentiary establishments, psychiatric establishments, and residential facilities for persons with mental health problems, as well as in the temporary placement centers of the Migration Department of the Ministry of Internal Affairs.

6.2. Amendments to the Penitentiary Code introduced on September 17, 2024³⁷⁹

In 2024, Article 126¹ was added to the Penitentiary Code, allowing the restriction of the rights provided under Article 165² of the Criminal Code of Georgia for individuals accused or convicted of crimes against the constitutional order and the foundations of national security,³⁸⁰ or for terrorism-related offenses. These rights include: Correspondence, Telephone conversations, Short-term visits, Long-term visits, Leaving the penitentiary establishment for personal reasons. Additionally, convicted individuals may have their rights to video visits and short-term leave outside the correctional facility restricted. The decision to impose such restrictions can be made by the director of the penitentiary establishment on their own initiative or based on a request from the State Security Service.

It is noteworthy that these rights can be restricted for up to three months. The restriction may also be extended or reimposed as many times as the director of the penitentiary establishment deems necessary, each time for a period of three months. The decision can be appealed in court through an administrative procedure, but the appeal does not suspend the enforcement of the decision.

Restricting communication with the outside world for individuals accused or convicted of crimes against the constitutional order and national security, or terrorism, can be justified by the need to protect state security and respond to emerging threats, provided that specific information exists to support the restriction. However, during the committee review stage of the draft law, the Public Defender's Office, which participated in the committee hearings, clarified that such restrictions should be based on specific information, and the decision-maker should have the ability to fully assess this information to ensure the decision is both necessary and proportionate. The draft law and the final version of the approved law

³⁷⁵ Letter No. 13/17058 of the Prosecutor General's Office of Georgia dated March 18, 2025.

³⁷⁶ Public Defender's 2023 Parliamentary Report, p. 142.

³⁷⁷ Letter No. 13/17058 of the Prosecutor General's Office of Georgia dated March 18, 2025. Letter No. 65/2025 of the Tbilisi Court of Appeal dated February 20, 2025. The Kutaisi Court of Appeal only partially provided us with the data in its letter No. 99-2/10 dated February 20, 2025.

³⁷⁸ Juvenile defendants/convicts will benefit from free telephone talk time, announcement of the Special Penitentiary Service, 18.04.2024. <<https://sps.gov.ge/news/4441?type=>> [Last viewed 25.02.2025].

³⁷⁹ For detailed information, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office.

³⁸⁰ A person accused/convicted of committing any crime provided for in Chapter XXXVII or XXXVIII of the Criminal Code of Georgia.

make this difficult to ensure, as the designated decision-maker is the director of the penitentiary establishment, who can impose restrictions based on information provided by the State Security Service. The law further states that this information must be provided in a manner that does not compromise state secrets or the interests of state security. This raises concerns, as the director of the establishment may only receive general instructions from the State Security Service, without the ability to substantively assess the information, effectively limiting their ability to make an informed decision. In light of these, the Public Defender's Office proposed that the authority to restrict rights should be vested in the courts, which would have full access to both operational-search data and state secrets. The right to apply to the court could then be granted to either the director of the penitentiary establishment or the State Security Service. Unfortunately, the Parliament of Georgia did not consider the Public Defender's position.

Accordingly, it is problematic that the decision to restrict a right can be made by the director of a penitentiary establishment based on a request from the State Security Service, yet the law does not provide a mechanism to verify what specific information and threats underlie this request.

Additionally, it should be noted that the function of the penitentiary service is not to ensure state security or to prevent crimes outside the establishment, which is the primary objective of this legislative change. Therefore, the director of a penitentiary establishment should not be the relevant decision-maker in such cases. Given the degree of the restriction of the rights of the accused or convicted person and the importance of the protected interests, as previously mentioned, it would be more appropriate for these decisions to be made by a court, based on a request from the Special Penitentiary Service, the establishment's director, and/or the State Security Service, after a thorough review of the submitted information.

Furthermore, neither Article 126¹ of the Penitentiary Code nor Article 165² of the Criminal Procedure Code explicitly excludes the possibility of simultaneously restricting all means of communication with the outside world. This contradicts international standards, which allow for the restriction of communication and visitation rights in the interests of investigation, security, crime prevention, or victim protection, but still require that a minimum level of contact with the outside world be maintained, even in cases where such restrictions are imposed by a court³⁸¹. The importance of maintaining minimal contact is underscored by the Penitentiary Code itself, which explicitly prohibits the simultaneous restriction of telephone conversations, personal correspondence, and short-term visits as a disciplinary measure.³⁸² Therefore, it is crucial that the legislation does not permit the complete isolation of an accused or convicted person in other cases as well.

Although the legislative amendments have introduced the aforementioned risks, it is welcome that, in practice, these changes have not yet had a significant negative impact on prisoners' rights. Specifically, as of now, the restriction discussed in this subsection has been applied only once, for a single convict, for a three-month period, and this restriction had already been lifted at the time of compiling this report.³⁸³

³⁸¹ European Prison Rules. Rule 24.2.

³⁸² Article 72, Part Seven of the Penitentiary Code.

³⁸³ Letters of the Public Defender's Office of Georgia dated January 28, 2025 No. 25/854, dated January 29, 2025 No. 25/910, dated January 29, 2025 No. 25/911, dated January 29, 2025 No. 25/908 and dated January 29, 2025 No. 25/909. Letter No. 27879/01 of January 31, 2025 of Penitentiary Establishment No. 1, Letter No. 27502/21 of January 31, 2025 of

The Public Defender's Office will continue to closely monitor the practical application of this amendment in the future to ensure the maximum protection of prisoners' rights, including their right to communicate with the outside world and with family members.

6.3. Contact with the Outside World in Penitentiary Establishments

6.3.1. Legislative Environment

Apart from the 2024 legislative amendment reviewed above, there are still several significant challenges at the legislative level regarding the realization of prisoners' right to contact with the outside world. Specifically:

- The restriction of contact with the outside world as a form of disciplinary sanction has not been abolished, except in cases where such contact is related to a crime.
- The number of visits and telephone calls for prisoners in high-risk and closed-type establishments has not been increased.
- Prisoners held in high-risk establishments remain restricted from temporarily leaving the facility in the event of the death of a close relative.
- The restriction on the use of personal televisions or radio receivers as a form of disciplinary sanction has not been abolished.
- There is no clear classification of disciplinary offenses for prisoners (such as minor, serious, and especially serious offenses) or relevant sanctions based on the severity of each offense (no gradation of sanctions).
- Prosecutors and investigators still retain the power to restrict the telephone communication rights of detainees, including in cases involving communication with their legal counsel.
- The number of short-term and long-term visits for prisoners serving life sentences has not been increased.
- Detainees still do not have the right to video visits.
- It remains possible to restrict the communication of detainees or prisoners with the outside world for more than 9 months. In last year's parliamentary report, the Public Defender extensively reviewed the relevant decision of the Constitutional Court and the subsequent legislative amendments.³⁸⁴ Unfortunately, this issue has not been addressed by the Parliament of Georgia during the reporting period.

6.3.2. Challenges existing in practice

As a result of monitoring penitentiary establishments and examining prisoners' statements, it has become clear that, beyond the problematic provisions in the legislation, significant barriers to contact with the outside world also persisted also in practice during the reporting period.

Penitentiary Institution No. 3, Letter No. 29426/23 of February 3, 2025 of Penitentiary Establishment No. 6, Letter No. 29074/01 of February 3, 2025 of Penitentiary Establishment No. 8, and Letter No. 25930/25 of January 30, 2025 of Penitentiary Establishment No. 10.

³⁸⁴ Public Defender's 2023 Parliamentary Report, pp. 135-136.

- **Violation of prisoners' right to correspondence.**

During the reporting period, the number of complaints from prisoners regarding violations of their rights decreased. However, based on the appeals of two convicts, the Public Defender's Office investigated possible cases of correspondence restrictions. Following the findings, the Office submitted a proposal to the Minister of Justice in both cases, recommending the initiation of disciplinary proceedings for violations of prisoners' correspondence rights. However, according to the Ministry, no disciplinary offenses by employees of the Special Penitentiary Service were confirmed in either case.³⁸⁵

- **Placement of prisoners in penitentiary establishments far from their family members³⁸⁶**

During the reporting period, as in the previous year,³⁸⁷ many prisoners in 2024 requested transfers to penitentiary establishments closer to their families, so they could exercise their right to meet with family members and receive parcels. The issue is particularly acute for female prisoners, as the only suitable penitentiary establishment (№5) is located in eastern Georgia (Gardabani Municipality). Cases examined by the Public Defender's Office indicate that in some instances, the placement of prisoners in facilities far from their or their family members' places of residence lacks a justified basis, resulting in an unjustified restriction of their ability to communicate with their families.

According to cases handled by the Office, most complaints came from prisoners held in penitentiary establishments №1 or №2 (Laituri, Kutaisi), who stated that they or their family members (close relatives) resided in various municipalities in eastern Georgia, and therefore requested transfers to establishments in eastern Georgia that matched their security classification. In the same period, the Office also examined the case of a prisoner in penitentiary establishment №10 (Ksani), who requested a transfer to establishments in western Georgia, such as №1 or №2.³⁸⁸

The cases revealed that the restriction on placing prisoners in facilities closer to their or their family members' places of residence was primarily justified by security concerns or the need to avoid overcrowding. However, it is noteworthy that, like penitentiary establishments №1 and №2, institutions №10 and №8 also have the necessary conditions for housing and moving high-risk prisoners. While the overcrowding concern is largely valid for penitentiary institution №8, the same issue does not appear to be a concern for establishment №10.

According to information provided by the Penitentiary Service, as of July 2024, the number of staff positions at penitentiary establishment №10 has increased, and the process of filling these vacant positions is ongoing. Additionally, construction work continues on the administrative section of the facility, which will include infrastructure for short-term/long-term/video visits and remote communication. Upon

³⁸⁵ Detailed information is available in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

³⁸⁶ Detailed information is available in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

³⁸⁷ Public Defender's 2023 Parliamentary Report, pp. 138-139.

³⁸⁸ E.g. case of Sh.Ch.

completion of these processes, the institution will be able to accommodate the number of prisoners permitted by its capacity.³⁸⁹

The prisoners for whom the Public Defender addressed the Minister of Justice or the Public Defender's Office addressed the Special Penitentiary Service with a recommendation to transfer them to the institution closest to their family members' place of residence remain in the same penitentiary establishments from which their transfer was requested.³⁹⁰

- **Restriction on the right to receive parcels by mail.**³⁹¹

In last year's parliamentary report³⁹² and the activity reports of the Criminal Justice Department³⁹³, the amendments made in 2023 to the regulations of penitentiary establishments by the Special Penitentiary Service regarding the rules for receiving parcels were critically assessed. These amendments introduced a limit on the number of parcels that could be received, prohibited postal parcels (except for photographs), and banned the sending of food products via parcels.³⁹⁴ During the reporting period, the negative consequences of these changes also became apparent. Specifically, if family members were unable to visit the penitentiary establishment, the prisoner lost the ability to receive parcels from them, despite often relying on their families for clothing and other essential items. For instance, one prisoner, who no longer had the opportunity to receive parcels by mail and whose family, due to living far from the penitentiary establishment, could not visit to deliver parcels, attempted to obtain necessary items through the prison shop. It was found that clothing ordered by this prisoner in July 2024 was only received in October 2024. According to responses from the Special Penitentiary Service, the LLC "Express Network" was unable to locate the clothing ordered by the prisoner on the market,³⁹⁵ resulting in the prisoner having to either wait for several months or accept lower quality clothing that did not match the original order.

As noted, the sending of food products via parcels has been prohibited. However, as an exception on festive days, prisoners are allowed to receive certain products through parcels, about which, according to established practice, prisoners are informed in advance and provided with a list of permissible products. It is noteworthy that the rule of prior notification of prisoners regarding the acceptance of such exceptional parcels is not regulated by the statute of the establishment. Accordingly, informing prisoners about this exception one day before the holiday cannot be considered a violation of the law. However, it

³⁸⁹ Letter No. 180010/01 of the Penitentiary Department of the Special Penitentiary Service dated June 20, 2024, Letter No. 212484/01 of July 19, 2024.

³⁹⁰ The information was verified on January 23, 2025, and some of the convicts were released from serving their sentences.

³⁹¹ Detailed information is available in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

³⁹² Public Defender's 2023 Parliamentary Report, p. 139.

³⁹³ Department of Criminal Justice Activity Report 2023, 186-189.

³⁹⁴ Orders of the Minister of Justice of Georgia No. 947, No. 948, No. 949, No. 950, No. 951, No. 952, No. 953, No. 954, No. 955, No. 956, No. 957, No. 958, No. 959, No. 960 of December 2, 2023.

³⁹⁵ Letters No. 319335/01 of October 24, 2024 and No. 350106/01 of November 21, 2024 of the Economic Department of the Special Penitentiary Service.

is important that such preferential exceptions in penitentiary establishments do not have a merely formal character and that the opportunity to benefit from them is provided to prisoners both in facilities located near their place of residence and in those located further away, to ensure equal access to their rights.

- **Contacting the Public Defender's Office Hotline³⁹⁶**

In 2021, the Constitutional Court³⁹⁷ upheld the Public Defender's claim and declared as unconstitutional the blanket restriction on calling the Public Defender's Office hotline during the imposition of disciplinary sanctions or solitary confinement. Later, legislation was amended to establish the necessary guarantees and procedures to ensure uninterrupted access to the hotline. As a result, telephone calls to the Public Defender's Office hotline by prisoners are now covered by the institution.³⁹⁸ However, during the reporting period, it became evident that prisoners without prepared telephone cards (newly admitted prisoners) and those without funds on their cards were unable to connect to the Public Defender's hotline (14 81) due to technical issues.

Prisoners in penitentiary establishments can only make telephone calls once their bank plastic cards have been prepared. Moreover, despite the fact that calls to the Public Defender's Office hotline (14 81) are free, it is technically impossible to make such calls if the telephone balance is zero.

According to the Public Defender's assessment, the lack of funds on a prisoner's telephone card should not prevent them from contacting the constitutionally authorized human rights oversight body - the Public Defender of Georgia - via the hotline to defend their rights

- **Short-term visits without physical contact³⁹⁹**

As in previous years, in penitentiary establishments, with the exception of №11 (juvenile) and №16 (low-risk) facilities, short-term visits were conducted behind glass barriers using telephones, and prisoners did not have the opportunity for physical contact with their family members

- **Telephone conversations in a non-confidential environment**

During a visit to establishment №6, it was found that, despite the presence of an isolated room designated for confidential telephone conversations, prisoners are taken to phones located in the corridor when calling the Public Defender's or other agencies' hotlines. In these areas, prison staff are present, preventing prisoners from having confidential conversations⁴⁰⁰. In some other penitentiary establishments, the infrastructure is still arranged in such a way that telephone devices are placed either in guard rooms or in booths without soundproofing, allowing conversations to be overheard outside the booth.

³⁹⁶ 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office.

³⁹⁷ Decision No. 1/3/1441 of the Constitutional Court of Georgia of July 5, 2021 in the case "Public Defender of Georgia vs. Parliament of Georgia".

³⁹⁸ Penitentiary Code of Georgia, Article 116, Section 9.

³⁹⁹ 2024 Report of the National Preventive Mechanism of the Public Defender.

⁴⁰⁰ Report following the visit to Penitentiary Establishment No. 6, Special Report of the Public Defender, 2024, p. 18.

- Difficulty in contacting family members living abroad.
- Difficulties in contacting family members abroad persist. Although the Public Defender has recommended its removal, the two-day restriction on international calls remains in effect. Moreover, the cost of such calls and correspondence is excessively high and disproportionate. Lack of the right to video visits for detainees

The Penitentiary Code does not provide the right to video visits for detainees at all. It is unclear why the law denies detainees the right to video visits, especially given that such visits are conducted under special rules designed to eliminate potential risks. Regrettably, the Constitutional Court did not share our view on this matter, instead identifying a potential threat to investigative interests and the administration of justice as a basis for rejecting this demand.⁴⁰¹

- The ability to conduct video visits only within the territory of Georgia

As in previous years, foreign prisoners, stateless persons, and Georgian citizens whose family members reside abroad are unable to exercise their rights to short-term and long-term visits or to video visits. The Public Defender once again emphasizes the need to regulate video visits in a way that would eliminate the requirement for the prisoner's family members to physically appear at one of the territorial units of the National Agency for Crime Prevention, Non-custodial Sentences, and Probation in order to conduct a video call.⁴⁰²

- Restriction of contact as a form of disciplinary sanction

As in previous years, the restriction of prisoners' contact with the outside world as a form of disciplinary sanction remains a problem. International standards consider the restriction of a prisoner's contact with the outside world as a form of disciplinary sanction to be unacceptable.⁴⁰³ It should be noted that in establishment №2, 58% of all disciplinary punishments⁴⁰⁴ applied to prisoners in 2024 involved solitary confinement. Prisoners placed in solitary confinement are legally prohibited⁴⁰⁵ from accessing means of contact with the outside world, such as short-term visits, long-term visits, and telephone conversations. In establishment №8, 36% of all disciplinary punishments applied in 2024 involved solitary confinement, while 40% involved restrictions on contact with the outside world (including restrictions on telephone conversations, correspondence, and short-term visits).⁴⁰⁶

⁴⁰¹ Decision of the Constitutional Court of Georgia No. 1/1/1602,1603 of March 7, 2025 in the case, "Public Defender of Georgia vs. Parliament of Georgia", II-50.

⁴⁰² The Subcommittee on Prevention of Torture calls on Georgia to use modern technologies to improve its ability to communicate with the outside world. The report is available in English at the following e-mail address: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FGEO%2FROSP%2F1&Lang=en> Para. 92

⁴⁰³ Nelson Mandela's Rules 43.3.

⁴⁰⁴ In 2024, a total of 297 disciplinary actions were taken in Establishments No. 2.

⁴⁰⁵ Article 78, Part Two, of the Penitentiary Code.

⁴⁰⁶ In 2024, a total of 894 disciplinary actions were taken in Establishments No. 8.

6.4. Contact with the Outside World in Psychiatric Institutions and Alternative Housing⁴⁰⁷

It must be noted with regret that during the reporting period, all the challenges regarding contact with the outside world in psychiatric institutions, which were highlighted by the Public Defender in last year's report, were fully maintained⁴⁰⁸. This equally applies to both legislative regulations and practical challenges. As a result, the same provision remains in effect in its original form, specifically Article 15, Paragraph 3 of the "Law on Mental Health," which authorizes a physician, in cases of extreme necessity, to restrict certain patient rights for security reasons at their own discretion. These rights include, among others, significant aspects related to the inviolability of personal life.⁴⁰⁹

Moreover, the monitoring once again revealed that:

- The ability of patients to make phone calls depends on the permission and goodwill of the medical and support staff;
- Patients are not given the opportunity to leave the inpatient facility, even briefly, without being formally discharged;
- The issue of receiving packages remains unresolved at the National Center for Mental Health (formerly the Acad. B. Naneishvili National Center for Mental Health).

Issues related to contact with the outside world for beneficiaries were also identified in alternative living facilities. Specifically, access to telephones is relatively restricted in larger institutions, such as residential homes for persons with disabilities (PwDs) and the Senaki alternative living facilities, where only a few beneficiaries possess their own mobile phones. Overall, no problems were identified in any type of residential service regarding access to institution-owned telephones or receiving visitors. However, beneficiaries who must rely on telephones provided by staff or the institution are not afforded the opportunity to speak in a confidential environment.

6.5. Contact with the Outside World at the Temporary Accommodation Center of the Migration Department of the Ministry of Internal Affairs⁴¹⁰

According to Article 25 of Order No. 231 of the Ministry of Internal Affairs of Georgia, titled "On the Approval of the Standard Operating Procedures of Certain Structural Units of the Migration Department of the Ministry of Internal Affairs of Georgia," in cases of violation of established rules within the center, a foreign national may be placed in a strict supervision room for a period not exceeding 10 days. The order allows for the possibility of restricting a person's right to meet with a desired individual, use a telephone, access recreational areas, and send or receive packages while placed in a strict supervision room. As a result, a foreign national or stateless person may simultaneously be deprived of all means of

⁴⁰⁷ Report on the activities of the National Preventive Mechanism of the Public Defender for 2024.

⁴⁰⁸ Public Defender's Report for 2023, pp. 140-141.

⁴⁰⁹ The doctor may restrict such rights as: to receive complete, objective, timely and understandable information about his illness and intended psychiatric care; to familiarize himself with the medical documentation available about him; to refuse treatment; to participate in elections; to receive and send letters and messages without checking; to use the telephone and other means of communication, in accordance with the hospital's internal regulations, and other rights.

⁴¹⁰ For more information, see the 2024 report of the Public Defender's National Preventive Mechanism.

contact with the outside world.⁴¹¹ The Public Defender considers it unacceptable to restrict the right to contact the outside world as a form of disciplinary punishment.⁴¹²

Additionally, as in the previous year⁴¹³, it should be positively noted that individuals held in the temporary accommodation center designated for migrants by the Ministry of Internal Affairs have access to telephones and the internet, and can receive visitors and packages. However, unfortunately, they still face certain restrictions regarding contact with the outside world. Specifically, the use of computers connected to the internet remains limited to twice a day, for one hour each session. For years, the Public Defender has recommended that, given the lack of organized activities in the center and the limited opportunities for frequent contact with family, the daily computer access time in the center should be increased. Furthermore, visits to the center are allowed only on Tuesdays and Fridays, from 10:00 to 13:00, and for a maximum duration of 20 minutes, which is an unjustified restriction, especially for those who receive visitors from long distances or infrequently.

Proposals

To the Parliament of Georgia:

- Amend Article 126¹ of the Penitentiary Code so that the decision to restrict the rights of an accused/convicted person is made by the court;
- Amend Article 126¹ of the Penitentiary Code to eliminate the possibility of simultaneously restricting the rights to correspondence, telephone calls, short visits, long visits, family visits, and video visits;
- Amend Article 165² of the Criminal Procedure Code to eliminate the possibility of simultaneously restricting the rights to correspondence, telephone calls, short visits, and long visits;
- Amend the Criminal Procedure Code to establish a maximum nine-month limit for the extension of the decision to restrict the rights of an accused person to short or long visits, correspondence, and/or telephone calls;
- Initiate a transparent and inclusive process to reform the legislative norms regulating covert investigative actions, including: Reviewing the list of crimes for which covert investigative measures are permitted; Revising the duration and maximum extension periods for covert investigative actions; Revisiting the notification periods for covert investigative actions and the maximum extension periods for these notifications;
- Amend the Penitentiary Code to increase the number of visits and telephone calls for prisoners in special-risk and closed-type facilities, including those serving life sentences;
- Amend the Penitentiary Code to abolish the restriction on contact with the outside world as a disciplinary measure, except in cases where such contact is related to criminal activity;
- Amend the Penitentiary Code to grant prisoners whose family members live abroad and cannot benefit from short and long visits the right to video visits;

⁴¹¹ Article 25 of Order No. 231 of the Ministry of Internal Affairs of Georgia “On Approval of the Standard Operating Procedure of Some Structural Units of the Migration Department of the Ministry of Internal Affairs of Georgia”.

⁴¹² For more information, see the National Preventive Mechanism Monitoring Report on the Temporary Accommodation Center of the Ministry of Internal Affairs. 2023. p. 11.

⁴¹³ Public Defender's 2023 Parliamentary Report, p. 141.

- Amend the Penitentiary Code to grant accused persons the right to video visits;
- Amend the Penitentiary Code to abolish the restriction on the use of personal televisions or radio receivers as a form of disciplinary punishment;
- Grant prisoners in special-risk facilities the right to temporarily leave the facility in the event of the death of a close relative;
- Amend the Penitentiary Code to abolish the disciplinary prohibition on short and long visits, telephone calls, and the purchase of food products for prisoners placed in solitary confinement.

Recommendations

To the Ministry of Justice:

- Take all necessary measures to enable foreign prisoners, stateless persons, and Georgian citizens whose families reside abroad to make international calls at reduced and more affordable rates;
- Eliminate the designated days for international calls, allowing such calls to be made every day, in accordance with the frequency and duration established by law;
- Review the current procedure for conducting video visits to ensure that prisoners with family members abroad can fully utilize this right. Additionally, initiate the development of a secure application to simplify the process of conducting video visits;
- Grant prisoners in Penitentiary Establishments No. 3, No. 6, and No. 12 the right to use video visit services;
- The Monitoring Department of the Special Penitentiary Service should:
 - a) Conduct systematic inspections to identify violations of prisoners' correspondence rights within penitentiary Establishments;
 - b) Maintain statistical records of identified violations;
 - c) Hold accountable those responsible for violating prisoners' correspondence rights;
- Establish appropriate infrastructure in closed and special-risk penitentiary establishments to ensure that prisoners can conduct telephone conversations in a confidential environment;
- Define at the regulatory level a mechanism ensuring that when social workers receive or deliver open letters, a two-copy document is created, which:
 - a) Is stamped for verification; and
 - Includes the following information, entered in the presence of the prisoner:
 - b) The full name of the letter's author;
 - c) The full name of the receiving social worker;
 - d) The date the letter was handed over;
 - e) The recipient of the letter;
 - f) The number of pages in the letter.
 Both copies should be signed by the prisoner and the social worker, with one copy provided to the prisoner and the other retained by the social worker;
- Ensure that short visits are conducted without a glass barrier;
- Ensure that prisoners are placed in facilities located geographically closer to their families;
- Establish a small women's establishment in Western Georgia;
- Require penitentiary establishments to notify prisoners within a reasonable timeframe in advance when restrictions on the sending of packages are temporary lifted;

To the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia:

- Take measures to ensure that all psychiatric institutions have confidential spaces for meetings between patients and their visitors;
- To promote contact with the outside world, ensure that patients/beneficiaries in shelters, alternative living facilities, and psychiatric institutions have access to telephones and other means of communication.

To the Ministry of Internal Affairs:

- Amend Article 25 of Order No. 231 of the Ministry of Internal Affairs of Georgia, titled "On the Approval of the Standard Operating Procedures of Certain Structural Units of the Migration Department of the Ministry of Internal Affairs of Georgia," to eliminate the restriction on contact with the outside world as a form of punishment;
- Increase the number of computers at the temporary accommodation center of the Migration Department to allow unrestricted access to internet-connected computers throughout the day.
- Ensure that individuals held at the temporary accommodation center of the Migration Department have unrestricted access to visitors during working hours and extend the minimum duration of visits to at least one hour.

7. Freedom of Expression

7.1. Introduction

In 2024, the situation of the media and freedom of expression was negatively affected by restrictive legislative amendments.⁴¹⁴ The dangerous environment for media representatives was also problematic, which was particularly acute during the protests.

In addition, according to the European Commission, discrediting rhetoric against media professionals by high-level public officials and politicians threatened media freedom, pluralism, and the safety of journalists.⁴¹⁵ At the same time, the European Commission⁴¹⁶ identified polarization as one of the major challenges for the Georgian media. In this regard, the introduction of restrictions on journalistic activities in the Parliament of Georgia is worth noting, which the Public Defender considered to be partially problematic. The individual norms that led to the above were appealed to the court in 2023, and the Public Defender submitted an amicus curiae brief relating to the case.⁴¹⁷ At this stage, the mentioned case is still under consideration in the court.⁴¹⁸

Unjustified restrictions were also used on freedom of expression on the basis of the Administrative Offences Code of Georgia, which is outdated and does not comply with human rights standards.

7.2. Protection of media representatives

According to the Special Investigation Service, in 2024, investigations were launched into 17 cases of offences committed against media representatives, which included, among others, unlawful interference with professional activities, violence and violent abuse of official authority by law enforcement officials.⁴¹⁹

⁴¹⁴ Additionally, see - reference to the chapters of this report on freedom of assembly and human rights defenders.

⁴¹⁵ European Commission 2024 EU Enlargement Report on Georgia - Assessment of the implementation of steps/priorities, p. 8, available at: < bit.ly/4joVpnP > [20.01.2025].

⁴¹⁶ Ibid., p. 7, available at: < bit.ly/4joVpnP > [20.01.2025].

⁴¹⁷ See Public Defender's Parliamentary Report 2023, 119-20.

⁴¹⁸ Letter No. 3/1626-23 of Tbilisi City Court of 7 February 2025.

⁴¹⁹ Letter No. SIS 9 25 00001633 of the Special Investigation Service of 28 January 2025. 1. On January 6, 2024, an investigation was launched into the illegal interference with the professional activities of a TV Pirveli journalist; 2. On January 23, 2024, an investigation was launched into the violent abuse of official authority by representatives of law enforcement agencies during the eviction from an apartment located on 1 Kekelidze Street in Tbilisi; 3. On February 9, 2024, an investigation was launched into the illegal interference with the professional activities of TV Pirveli journalists; 4. On April 4, 2024, an investigation was launched into the illegal interference with the professional activities of a Media Monitoring journalist; 5. On April 16, 2024, an investigation was launched into the violent abuse of official authority by individual employees of the Ministry of Internal Affairs of Georgia against participants of a protest rally held near the Parliament building; 6. On April 18, 2024, an investigation was launched into the illegal interference with the professional activities of journalists of TV Company Imedi, TV Company Postv and online media Indigo; 7. On May 7, 2024, based on the prosecutor's resolution, a criminal case was sent from the Vake-Saburtalo Main Division of the Tbilisi Police Department of the Ministry of Internal Affairs to the Special Investigation Service according to its jurisdiction, relating to the illegal interference with the professional activities of journalists; 8. On May 10, 2024, an investigation was launched into the illegal interference with the professional activities of TV Pirveli journalists; 9. On May 13, 2024, an investigation was launched into the illegal interference with the professional activities of a journalist; 10. On May 31, 2024, an investigation was launched into the illegal interference with the professional activities of a journalist and a cameraman of the TV company Postv and violence against a cameraman; 11. On July 25, 2024, an investigation was launched into the illegal interference with the professional activities of a journalist of the TV company Main Channel; 12. On July 26, 2024, an investigation was launched into the

Of these, the investigation was terminated in one case due to the absence of elements of a crime,⁴²⁰ and criminal prosecution was launched in 5 cases.⁴²¹ It is noteworthy that no prosecution was launched in any case of violent abuse of official authority by law enforcement officials.

The Public Defender's Office also got interested in the progress of investigations launched in 2023 against media representatives. In particular, as a result of the investigations launched in 9 criminal cases in the reporting year,⁴²² the issue of liability of the perpetrator was raised in 2 cases.⁴²³ No employee of the Ministry of Internal Affairs of Georgia was held responsible for the violent abuse of authority during the protest rally held near the Parliament of Georgia on March 7-8, 2023.

It is noteworthy that the statistical data may not be comprehensive and may only reflect the progress of investigations ongoing into the unlawful interference with a journalist's professional activities (Article 154 of the Criminal Code) or other crimes under the investigative jurisdiction of the Special Investigation Service,⁴²⁴ but not into crimes that fall only under the investigative jurisdiction of the Ministry of Internal Affairs (for example, Articles 126 (violence) and 151 (threat) of the Criminal Code, if it is not committed by a representative of a law enforcement agency, and Article 187 (damage or destruction of an object). The

illegal interference with the professional activities of a journalist and a cameraman of the TV company Media Monitoring; 13. On October 23, 2024, the Ministry of Internal Affairs launched an investigation into the threats made against a journalist of the online media platform Jam News. On October 24, 2024, the classification of the case was changed and the investigation continued into the illegal interference with the professional activities of a journalist, as a result of which the case was transferred to the Special Investigation Service; 14. On October 31, 2024, an investigation was launched into the illegal interference with the professional activities of journalists of various TV companies; 15. On November 19, 2024, an investigation was launched into the violent abuse of official authority by employees of the Ministry of Internal Affairs against participants in a protest rally; 16. On November 29, 2024, an investigation was launched into the violent abuse of official authority by individual employees of the Ministry of Internal Affairs of Georgia against participants in a protest rally; 17. On December 7, 2024, an investigation was launched into the illegal interference with the professional activities of journalists and a cameraman of TV Pirveli. The classification of a number of the aforementioned criminal cases was later changed.

⁴²⁰ In November 2024, the investigation into the illegal interference with the professional activities of a journalist of TV Pirveli, launched on January 6, 2024, was terminated due to the absence of elements of a crime.

⁴²¹ Criminal prosecution was launched against 1. 1 person within the framework of the investigation into the illegal interference with the professional activities of TV Pirveli journalists, under part 1 of Article 154 of the Criminal Code; 2. 1 person within the framework of the investigation into the illegal interference with the professional activities of a journalist, under part 1 of Article 126 of the Criminal Code (violence); 3. Within the framework of the investigation launched against 1 person for the illegal interference with the professional activities of a journalist and a cameraman of the TV company Postv and violence against a cameraman, under Article 126, part 1, and Article 154, part 1, of the Criminal Code; 4. Within the framework of the investigation launched against 2 persons for the illegal interference with the professional activities of a journalist of the TV company Main Channel, prosecution was launched against 1 of them under part 1 of Article 154 of the Criminal Code and subparagraph "a" of part 2 of Article 156 of the Criminal Code (persecution committed with violence or threat of violence), and against the second person - under Article 154, part 1, Article 187, part 1 (damage or destruction of an object) and Article 156, part 2, subparagraph "a", Criminal Code; 5. and against 2 persons within the framework of the investigation launched into the illegal interference with the professional activities of a journalist and a cameraman of the TV company Media Monitoring, under Article 156, part 2, subparagraph "a", Criminal Code.

⁴²² See the 2023 Parliamentary Report of the Public Defender, p. 118-19. Criminal cases No. 199250323001, No. 199080323001, No. 199010523001, No. 199250523001, No. 199240823001, No. 199201223002, No. 199200923002, No. 199290923002 and No. 199061023001.

⁴²³ Letters No. SIS 9 25 00001633 and No. SIS 2 25 00002806 of the Special Investigation Service of January 28, 2025 and February 13, 2025.

⁴²⁴ Law of Georgia on the Special Investigation Service, Article 19.

Public Defender has repeatedly spoken about this problem in the past, which is due to the fact that the Ministry processes data according to articles of the Criminal Code and not circumstances of the crime (including the victim's professional activity).⁴²⁵

The Public Defender once again points out the need for both maintenance of full statistics on crimes committed against media representatives and their timely investigation. This is of crucial importance for seeing the full picture, properly assessing the effectiveness of the response of investigative bodies, and eliminating the environment of impunity.

To overcome such challenges, it is a good opportunity to implement the findings and recommendations reflected in the 2023 technical document - Georgian Legislation and Practice relating to the Protection and Safety of Journalists, prepared by a Council of Europe expert at the request of the Public Defender.⁴²⁶ Inter alia, the study specifically refers to the need to revise Article 154 of the Criminal Code of Georgia (unlawful Interference with a journalist's professional activities). This article, which is being investigated by the Special Investigation Service,⁴²⁷ is the main legal instrument for investigating crimes committed against media representatives and prosecuting relevant persons, although it does not fully reflect all the crimes that journalists are subjected to due to their work (e.g., threats and violence). At the same time, according to the study, it is necessary to strengthen the maximum sentence for the aforementioned crime, which would clearly indicate to the public that an attack on a journalist contradicts democratic standards. The indicated gap creates a real problem in practice, including in terms of the proper classification of criminal acts committed against media representatives. For example, investigations were launched into two cases of physical assault against journalists and/or damage to their equipment on the election day based on Article 154 of the Criminal Code of Georgia, however, if physical assault or damage to property is proved, it will be necessary to specify classification in both cases.⁴²⁸

It is worth noting that the safety of journalists was a particular problem during the protests held in the reporting period.⁴²⁹ Of particular concern was the degree of violence and brutality shown by law enforcement officers against some journalists, interference with their activities, and in some cases, deliberate damage to their equipment during the management of the continuous protests, which began

⁴²⁵ See, e.g., Parliamentary Report of the Public Defender of Georgia 2022, p. 118; Parliamentary Report of the Public Defender of Georgia 2021, p. 135; Parliamentary Report of the Public Defender of Georgia 2020, p. 177.

⁴²⁶ Technical document prepared by the Council of Europe expert, Peter Noorlander - Georgian Legislation and Practice relating to the Protection and Safety of Journalists, 2023, pp. 28-32, available at: < <https://bit.ly/3Ytphqn> > [10.04.2025]; For a brief overview of the research, see the 2023 Parliamentary Report of the Public Defender of Georgia, pp. 115-17.

⁴²⁷ Law of Georgia on the Special Investigation Service, Article 19, part 1, subparagraph "d".

⁴²⁸ Reference to this report's chapter on the right to vote.

⁴²⁹ See the Public Defender's statement of 17 April 2024 on the preliminary results of the monitoring of the April 16-17 rally, available at: < bit.ly/3zSxHi0 > [20.01.2025]; Public Defender's statement of May 1, 2024 on the events that took place at the April 30 rally is available on the website: < bit.ly/3Wu3EVZ > [20.01.2025]; Public Defender's statement of November 29, 2024 on the crackdown on the November 28-29 rally is available on the website: < bit.ly/3Ddwzt5 > [20.01.2025]; Public Defender's statement of November 29, 2024 on the rally is available on the website: < bit.ly/49JB3Bh > [20.01.2025]; Public Defender's statement of November 30, 2024 on the crackdown on the November 29-30 rally, available at: < bit.ly/49F7pgw > [20.01.2025]; Public Defender's briefing of December 10, 2024 on the ongoing events, available at: < bit.ly/3OXGCMn > [20.01.2025].

on November 28, 2024, by the police. There was also a brutal attack by a violent group on media representatives who were covering the developments. On the one hand, the obvious and repeated aggression expressed by law enforcement officers against journalists, and, on the other hand, the failure to take appropriate and effective measures to protect media representatives from violent actions by unknown individuals, creates an environment of impunity, which poses an even greater threat to the quality of media freedom and safety of journalists in the future, and carries a dangerous message that media representatives may be subject to abuse for their activities.

The Public Defender specifically points out that legislation provides for a special protection regime for journalists during assemblies,⁴³⁰ which stems from the special role of media representatives to disseminate independent, impartial and objective information about the assembly.⁴³¹ Despite the requirement established by legislation, their protection mechanisms still remain flawed. As noted in the 2020 Special Report of the Public Defender of Georgia on Freedom of Peaceful Assembly (Protected Sphere of Rights and Standards for Handling Assemblies), the law obliges the organizers of the assembly and representatives of law enforcement agencies not to interfere with the professional activities of journalists who have identification signs while covering the assembly.⁴³² However, the law does not explain what an “identification sign” means, which is quite a problematic issue both for the police to distinguish a participant in an assembly from a journalist when using coercive measures, as well as when deciding on the appropriate liability for the obstruction of professional activity. Thus, the need to improve legislation in this direction is still relevant, which was also confirmed by the above-mentioned technical document prepared by the Council of Europe expert.⁴³³

7.3. Legislative amendments

Last year, amendments to the Administrative Offences Code significantly reduced the possibility of criticizing government officials.⁴³⁴ In particular, verbal abuse, cursing, persistent insults or other offensive actions against a state-political official, political official, civil servant, person equated with a civil servant and/or public servant during the performance of official duties or in connection with the performance of

⁴³⁰ Law of Georgia on Assemblies and Demonstrations, Article 2, part 4.

⁴³¹ OSCE/ODIHR and Venice Commission, Guidelines on Freedom of Assembly, Second Edition, 2010, para. 206-08; OSCE/ODIHR, Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2017 - June 2018), 19 September 2019, para. 334, available at: < <https://bit.ly/2ucM3lh> > [16.10.2024]; The European Court of Human Rights, in its judgment of 2 October 2012 in the case of *Najafli v. Azerbaijan*, explained that the role of the media includes disseminating information on matters of public interest; and, in turn, the public has the right to receive such information, including about assemblies (para. 66); The European Court of Human Rights, in its judgment of 20 October 2015 in the case of *Pentikäinen v. Finland*, pointed to the crucial role of the media in providing information on the authorities' handling of public demonstrations and the containment of disorder. The “watchdog” role of the media assumes particular importance in such contexts since their presence is a guarantee that the authorities can be held to account for their conduct (para. 89).

⁴³² 2020 Special Report of the Public Defender of Georgia on Freedom of Peaceful Assembly (Protected Area of the Right and Standards for Handling Assemblies) (hereinafter, Special Report 2020), pp. 32-34, available at: < bit.ly/42OiNlw > [20.01.2025].

⁴³³ Technical document prepared by the Council of Europe expert Peter Noorlander - Georgian Legislation and Practice relating to the Protection and Safety of Journalists, 2023, p. 32.

⁴³⁴ Amendments are available at: < <https://bit.ly/3CZJ5ud> > [28.02.2025].

official duties or activities have been defined as administrative offences.⁴³⁵ The norm regulating insults against law enforcement officers, which has been actively used for years to detain participants in assemblies on administrative charges, has been expanded in the same way.⁴³⁶ In addition, high fines or long terms of administrative detention have been established for such violations. Such blanket bans contradict the standard of legitimate interference with freedom of expression. According to the case-law of the European Court of Human Rights, messages that are of a political nature, concern politicians or are related to a matter of public interest are subject to increased protection; accordingly, the limits of permissible criticism are wider with regard to officials and civil servants in relation to private opinion.⁴³⁷ The reason for this is that in a democratic system the actions or omissions of the government must be subject to the close scrutiny not only of the legislative and judicial authorities but also of public opinion.⁴³⁸ With regard to officials, it is also worth noting that a representative of a democratic state inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large,⁴³⁹ and he must consequently display a greater degree of tolerance, even towards criticism perceived as provocative or offensive,⁴⁴⁰ unless the above constitutes an excessive personal attack devoid of context.⁴⁴¹ It is also worth noting that pursuant to the guidelines of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), restrictions on the visual or audible content of any message should face a high threshold and should only be imposed if there is an imminent threat of violence.⁴⁴²

7.4. Misuse of law to interfere with freedom of expression

In recent years, there have been numerous cases when law enforcement officers restricted individuals' freedom of expression because of their use of banners or other forms of expression, either due to the political content conveyed or the style chosen for it.⁴⁴³ In these cases, the police used administrative detention as a restrictive measure, on the basis of Articles 166 (petty hooliganism) and/or 173 (disobedience to the lawful order of the law enforcement officer) of the Administrative Offences Code. Since freedom of expression increasingly protects messages of political content that do not pose a real or immediate threat of violence/confrontation, the Public Defender of Georgia actively filed *amicus curiae* briefs in similar cases. The purpose of these interventions was to assist the court in preventing unjustified

⁴³⁵ Article 173¹⁶ of the Administrative Offences Code.

⁴³⁶ Article 173, paragraph 2, Administrative Offences Code.

⁴³⁷ See e.g., European Court of Human Rights, judgment of 22 July 2021, *Gachechiladze v. Georgia*, para. 51; European Court of Human Rights, judgment of 2 February 2021, *Dickinson v. Turkey*, para. 55; European Court of Human Rights, judgment of 17 April 2014, *Mladina D.D. Ljubljana v. Slovenia*, para. 40; European Court of Human Rights, judgment of 21 February 2012, *Tusalp v. Turkey*, para. 45; European Court of Human Rights, judgment of 8 October 2009, *Romanenko and Others v. Russia*, para. 47; European Court of Human Rights, judgment of 7 November 2006, *Mamère v. France*, para. 27.

⁴³⁸ European Court of Human Rights, *Ceylan v. Turkey*, 8 July 1999, para. 34.

⁴³⁹ European Court of Human Rights, *Lingens v. Austria*, 8 July 1986, para. 42.

⁴⁴⁰ European Court of Human Rights, judgment of 16 March 2000, *Özgür Gündem v. Turkey*, para. 60.

⁴⁴¹ European Court of Human Rights, *Oberschlick v. Austria*, 1 July 1997, para. 33.

⁴⁴² OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and European Commission for Democracy through Law (Venice Commission), *Guidelines on Freedom of Assembly*, Second Edition, 2010, para. 3.3, available at: < bit.ly/3NGvrgT > [19.02.2025].

⁴⁴³ Parliamentary Report of the Public Defender of Georgia 2022, p. 122; See the Opinions of the Friend of the Court of the Public Defender of Georgia on the Cases of the Protest Participants Detained on June 2, 2023, available on the website: < bit.ly/4h3PHX4 > [20.01.2025].

interference with rights and correcting the systemic shortcomings in practice, caused by the outdated provisions of the Administrative Offences Code.

In the reporting year, similar unjustified practices continued on different grounds provided for in the Administrative Offences Code. In particular, in November 2024, the Municipal Inspectorate of the Ozurgeti City Hall fined the Civil Movement for Freedom (NGO) twice for placing a protest banner of political content on the building.⁴⁴⁴ The placement of the banner was assessed as improper advertising and administrative offence reports were drawn up on the basis of Article 159¹ of the Administrative Offences Code.

The Public Defender specifically notes that a political message of similar content, which aimed to demonstrate the organization's position regarding the elections held in the country, is fully protected by freedom of expression and does not fit into the definition of any type of "advertisement"⁴⁴⁵ provided for by legislation. It is also noteworthy that the disputed banner was placed on the organization's balcony, while the spontaneous and short-term placement of protest banners on the facade of private property has already been considered a protected form of expression by the Constitutional Court of Georgia.⁴⁴⁶ In view of this, the decision of the Mayor of Ozurgeti Municipality to invalidate the above-mentioned violation reports, on the basis of the complaints filed by the NGO, is unequivocally welcome.⁴⁴⁷

Thus, the Public Defender of Georgia calls on all responsible bodies to exercise special caution when restricting individuals' freedom of expression by using the Administrative Offences Code and to take into account the strict standard of interference with the right in each such case.

Proposals

To the Parliament of Georgia:

- Revise Article 154 of the Criminal Code of Georgia to cover all criminal acts committed against natural and legal persons relating to their journalistic activities; and strengthen the punishment provided for this crime;
- In the Administrative Offences Code, abolish the broad and blanket bans on insulting public servants and officials.

⁴⁴⁴ Information is available on the website: < bit.ly/3EhVSIk > [20.01.2025].

⁴⁴⁵ According to part 1 of Article 3 of the Law of Georgia on Advertising, "advertisement" is information disseminated by any means and form about goods, services and work, natural and legal persons, ideas and initiatives, which is intended for an indefinite circle of persons and serves to form and maintain interest in natural and legal persons towards goods, ideas and initiatives, as well as to promote the realization of goods, ideas and initiatives. According to part 2 of the same article, "inappropriate advertising" is dishonest, unreliable, unethical, misleading or other advertising that violates the requirements established by legislation of Georgia regarding the content, time, place or manner of its distribution.

⁴⁴⁶ Ruling No. 1/5/1271 of the Constitutional Court of Georgia of July 4, 2019 in the case of Besik Katamadze, Davit Mzhavanadze and Ilia Malazonia v. Parliament of Georgia.

⁴⁴⁷ Order No. B36.36250522 of the Ozurgeti Mayor of February 21, 2025.

8. Freedom of Information

Article 18 of the Constitution of Georgia guarantees the right of every person to receive and disseminate information, as well as to access documents kept in a public institution in accordance with the procedure established by law.⁴⁴⁸ The Public Defender of Georgia has been indicating for years that in order to ensure the accountability of public institutions to the public, it is important to create appropriate legislative guarantees for the right of access to public information, harmonize them with international standards and effectively enforce them.

One of the main obstacles to the protection of the right of access to public information is the legislation of Georgia⁴⁴⁹ relating to the procedure for issuing public information and the absence of an effective supervisory institution for the protection of the right. The 2025 Special Report of the Public Defender of Georgia on the Challenges Related to Access to Public Information⁴⁵⁰ discusses in detail the legislative shortcomings that the Public Defender's Office had identified as a result of considering complaints related to access to public information over the past 4 years.⁴⁵¹ As in previous years, the analysis of the complaints examined by the Public Defender's Office in 2024 indicates that legislative amendments are necessary and the concept of a public institution needs to be more clearly defined, especially in relation to private entities operating within the framework of delegated powers of public law functions. It is also necessary to specify the scope of processing public information and the issue of calculating the deadlines for its issuance. When contrasting rights, it is necessary to enshrine in legislation the decisive criteria that ensure the availability of information of public interest. The Public Defender of Georgia considers it extremely important for a country to have an independent and effective supervisory institution for the right of access to public information, which, with the appropriate authority, would ensure timely and effective protection of the right.

Article 8 of the Council of Europe Convention on Access to Official Documents of 18 June 2009 says that an applicant whose request for an official document has been denied, expressly or impliedly, whether in part or in full, shall have access to a review procedure before a court or another independent and impartial body established by law, and this procedure shall be expeditious and inexpensive. According to the national legislation, the court is the only supervisory institution that can order a public institution to provide public information. In order to assess the effectiveness of the existing supervisory institution in terms of protection of the right in a timely manner, the Public Defender of Georgia requested information necessary for studying the issue from all city and district courts.⁴⁵² The analysis of data received from the courts revealed that the courts of first instance had been considering 50 lawsuits filed regarding the release of public information for at least one year. Consideration of at least 11 lawsuits received in 2022 continued in 2024 as well. Of these, 4 lawsuits were still under consideration on August 27, 2024. Statistics

⁴⁴⁸ Constitution of Georgia (786-RS, 24/08/1995), Article 17, Article 18.

⁴⁴⁹ General Administrative Code of Georgia, Chapter III.

⁴⁵⁰ See the Special Report <https://www.ombudsman.ge/res/docs/2025020717121421147.pdf> [11.03.2025].

⁴⁵¹ Ibid. p. 5.

⁴⁵² Letter No. 2024/4092 of the Public Defender of Georgia of August 27, 2024.

provided by the courts of first instance indicate that litigation related to access to public information is lengthy and does not ensure timely access to information. The timeliness of information is directly related to its value, which may be decisive for the stakeholder, especially if the public information is requested by a media outlet/journalist or a human rights organization. The Public Defender of Georgia considers it necessary to promptly recognize the Council of Europe Convention of June 18, 2009 on Access to Official Documents as binding for Georgia and to harmonize the existing legislation on access to public information with international standards.

At the end of 2024, access to the property declarations of officials posted on the official website of the LEPL Georgian Anti-Corruption Bureau was restricted. In order to ensure transparency and accountability to the public, it is important to eliminate such obstacles in a timely manner and to ensure the publicity of property declarations of officials for all interested parties.

The complaints considered in the reporting period:

In 2024, the Public Defender's Office considered 60 complaints regarding restrictions on access to public information. The authors of applications/complaints were both natural persons and representatives of media outlets and human rights organizations. In 2024, 5 recommendations were issued regarding the unjustified restriction of the right of access to public information,⁴⁵³ and a proposal was sent to the Ministry of Internal Affairs of Georgia regarding the quarterly processing of comprehensive statistical data on the use of administrative detention and its publication on the official website of the Ministry (including the processing/publication of comprehensive statistical data reflecting detentions of persons violating Articles 166 and 173, so as to elaborate on the number of detainees who were not placed in temporary detention centers).⁴⁵⁴ Regarding the lawsuit of the LLC Network of Information Centers, the Public Defender of Georgia prepared an amicus curiae brief in order to discuss the fulfillment of the obligations established for the country by the Aarhus Convention and the possibility of separating and providing information on the state of the environment, for the purposes of properly realizing the right of access to information on the state of the environment.⁴⁵⁵

During the processing of applications/complaints submitted to the Public Defender's Office of Georgia regarding the restriction of the right of access to public information, interested persons could receive public information of interest to them after the Public Defender's Office of Georgia requested relevant explanations from the addressee agencies regarding the grounds for refusal to issue information from a public institution. This circumstance shows that the refusal of public institutions to fulfill the obligation to provide public information was groundless in these cases. Timely access to public information is particularly relevant for human rights defenders, including journalists, because information provided late may lose its original value for the public. During the reporting period, the Public Defender of Georgia

⁴⁵³ Recommendations of the Public Defender of Georgia: 10.10.2024 No. 2024/5375, 30.12.2024 No. 2024/7782, 30.12.2024 No. 2024/7783, 05.12.2024 No. 2024/6935, 09.10.2024 No. 2024/5326.

⁴⁵⁴ See the proposal 18.11.2024 No. 2024/6483 <https://www.ombudsman.ge/res/docs/2024112012085718551.pdf> [11.03.2025].

⁴⁵⁵ See the amicus curiae brief 07.10.2024 №2024/5216 <https://www.ombudsman.ge/res/docs/2024112812220164355.pdf> [11.03.2025].

revealed facts of unjustified restrictions on the above-mentioned right of media outlets/journalists (TOK TV journalists, LLC Batumelebi, LLC Network of Information Centers and LLC Georgian News) and human rights organizations - the Institute for Development of Freedom of Information (IDFI), the Civil Advocacy Center, the Social Justice Center and the Georgian Young Lawyers' Association.⁴⁵⁶ It was revealed that in certain cases, public institutions left unanswered the requests of media outlets and human rights organizations regarding the receipt of public information. In a number of cases, human rights organizations/journalists were unjustifiably refused to process/get the requested information, or were provided with incomplete information or were provided with information a few months later. The Public Defender of Georgia would like to once again emphasize that for human rights defenders and media representatives, as persons performing the function of public watchdogs, information gathering is an integral part of their activities. Restricting the right of non-governmental organizations to access public information is an obstacle to the performance of their "public watchdog" function, since their work contributes to holding informed public debates on certain issues. The challenges related to access to public information in the country also pose a threat to the effectiveness of media activities.⁴⁵⁷

The challenges identified as a result of the complaints examined by the Public Defender of Georgia in 2024 once again demonstrate the need to initiate a reform of the legislation regulating to freedom of information in the country and to create an effective supervisory institution.

Proposal to the Parliament of Georgia:

- Discuss the issues presented in the Special Report of the Public Defender of Georgia and this chapter regarding access to public information and implement relevant legislative amendments to create appropriate guarantees for the protection of the right.

Recommendation to public institutions:

- Ensure the complete and timely provision of requested public information to all stakeholders, especially media outlets/journalists and human rights organizations.

⁴⁵⁶ Complaints 04. 04.07.2024 No.3097/2024, 01.04.2024 No.21/2024, 25.06.2024 No.2829/2024, 21.02.2024 No.2244/24, 23.01.2024 No.662/24, 05.04.2024 No.343/2024, 09.02.2024 No.1811/24, 21.11.2024 No.7879/2024, 23.02.2024 No. 2342/24, 22.03.2024 No.3216/24.

⁴⁵⁷ See the judgements of the European Court of Human Rights; Guseva v. Bulgaria, § 37; Shapovalov v. Ukraine, § 68. Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina, § 86, TÁRSASÁG A SZABADSÁGJOGOKÉRT v. HUNGARY.

9. Freedom of Assembly

9.1. Introduction

2024 was a year marked by a large number of political assemblies of various sizes and forms. Along with the variability of their type, location, frequency, duration and number of participants, the methods of response used by the police forces and, consequently, the intensity of interference with the right also varied. According to the Public Defender, one of the main challenges in this process was the decisions taken by law enforcement officials to crack down on the entire assemblies, instead of responding individually to the violent actions of a small number of demonstrators. In such cases, despite the existence of formal grounds for the use of police measures, the right was disproportionately restricted. At the same time, it is particularly important to emphasize that decisions regarding the dispersal of assemblies and the use of special equipment are made as part of policing, the legitimacy of which – as management decisions – is assessed by the Public Defender independently of whether any alleged criminal conduct by law enforcement officers took place during these operations. Alleged systemic ill-treatment of peaceful demonstrators, journalists and detainees during the reporting period is evaluated separately in the relevant sub-chapter of this report.⁴⁵⁸

It is also noteworthy that the harmful practice of detaining assembly participants on the basis of the flawed Administrative Offences Code, which in most cases fails to meet the requirement of necessity and leads to arbitrary interference with the right, still remains a serious challenge. In addition, the legislative amendments adopted in 2024 have also negatively affected the state of protection of freedom of assembly.

9.2. Termination of peaceful assemblies

The reporting year was marked by the particularly intense use of police force and special equipment against participants in assemblies. The Public Defender echoed the use of illegitimate and/or disproportionate force against demonstrators during assemblies held in front of the Parliament of Georgia in April, November and December 2024.⁴⁵⁹

⁴⁵⁸ Chapter on the Prohibition and Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of this report.

⁴⁵⁹ Public Defender's statement of April 17, 2024 on the primary results of the monitoring of the April 16-17 rally, available on the website: < bit.ly/3TqkdRb > [23.01.2025]; Public Defender's statement of May 1, 2024 on the events developed at the April 30 rally, available on the website: < bit.ly/3XHwAeg > [23.01.2025]; Public Defender's statement of November 29, 2024 on the crackdown on the November 28-29 rally, available on the website: < bit.ly/3Ddwzt5 > [23.01.2025]; Public Defender's statement of November 29, 2024 on the ongoing rally, available on the website: < bit.ly/49JB3Bh > [23.01.2025]; Public Defender's statement of November 30, 2024 regarding the crackdown on the November 29-30 rally, available on the website: < bit.ly/49F7pgw > [23.01.2025]; Public Defender's call of December 2, 2024 to the Ministry of Internal Affairs not to use special equipment against participants in the peaceful assembly, available on the website: < bit.ly/4iBlyyh > [23.01.2025]; Public Defender's statement of December 7, 2024 regarding the crackdown on the rally on Rustaveli Avenue, available on the website: < bit.ly/4gvrUP8 > [23.01.2025]; Public Defender's briefing of 10 December 2024 on the ongoing events is available at: < bit.ly/3OXGCmn > [23.01.2025].

Similar to the previous period,⁴⁶⁰ a systemic challenge in these cases was that law enforcement agencies treated entire assemblies as violent, whereas only some of the participants were engaged in unlawful actions. Such practice contradicts the human rights standard, which implies that an assembly should be disrupted only in exceptional cases.⁴⁶¹

The authorities must take into account that, since the realization of the right is carried out by all persons individually, the acts of verbal or physical aggression or violence or other types of illegal actions by individuals or small groups of individuals cannot outweigh the freedom of assembly of those who continue to behave peacefully.⁴⁶² Otherwise, any aggressive behavior of any number of individuals, which could be addressed through targeted police measures, would have become the basis for terminating any large-scale assembly and suppressing the protest of thousands of peaceful demonstrators. Accordingly, in such cases, any type of intervention should focus specifically on responding to the violent actions of individual offenders, rather than cracking down on the entire assembly,⁴⁶³ and if the actions of participants in a peaceful assembly excessively affect the rights of others, the response by the authorities must adhere to the strict requirements of proportionality.⁴⁶⁴ This is a crucial prerequisite for the successful management of assemblies, as any use of force against participants may provoke an aggressive reaction, which may contribute to the escalation of the situation⁴⁶⁵ and, thus, create additional difficulties for the law enforcement officers to maintain order.

9.3. Legislative amendments

A number of legislative amendments adopted during the reporting period significantly weakened the national standards for the protection of the right. In this regard, the amendments made to the Law of Georgia on Assemblies and Demonstrations, which introduced a blanket ban prohibiting demonstrators from covering their faces with masks or other means,⁴⁶⁶ thereby further restricting the right to choose the form of an assembly, are worth noting. The use of masks by participants in an assembly may have an expressive function, or a completely peaceful protester may wish to express his protest anonymously. Unconditional deprivation of such an opportunity is unacceptable if wearing a mask does not aim to conceal the identity of a person whose actions are illegal and create a possible basis for detention.⁴⁶⁷ It is noteworthy that the regulation also excludes wearing a mask for medical purposes, which further

⁴⁶⁰ Public Defender's 2023 Parliamentary Report, pp. 125-26; Public Defender's statement of 13 March 2023 on the 7-9 March events on Rustaveli Avenue, available at: < bit.ly/3zjmS8w > [23.01.2025].

⁴⁶¹ Human Rights Committee, General Comment No. 37 on the right of peaceful assembly, 2020, CCPR/C/GC/37, para. 79 and para. 85., available at: < bit.ly/3F5SVZe > [16.10.2024].

⁴⁶² E.g., European Court of Human Rights, *Frumkin v. Russia*, judgment of 5 January 2016, para. 99; European Court of Human Rights, *Primov and Others v. Russia*, judgment of 12 June 2014, para. 155.

⁴⁶³ OSCE/ODIHR and Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, Second Edition, 2010, para. 164, available at: < bit.ly/3NGvrgT > [23.01.2025].

⁴⁶⁴ Human Rights Committee, General Comment No. 37 on the Right to Peaceful Assembly, 2020, CCPR/C/GC/37, para. 79 and para. 85, available at: < bit.ly/3F5SVZe > [23.01.2025].

⁴⁶⁵ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 21, available at: < <https://bit.ly/3tCagS7> > [23.01.2025].

⁴⁶⁶ Amendments are available at: < bit.ly/3Wv2Lwo > [23.01.2025].

⁴⁶⁷ OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission); *Guidelines on Freedom of Peaceful Assembly*, Second Edition, 2010, para. 98.

demonstrates the disproportionate nature of the restriction. Such a blanket ban also contradicts the case law of the European Court of Human Rights.⁴⁶⁸

Furthermore, a mass violation of the above-mentioned ban constitutes a formal ground for the termination of an assembly,⁴⁶⁹ regardless of whether the covering of a face is related to the commission of violent acts. This contradicts the solid guarantees of the protection of the right, which permit the dispersal of an assembly only in exceptional cases when it becomes completely violent⁴⁷⁰ or, through unlawful actions, overall, disproportionately and persistently harms any opposing legitimate interest.⁴⁷¹

Later, additional amendments were made to the Law of Georgia on Assemblies and Demonstrations, which further expanded grounds for interfering with the right. For example, despite the recommendation issued by the Public Defender for years to abolish blanket bans on the location of assemblies,⁴⁷² the list of locations subject to such a prohibition has been expanded.⁴⁷³ One of the significant negative changes was the severe restriction imposed on the possibility of demonstrators to erect temporary structures (including tents).⁴⁷⁴ A similar initiative was first submitted to the Parliament in 2023, to which the Public Defender responded and explained that the submitted draft law failed to meet the requirements of international human rights law and contradicted the constitutional standard of freedom of assembly.⁴⁷⁵ On this issue, based on the Public Defender's appeal, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) also prepared a negative conclusion, which noted that the draft law should not have been adopted.⁴⁷⁶

The above-mentioned amendments to the Law of Georgia on Assemblies and Demonstrations were accompanied by amendments to the Administrative Offences Code,⁴⁷⁷ which, among other things, substantially and disproportionately increased penalties for the violations related to the exercise of freedom of assembly and imposed unreasonably strict liabilities for new violations (such as, for example, participants covering their faces with masks or other means, or erecting temporary structures).⁴⁷⁸

⁴⁶⁸ European Court of Human Rights, Judgment of 30 August 2022, *Ibragimova v. Russia*, para. 36.

⁴⁶⁹ Law of Georgia on Assemblies and Demonstrations, Article 13.

⁴⁷⁰ According to the UN Human Rights Committee, "violence" typically entails the use by participants of physical force that is likely to result in injury or death, or serious damage to property. See the UN Human Rights Committee's General Comment No. 37 (2020) on the Right of Peaceful Assembly (art. 21), CCPR/C/GC/37, 17 September 2020, para. 15; see also the Judgment of the European Court of Human Rights of 21 January 2021 in the case of *Shmorgunov and Others v. Ukraine*, para. 491.

⁴⁷¹ UN Human Rights Committee, General Comment No. 37 (2020) on the Right to Peaceful Assembly (art. 21), CCPR/C/GC/37, 17 September 2020, para. 85.

⁴⁷² E.g., 2021 Parliamentary Report of the Public Defender of Georgia, p. 149, and 2020 Special Report of the Public Defender of Georgia on Freedom of Peaceful Assembly (Protected Sphere of Rights and Standards for Handling Assemblies), p. 64.

⁴⁷³ The amendments are available on the website: < bit.ly/4397BTY > [19.02.2025]. See the amendments in Article 9.

⁴⁷⁴ The amendments are available on the website: < bit.ly/4397BTY > [19.02.2025]. See the amendments in Article 11.

⁴⁷⁵ See the Public Defender's statement of 4 October 2023 regarding the planned amendments to the Law of Georgia on Assemblies and Demonstrations, available on the website: < bit.ly/3EnQjs6 > [19.02.2025].

⁴⁷⁶ OSCE/ODIHR Urgent Opinion of 6 November 2023 on the Proposed Amendments to the Law of Georgia on Assemblies and Demonstrations and the Administrative Offences Code is available at: < bit.ly/4jJvrLY > [19.02.2025].

⁴⁷⁷ For more information, see the Freedom of Expression chapter of this report.

⁴⁷⁸ The amendments are available on the websites: < bit.ly/4hv6MZW > and < bit.ly/3D6lzdB > [19.02.2025]. See the amendments to Articles 125, 150, 1502, 166, 173 and 1741.

In addition to imposing the very heavy financial burden, the above-mentioned legislative amendments are particularly concerning given that the current version of the Administrative Offences Code fails to meet the minimum standard of compatibility with human rights and fundamental freedoms.⁴⁷⁹ Against this background, the adopted amendments have a significant chilling effect on the full enjoyment of freedom of peaceful assembly and expression and create the threat of unjustified interference with these rights.

Based on the request of the Public Defender, the amendments made to the Law of Georgia on Assemblies and Demonstrations and the Administrative Offences Code were assessed by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).⁴⁸⁰ The published urgent opinion is quite critical and indicates the inconsistency of the above-mentioned amendments with international human rights standards. According to the report, some of the new legislative amendments, including the requirement of immediate notification for spontaneous assemblies, general prohibition of holding assemblies inside closed spaces or buildings without the owner's prior written agreement, content-based restrictions on assemblies, the prohibition to erect temporary structures or blanket prohibition to cover one's face with masks or by other means, as well as severe administrative or criminal sanctions, should be removed or reconsidered entirely.

Recommendations

To the Parliament of Georgia:

- Repeal the blanket ban relating to the content of assemblies in the Law of Georgia on Assemblies and Demonstrations;
- Repeal the blanket ban on demonstrators covering their faces with masks or other means in the Law of Georgia on Assemblies and Demonstrations;
- Repeal the blanket ban on the location of the assembly in the Law of Georgia on Assemblies and Demonstrations and grant the authorized body an opportunity to resolve the issue individually, in accordance with international and constitutional standards on restrictions on freedom of assembly;
- Repeal the restriction on the erection of temporary structures in the Law of Georgia on Assemblies and Demonstrations

⁴⁷⁹ 2018 Parliamentary Report of the Public Defender, pp. 88-91; 2019 Parliamentary Report of the Public Defender, pp. 121-23; 2020 Parliamentary Report of the Public Defender, p. 189; 2021 Parliamentary Report of the Public Defender, pp. 147-48; 2022 Parliamentary Report of the Public Defender, pp. 127-29; 2023 Parliamentary Report of the Public Defender of Georgia, pp. 76-77, 126-27.

⁴⁸⁰ OSCE/ODIHR Urgent Opinion of 6 March 2025 on the Amendments to the Law of Georgia on Assemblies and Demonstrations, the Administrative Offences Code and the Criminal Code, available at: < bit.ly/4bJeLkI > [21.03.2025].

10. The Right to Vote

The right to vote is a fundamental human right⁴⁸¹ enshrined in the Constitution of Georgia, the realization of which was supervised by the Public Defender of Georgia within the framework of his mandate in 2024.

The country held its first parliamentary elections in a fully proportional electoral system in 2024, and electronic technologies were also introduced on a large scale at the polling stations. Holding parliamentary elections in a free and peaceful environment was of particular importance for the country's democratic development and European integration. Thus, public interest in the 2024 parliamentary elections was particularly high.

The Public Defender's Office identified over 200 alleged violations⁴⁸² in the pre-election period, on the election day and in the days following. The Office examined violations on its own initiative. Data collection/processing was based on information disseminated by the media and public sources. As a result, the Office responded to the violations through contacting relevant agencies, requesting information, processing legal issues, and, in some cases, making public statements.

The following chapters reflect the main challenges and trends identified by the Office related to the parliamentary elections, including violent crimes, police violence, alleged threats/pressure against voters, alleged voter bribery, alleged fraud, damage to property, disruption of campaign meetings, the right of citizens living abroad to vote, determination of the status of a qualified electoral subject, free expression of voters' will and secret ballot, voting procedures, and interference with journalistic activities. In addition, detailed information/assessments on alleged illegal activities were reflected in the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office.

10.1. Pre-election period

10.1.1. Alleged offences

The Public Defender's Office identified a total of 139 criminal facts/cases,⁴⁸³ of which 76 occurred during the pre-election period. These 76 alleged offences included: 12 violent crimes; 2 cases of violence by police officers; 20 cases of alleged threats and pressure against voters and members of political parties; 19 cases of confiscation of ID cards of opposition-minded voters; 9 cases of voter bribery; 14 cases of damage to property.

⁴⁸¹ Constitution of Georgia, Article 24.

⁴⁸² 139 alleged offences; 72 other alleged violations.

⁴⁸³ In some cases, several alleged offences may be discussed in one public statement or story, therefore, the Public Defender's Office uses the designation - "fact/case". Investigation was launched into 75 cases; no investigation was launched into 28 cases; investigations discontinued in 1 case; administrative proceedings were launched relating to 20 cases; 5 persons were charged; 11 persons were recognized as victims (including 1 journalist); 2 cases were sent to the court for consideration on their merits. In this chapter of the report, we will discuss the information that the Office has already received from the investigative agencies. Regarding the remaining facts, communication is still ongoing and the Office is awaiting responses.

The Public Defender studied the responses of the Prosecutor General's Office, the Special Investigation Service and the Ministry of Internal Affairs to the above-mentioned cases, according to their jurisdiction. Based on the analysis of the information obtained, the Office established that investigation was launched into a total of 52 cases; in 1 case, investigation was terminated; 4 persons were recognized as victims; 1 person was charged; 1 case was sent to the court for consideration on its merits.

According to the results of the examination of the cases and the Public Defender's assessment, 3 out of the 16 cases, in which no investigation was launched, contained elements of a crime, however, unfortunately, investigative agencies, in one case - the Special Investigation Service,⁴⁸⁴ and in two cases - the Ministry of Internal Affairs,⁴⁸⁵ refused to launch an investigation.

In addition, according to the Public Defender's assessment, classification may be problematic in 8 cases, namely, in 4 cases the investigation is ongoing under a lighter classification - violence (Article 126); in 1 case - only under Article 144³ (degrading or inhuman treatment), without the addition of Article 164⁴ (influencing the will of the voter); in 3 cases - only under Article 164³ (election fraud), whereas elements of a crime referred to in Article 164¹ (voter bribery) were also evident.

Alleged offences, various types of offences:

Violent offences

To ensure democratic and fair elections, it is important for each electoral subject to be given the opportunity to conduct a pre-election campaign on equal terms with other electoral subjects, in a peaceful environment, to meet with their voters, to campaign and carry out other actions that are not prohibited by law and that a particular political party considers important and necessary for competing with other subjects running in elections.

Nevertheless, during the pre-election period, unfortunately, a number of reports were disseminated about violence against representatives of various opposition parties and disruption of their pre-election campaign.⁴⁸⁶ Alleged violence took place not only during the pre-election campaign, but also against specific persons on the street or public transport.⁴⁸⁷

For example, such was the case of violence against Nikanor Melia⁴⁸⁸ on August 11, 2024. Despite the possibility of identifying the attacker from the video footage, no criminal prosecution has been launched to this day, neither Nikanor Melia has been recognized as a victim.⁴⁸⁹

In addition, information was spread on October 6, 2024 that in the village of Kardenakhi, members of the political party Unity-National Movement were attacked during the pre-election campaign, and a member

⁴⁸⁴ Alleged violence committed against Zurab Abaev by police officers.

⁴⁸⁵ Damage to the vehicle of the student movement.

⁴⁸⁶ See links: <https://www.youtube.com/watch?v=ClIxHb2HXgY> >;<
<https://www.facebook.com/share/v/pCZ2X8a6SKn5Hqpo> >; <
<https://www.facebook.com/tvpirveli.ge/videos/1697156967523138/?rdid=ShXg90pBvcooFnyz> >. [07.03.2025].

⁴⁸⁷ See the links: < <https://www.facebook.com/watch/?v=831639135616961> >; < <https://shorturl.at/9sz1k> >, [7.03.2025].

⁴⁸⁸ See the links: < <https://www.facebook.com/imedinevsge/videos/7904774546242879/> > [07.03.2025].

⁴⁸⁹ Letter NMIA 2 25 00188616 of the Ministry of Internal Affairs of Georgia of January 23, 2025.

of the party, Levan Metreveli, was injured.⁴⁹⁰ No criminal prosecution has been launched against any person in this case either.⁴⁹¹

Reports were also spread regarding the attempted murder of Lia Kochishvili,⁴⁹² a member of the political party Gakharia for Georgia; in addition, a member of Gakharia for Georgia, Levan Gogichaishvili, allegedly became a victim of persecution on political grounds.⁴⁹³ Regarding the case of Lia Kochiashvili, according to the Ministry of Internal Affairs,⁴⁹⁴ an investigation is underway under the article of violence against two or more persons. Despite the fact that Levan Gogichaishvili's statement showed signs of persecution due to political activity,⁴⁹⁵ an investigation was launched by the Ministry of Internal Affairs under the article of group violence, not persecution. According to the information provided, no summary judgement has been made in the case.⁴⁹⁶

Alleged violence by the police

The Public Defender's Office learned through media that Zurab Abaev, a member of the political party Unity - National Movement, was assaulted by police officers dressed in plain clothes.⁴⁹⁷ The Public Defender's Office requested information about the response of the Special Investigation Service,⁴⁹⁸ however, the reply letter received makes it clear that the Special Investigation Service did not launch an investigation as it had not received any notification about the violence committed against Zurab Abaev.⁴⁹⁹

The Public Defender does not agree with the decision of the Special Investigation Service to refuse to launch an investigation and believes that the Service had sufficient grounds to take necessary steps at least to obtain additional information about the existence of a crime.

Alleged threats and pressure against voters

According to media reports, during the pre-election period, in order to impact the election outcome, the ruling party tried to gain the support of voters by unlawful methods, and at the same time it used administrative resources.⁵⁰⁰

The investigation into the aforementioned facts is ongoing in the Investigative Department of the Prosecutor General's Office. According to the Prosecutor General's Office, more than 800 investigative

⁴⁹⁰ See the links: < <https://formulanews.ge/News/118055>>;<<https://fb.watch/v3mObikONd/>> < <https://www.facebook.com/share/v/19vQpi1i2x/> > [07.03.2025].

⁴⁹¹ Letter No. 13/7996 of the Prosecutor General's Office of Georgia of February 12, 2025.

⁴⁹² See the link: <<https://shorturl.at/zD90Y> > [07.03.2025].

⁴⁹³ See the links:< <https://formulanews.ge/News/118880> >;< <https://formulanews.ge/News/118875> >;< <https://bit.ly/3Dlz3nb> >; < <https://bit.ly/4iqOrNW> >, [07.03.2025].

⁴⁹⁴ Letters NMIA 7 24 03338720 and NMIA 5 25 00429945 of the Ministry of Internal Affairs of Georgia of November 1, 2024 and February 14, 2025.

⁴⁹⁵ Persecution of a person due to speech, opinion, conscience, religion, belief or conviction, or in connection with his political, public, professional, religious or scientific activity, committed with violence.

⁴⁹⁶ Letter NMIA 7 25 00234484 of the Ministry of Internal Affairs of Georgia of January 28, 2025.

⁴⁹⁷ See the link: < <https://www.youtube.com/watch?v=1dlFho0eQW8> >, [7.03.2025].

⁴⁹⁸ Letter No. 2024/4823 of the Public Defender's Office of Georgia of September 24, 2024.

⁴⁹⁹ Letter No. SIS 3 24 040018423 of the Special Investigation Service of October 2, 2024.

⁵⁰⁰ See the links: < <https://www.facebook.com/watch/?v=416540608156446>>;< <https://bit.ly/3F6DdjC> >, < <https://bit.ly/4ktwRKW> >, < <https://shorturl.at/DqdAz> > [7.03.2025].

and procedural actions were carried out within the framework of the investigation ongoing into the alleged rigging of the parliamentary elections. At this stage, no specific person has been identified as a victim or a defendant. The investigation into the case continues.⁵⁰¹

It should be stressed that a number of media reports referred to the use of members of the so-called criminal underworld to influence voters.⁵⁰²

According to media reports, during the pre-election period, intimidation and pressure were directed not only against voters, but against members of certain opposition parties as well.⁵⁰³

According to the information provided to the Public Defender's Office, the Ministry of Internal Affairs is responding to the above-mentioned facts,⁵⁰⁴ however, despite our request, the Ministry did not provide information on the specific measures taken.

Confiscation of ID cards

A number of media outlets reported that opposition-minded voters, socially vulnerable people, and public servants had been stripped of their ID cards. In some cases, voters were asked to provide their ID cards in exchange for money.⁵⁰⁵

The above-mentioned facts are being investigated as part of a criminal case being processed by the Investigation Department of the Prosecutor General's Office, under Article 164³ of the Criminal Code of Georgia, which pertains to election fraud. No summary judgement has been made in the case so far.⁵⁰⁶

Alleged voter bribery

According to media reports, there were cases of voter bribery in favour of the ruling party during the pre-election period.⁵⁰⁷

Despite the fact that citizens and political party members indicated voter bribery, in some cases,⁵⁰⁸ the Investigation Department of the Prosecutor General's Office of Georgia is conducting an investigation only under an article pertaining to election fraud, without additionally applying the article of voter

⁵⁰¹ Letter No. 13/4664 of the Prosecutor General's Office of Georgia of January 30, 2025.

⁵⁰² See the links: <<https://shorturl.at/XYiny>> <<https://www.facebook.com/watch/?v=878795911009437>> <<https://www.facebook.com/watch/?v=744790924482448&rdid=4knqjSlmvRypneVG>> <<https://www.facebook.com/watch/?v=855419293455180&rdid=u9l893Lk8t2oFIdx>>, [19.02.2025].

⁵⁰³ See the link: <<https://bit.ly/4hhyDfo>> [7.03.2025].

⁵⁰⁴ Letter No. 13/72272 of the Prosecutor General's Office of Georgia of November 7, 2024.

⁵⁰⁵ See the links: <<https://www.facebook.com/watch/?v=1297221405060308>> <<https://shorturl.at/MRILj>> <<https://bit.ly/4ipUPVE>>, <<https://shorturl.at/Q3V6m>>. <<https://www.youtube.com/watch?v=WV1wLcMaZy8>>, [07.03.2025].

⁵⁰⁶ Letters No. N13/71913, No. 13/72023, No. 13/71990, No. 13/72025 of the Prosecutor General's Office of Georgia of November 6, 2024, No. N13/72272 of November 7 and No. 13/79247 of December 6.

⁵⁰⁷ See the links: <<https://t.ly/5my4x>> <<https://www.facebook.com/watch/?v=1297221405060308>> <<https://www.facebook.com/100079152755185/videos/840800658269298/>> <<https://www.youtube.com/watch?v=OMlQyUTEWmU>> <<https://www.facebook.com/share/v/19fzCNWGEc/?mibextid=WCF7FNe>> <<https://www.youtube.com/watch?v=WV1wLcMaZy8>>, [19.02.2025].

⁵⁰⁸ See the links: <<https://t.ly/5my4x>> <<https://www.facebook.com/100079152755185/videos/840800658269298/>> <<https://www.facebook.com/watch/?v=1297221405060308>>, [07.03.2025].

bribery.⁵⁰⁹ Although voter bribery serves the purpose of influencing the election outcome, it is an independent crime. Therefore, an investigation must be conducted under precise and correct classification so that no factual circumstances containing elements of a crime remain without investigation and legal assessment.

Damage to property

In addition to the above, actions aimed at damaging the property of political parties were systematic during the pre-election period. The media disseminated numerous reports about damaged property of political parties (banners, cars, video cameras, etc.). There were also two cases of raids on the offices of opposition parties.⁵¹⁰

Numerous reports were spread about damaged cars of representatives of political parties.⁵¹¹ According to the Ministry of Internal Affairs, an investigation is ongoing into the fact of damaging the cars of representatives of opposition parties under an article pertaining to property damage.⁵¹² A decision has been made in one of the cases on the recognition of a victim,⁵¹³ however, no other summary judgment has been made yet and the investigation still continues. As for the damage to the car of a member of the ruling party, criminal prosecution has been launched into the fact of property damage and the case has been sent to the court for consideration on its merits.⁵¹⁴

In addition, video footage released via social networks on October 15, 2024, depicts alleged damage to the banner of the ruling party.⁵¹⁵ According to the Ministry of Internal Affairs, an investigation is underway into the intentional group damage to someone else's property.⁵¹⁶

Criminal classification of cases

It is worth noting that the motive and purpose of committing a crime are of decisive importance for the correct classification of the action. When violence is committed against politically active individuals, during a political campaign or other activities during the pre-election period, the context raises suspicions that violence may be motivated by the unacceptability or contempt of the victim's political views and activities for specific individuals, which goes beyond the concept of violence⁵¹⁷ and constitutes persecution committed with violence, in connection with the political activity of a person.⁵¹⁸ If such a criminal act does not have the so-called contempt motive and if violence or threats of violence are

⁵⁰⁹ Letter No. 13/71990 of the Prosecutor General's Office of Georgia of November 6, 2024.

⁵¹⁰ See the link: < <https://bit.ly/3F7stRL> >; < <https://formulanews.ge/News/118364> > [07.03.2025].

⁵¹¹ See the links: < <https://bit.ly/3DnHazx> >; < <https://mtavari.tv/news/164478-rachashi-ertianoba-natsionaluri-modzraobis-cevrs> >; [19.02.2025].

⁵¹² Article 187 of the Criminal Code of Georgia.

⁵¹³ Letter No. N13/65553 of the Prosecutor General's Office of Georgia of November 10, 2024.

⁵¹⁴ Letters No. NMIA 7 25 00233179 and No. NMIA 7 25 00234484 of the Ministry of Internal Affairs of Georgia of January 28, 2025.

⁵¹⁵ See the links: < <https://www.facebook.com/reel/1067361321661975> >; [19.02.2025].

⁵¹⁶ Letter NMIA 7 25 00234484 of the Ministry of Internal Affairs of Georgia of January 28, 2025.

⁵¹⁷ Article 126 of the Criminal Code of Georgia.

⁵¹⁸ Article 156, part 2, subparagraph "a", Criminal Code of Georgia.

committed, for example, during pre-election campaign events, it should be classified under Article 162¹ of the Criminal Code of Georgia.⁵¹⁹

It is also noteworthy that the investigation of crimes falling under Articles 126 and 162¹ belongs to the jurisdiction of the Ministry of Internal Affairs, and under Article 156 – to the Special Investigation Service.⁵²⁰

With regard to the investigations ongoing into the alleged criminal acts committed during the 2024 pre-election period, the Public Defender believes that it is of crucial importance for the State not to leave the motive without investigation and assessment. It is regrettable that the cases examined by the Office, where signs of persecution are evident, are still being investigated by the Ministry of Internal Affairs. In this context, it is necessary for the Prosecutor's Office to closely supervise the progress of investigations that the Ministry of Internal Affairs has launched under the classification of violence, so that, as soon as the motive and purpose of persecution are identified, the classification of the case can be changed and the cases can be referred to the Special Investigation Service.

At the same time, it is noteworthy that the Public Defender's Office is still awaiting information from the investigative agencies about classification of a number of cases. Accordingly, it will be possible to make an assessment related to classification of cases only after that. In addition, with regard to certain facts, the Office, at this stage, due to the scant information disseminated in the media and the fact that the Office has not received any additional applications regarding these facts, cannot conclusively confirm that persecution was committed. However, these actions should be classified according to the evidence collected by the investigation, so that the real motive of the crime is identified.

10.1.2. Other alleged violations

The right of citizens living abroad to vote

The right to vote is a fundamental right of citizens living abroad, and therefore, the State must take effective steps to ensure its realization, along with ensuring compliance with the procedures established for citizens' timely registration and participation in elections.

An important issue in the pre-election period was the realization of the right to vote by the citizens of Georgia who were registered in the occupied territories and were abroad at the time of the elections and whose factual place of residence in Georgia was not indicated in the IDP database. Citizens were not given the opportunity to reflect their data in the unified electoral list and, accordingly, to go to the polls. There was also information that in order to participate in the elections, Georgian citizens displaced from Abkhazia were requested to change their place of registration, meaning that their address in the occupied territory of Georgia would no longer be indicated as their place of registration.

⁵¹⁹ Violence or threats of violence at the polling station, at the location of the election commission or in the surrounding area, or during pre-election campaign events.

⁵²⁰ Order No. 3 of the Prosecutor General of Georgia of November 1, 2019 "On Determining the Investigative and Territorial Investigative Jurisdiction of Criminal Cases".

According to the Public Defender,⁵²¹ for a person forcibly displaced from the occupied territories, maintaining a permanent place of residence in the occupied territory is important in the context of their rights, as well as in the legal and political context, therefore, such persons do not want to change their permanent address. The technical issue of registration should not have become the basis for restricting their right to participate in elections, which is guaranteed by the Constitution, especially since these elections were national and not local self-government elections. Accordingly, the Public Defender called on the Central Election Commission of Georgia to use all the possibilities at its disposal and include the data of such persons in the unified electoral list, within the framework of its discretionary powers, based on a human rights-based approach and a systemic interpretation of norms. It is welcome that the Central Election Commission made a positive decision on this issue.⁵²²

Status of a qualified electoral subject

During the pre-election period, the Georgian National Communications Commission drew up a violation report against the Formula TV company for granting the status of a qualified election subject to the Gakharia For Georgia party.⁵²³

In the event of the recognition of election subjects as qualified election subjects, the broadcaster is obliged to submit relevant information and documentation to the Commission.⁵²⁴ In addition, in order to determine the status of a qualified election subject, the public opinion survey must meet the requirements specified by law.⁵²⁵ According to the Commission, the Formula TV company did not submit any documentation that would confirm the verification of the results and methodology of the survey. Thus, as this case shows, the Commission does not consider it sufficient for the broadcaster to merely provide information on the results or methodology of the survey, even when the author of the survey has a high international reputation.

While the Commission places the burden of verifying the compliance of a survey on the broadcaster, the Commission has not developed any type of standards, guidelines, or methodology that would help broadcasters to guide themselves in assessing and verifying whether a public opinion survey meets the requirements established by law. This creates the risks of ambiguity, development of inconsistent practices, and unjustified liability for the broadcaster in individual cases. Therefore, in the opinion of the Public Defender, the National Communications Commission needs to set a clear and transparent standard for the broadcaster.

⁵²¹ See the link: <<https://bit.ly/3Dwl65N>>, [7.03.2025].

⁵²² Later, this problem was eliminated by the CEC decree, see the link: < <https://bit.ly/3QN3xRY> >, [7.03.2025].

⁵²³ See the link: < <https://bit.ly/3Dq84H3> >; [7.03.2025]. Letter No. 2024/5491 of the Public Defender's Office of October 17, 2024 to the Georgian National Communications Commission, Letter No. G-24-04/2432 of the Georgian National Communications Commission of October 24, 2024.

⁵²⁴ Paragraph 7 of Article 4 of the "Rules for the Participation and Use of the Media in the Election Process" approved by the Commission's Decree No. 9 of August 15, 2012.

⁵²⁵ Subparagraphs "a-e" of paragraph 12 of Article 186 of the Election Code of Georgia.

Classification as an entity with electoral purposes

During the pre-election period, the decision of the LEPL Anti-Corruption Bureau to consider the observation organization - Transparency International, a non-commercial legal entity, and its head as subjects with electoral purposes, which limited the organization's observation activities, became a subject of the Public Defender's special attention and study. It is important that on October 2, the Anti-Corruption Bureau⁵²⁶ revoked this decision and the observation organization continued its activities, although the aforementioned precedent threatened the functioning of the observation organization.

Invalidation of the registration of a political association

In the reporting year, by the decision of the LEPL National Agency of Public Registry, the registration of the citizens' political association - Conservative Movement/Alt Info was declared invalid. The Public Defender's Office, after studying the issue, established that this decision of the administrative body violated the freedom of association and the right to fair administrative proceedings guaranteed by the Constitution of Georgia. Without involving the political party in the proceedings and giving it the opportunity to correct the deficiency, the administrative body made a rigid decision, such as the cancellation of the party's registration. By doing so, the agency unjustifiably interfered in the protected area of freedom of association, so that the justification could not meet the high human rights standards required for restricting freedom of association. The agency was not guided by the principle of good governance and violated the procedural guarantees of fair administrative proceedings. The administrative body also failed to examine and consider the existence of legitimate trust in the disputed act, whether the party would be harmed by the cancellation of registration, especially during an election year.

10.2. Election Day

10.2.1. Alleged illegal actions

On October 26, 2024, on the election day, the Office identified a total of 37 alleged criminal cases and applied to the Prosecutor General's Office of Georgia for a response.

According to the information presented by the Prosecutor General's Office: investigation was launched into 23 cases;⁵²⁷ no investigation was launched into 3 cases; 4 persons were charged;⁵²⁸ 2 persons were recognized as victims; 1 case was sent to the court for consideration on its merits; the Public Defender, based on the information received, considered the classification of 5 cases problematic.

Brief overview of individual violations

On October 26, 2024, numerous reports were spread by the media about physical confrontations and violence between citizens in and outside the territory of polling stations, both in Tbilisi and in the regions of Georgia. Video footage were also released, which directly depict violence and make it possible to identify the perpetrators.

⁵²⁶ In accordance with the Anti-Corruption Bureau's response No. 00013267 of November 4, 2024, the agency, within the scope of its discretionary powers, revoked the decisions taken.

⁵²⁷ See the link: < <https://bit.ly/4hf3lAk> >, [07.03.2025].

⁵²⁸ See the links: < <https://bit.ly/4hhAmBo> >; < <https://shorturl.at/oUrCl> > [7.03.2025].

For example, the media released video footage showing the incident that occurred at the 60th polling station in the Gldani district of Tbilisi.⁵²⁹ Despite the video footage, no criminal prosecution has been launched against a specific person, nor has any other summary judgment been made.⁵³⁰ A representative of one of the opposition political parties was physically assaulted at the 74th polling station of Kizilajlo, Marneuli.⁵³¹ Unlike the case at the Gldani polling station in Tbilisi, according to the information presented by the Prosecutor General's Office, an investigation is underway into this case under the article of violence⁵³² and one person was recognized as a victim, although no criminal prosecution has been launched.⁵³³

According to the reports, a journalist became a victim of physical violence after discovering voter lists at the 2nd polling station of Kutaisi.⁵³⁴

According to the Special Investigation Service, an investigation is underway into the interference with the activities of journalists under part 1 of Article 154 of the Criminal Code of Georgia. However, it is worth noting that Article 154 of the Criminal Code does not cover violence. Accordingly, in the event of confirmation of physical assault against a journalist, it may be necessary to reclassify the case.

For example, according to the video footage released by TV Pirveli, a journalist indicates that she and her cameraman were attacked at the Kvemo Khodasheni polling station No. 16, Telavi; the cameraman was beaten and his camera was damaged.⁵³⁵ According to the letter received from the Special Investigation Service, an investigation is underway into the illegal interference with the professional activities of journalists of various media organizations under part 1 of Article 154 of the Criminal Code. In the case too, violence and damage to the video camera remained beyond appropriate legal assessment.⁵³⁶

The media also released video footage depicting election fraud at the Sadakhlo polling station No. 69 in Marneuli. The footage shows ballot stuffing by two people. According to the reports, this fact was recorded on video by an observer from the Chemi Khma organization, after which he was physically abused and expelled from the polling station. According to the information provided, criminal prosecution was launched against two individuals and both were arrested for election fraud under Article 164¹ of the Criminal Code.⁵³⁷ In addition, according to the Ministry of Internal Affairs, an investigation is

⁵²⁹ See the links: < <https://www.facebook.com/share/v/1DnsKJeYjB/> >; < <https://shorturl.at/42Mns> > [07.03.2025].

⁵³⁰ Letter NMIA 1 25 00249013 of the Ministry of Internal Affairs of Georgia of January 29, 2025.

⁵³¹ See the links: < <https://www.facebook.com/watch/?v=909021247332309> >; < https://www.facebook.com/watch/live/?ref=watch_permalink&v=887163826890194 > (from 8:26) < <https://publika.ge/marneulshi-saarchevno-enm-is-regionuli-organizaciis-tavmjdomares-scemes/> >; < <https://www.facebook.com/watch/?v=1288265529193851&rdid=lyd0TEhPvMTHAFAY> >, [07.03.2025].

⁵³² Letter No. 13/72948 of the Prosecutor General's Office of Georgia of November 11, 2024.

⁵³³ Letter No. 13/11485 of the Prosecutor General's Office of Georgia of February 25, 2025.

⁵³⁴ See the link: < <https://www.facebook.com/share/v/vxT5LmqRMOri8VPL/> >; < <https://bit.ly/4iwGdnl> >, [07.03.2025].

⁵³⁵ See the link: < <https://bit.ly/3DmCZnE> >, [07.03.2025].

⁵³⁶ Regarding the shortcomings of Article 154 of the Criminal Code of Georgia, see the chapter "Freedom of Expression" of this report.

⁵³⁷ See the link: < <https://www.facebook.com/Airutnach/videos/907534694648843> >; < <https://shorturl.at/fv3v4> >. < <https://shorturl.at/GE24o> >; < https://www.facebook.com/watch/live/?ref=watch_permalink&v=887163826890194 >; < <https://formulanews.ge/News/119414> >, [07.03.2025].

underway at the Marneuli District Department of the Kvemo Kartli Police Department into alleged violence against the representative of Chemi Khma, I. Ch., under part 1 of Article 162¹ of the Criminal Code of Georgia.⁵³⁸

After the elections, the executive secretary of the ruling party disseminated information that he had 102 confirmed cases of opposition parties obstructing the implementation of the will of voters. He also indicated that the aforementioned information had been provided in full to the investigative agency. According to the Prosecutor General's Office, the Ministry of Internal Affairs is conducting an investigation into the obstruction of the exercise of the will of voters, under part 1 of Article 162 of the Criminal Code.⁵³⁹ The Public Defender's Office requested detailed information from the Ministry of Internal Affairs about these 102 cases,⁵⁴⁰ with references to specific criminal facts, however, the Ministry has not provided this information.

Information was also disseminated by the media⁵⁴¹ regarding the facts of election fraud by the ruling party, namely double voting, as well as incidents when voters' passports were taken away in exchange for money. According to the Prosecutor General's Office, the Ministry of Internal Affairs is conducting an investigation into the obstruction of the exercise of the will of voters, under part 1 of Article 162 of the Criminal Code.⁵⁴² In order to ascertain the details, the Office requested information from the Ministry of Internal Affairs, however, information has not been provided yet.⁵⁴³

10.2.2. Other alleged violations

Procedural issues

On the election day, on the basis of information disseminated by public sources, the Office examined information about 63 alleged violations and addressed the responsible agencies.

Among them was information about 25 *alleged violations* of prohibitions provided for by part 12 of Article 45 of the Election Code of Georgia,⁵⁴⁴ 19 *alleged violations* relating to the obstruction of exercise of

⁵³⁸ From the announcement of the election date until the announcement of the final results of the elections, beating or other violence committed in a polling station, at the location of the election commission or in the surrounding territory, or during pre-election campaign events, which did not result in the consequences referred to in Article 120 of this Code, or the threat of violence.

⁵³⁹ Letter No. 13/73363 of the Prosecutor General's Office of Georgia of November 12, 2024.

⁵⁴⁰ Letter No. 2024/6471 of the Public Defender's Office of Georgia of November 18, 2024.

⁵⁴¹ See the link: < <https://www.youtube.com/watch?v=QaddSzFqTm8> >, [7.03.2025].

⁵⁴² Letter No. 13/73363 of the Prosecutor General's Office of Georgia of November 12, 2024.

⁵⁴³ Letters No. 2024/6471 and No. 25/683 of the Public Defender's Office of Georgia of November 18, 2024 and January 24, 2025.

⁵⁴⁴ According to part 12 of Article 45 of the Election Code of Georgia, it is prohibited to place campaign materials within 25 meters from the entrance to the polling station. Such materials are subject to removal/dismantling. It is also prohibited to physically obstruct the movement of voters in the polling station or within 100 meters of the polling station on the election day. It is also prohibited for people to gather within 100 meters of the polling station on the election day or to record information about voters. In accordance with part 2 of Article 79 and part 1¹ of Article 93 of the same Code, in case of failure to comply with the police instructions on the elimination of the aforementioned administrative offence, an administrative offence report shall be drawn up and an administrative fine shall be imposed on the violator by an authorized person of the Ministry of Internal Affairs of Georgia. Letter No. 2024/6112 of the Public Defender of Georgia of 5.11.2024 to the Ministry of Internal Affairs of Georgia.

powers by observers on the pretext of the polling station layout and/or other reasons, *18 alleged violations* of the rules for marking voters using indelible ink, and obstruction of the exit poll.⁵⁴⁵

The Public Defender's Office of Georgia requested information from the Ministry of Internal Affairs of Georgia regarding *25 alleged violations* of prohibitions provided for by part 12 of Article 45 of the Election Code of Georgia.⁵⁴⁶

Mobilizing various groups near polling stations, observing/recording the movement of voters, has been one of the vicious practices of influencing the will of voters for many years. Such mobilization also becomes one of the causes of unrest, tension, and often confrontations near polling stations. The introduction of a legislative provision prohibiting the gathering of people within a 100-meter perimeter outside a polling station was a response to this very challenge. Thus, considering the purposes of the law, its effective implementation in practice is of great importance. However, it should also be taken into account that even in the case of observance of the requirement of a 100-meter parameter, such gatherings create an unhealthy and tense environment on the election day, despite the fact that this does not directly violate the requirements of the law.

Regarding the issue of observers being prevented from exercising their powers due to the polling station layout and/or other reasons, the Central Election Commission of Georgia informed the Office⁵⁴⁷ that, in some cases, it might be impossible to stand behind the registrars due to the layout or space of the polling room, as well as due to the risk of damaging the wires of electrical devices. Regarding the cases of the violation of marking rules, in a number of cases, no complaint was filed, and the complaints that had been filed have not been satisfied.

Regarding the obstruction of the exit poll, the Central Election Commission of Georgia informed the Office that they had informed the district election commissions in writing that the American company Edison Research was conducting a public opinion poll (exit poll) on behalf of the Formula TV company and had asked the commissions to facilitate their activities.⁵⁴⁸ However, on the election day, in a number of polling stations, representatives of the election administration were obstructing the exit poll.⁵⁴⁹

Compliance with procedures by the election administration requires significant improvement and additional efforts. According to the OSCE/ODIHR Election Observation Mission, serious procedural inconsistencies included voters' fingers not consistently checked for ink (7 per cent of all observations, including 10 per cent in polling stations using the traditional voting method) or not always being inked before voting (4 per cent of all polling stations). Voter identification devices sometimes failed to read

⁵⁴⁵ See the link: < <https://www.facebook.com/watch/?v=531031683044833&rdid=Z2oZQ919WW9K6S39> >, [7.03.2025].

⁵⁴⁶ Letters No. 2024/6112, 5/11/2024 and No. 25/1249 of the Public Defender's Office of Georgia, 12.02.2025.

⁵⁴⁷ Letter No. 02/2139 of the Central Election Commission of Georgia, 15/11/2024.

⁵⁴⁸ Letter No. 01-01/1608 of the CEC to the chairmen of the district election commissions, 28/09/2024.

⁵⁴⁹ See the link: < <https://www.facebook.com/watch/?v=531031683044833&rdid=Z2oZQ919WW9K6S39> >, [7.03.2025].

voters' IDs, requiring manual data entry, which was also necessary for voters using passports, making the process prone to human error and potential misuse.⁵⁵⁰

Free expression of the voters' will and secrecy of voting

The Constitution of Georgia, by strengthening the right to vote, establishes the constitutional and legal standards of this right and requires the creation of necessary guarantees for the realization of the right to vote. According to the Constitutional Court of Georgia, every citizen of Georgia shall participate in the elections of state and local self-government bodies on the basis of his/her free will.⁵⁵¹ Although the legislator enjoys high discretion when choosing an electoral system/model, the selected model (including conducting elections through electronic technologies) shall ensure both the expression of citizens' free will and observance of the basic constitutional principles/standards provided for by the Constitution in relation to the right to vote.⁵⁵²

The Election Code of Georgia establishes the holding of elections by secret ballot as one of the basic principles and considers it in conjunction with the free expression of the will of the voter.⁵⁵³ Thus, free expression of voters' will and secret ballot are fundamental principles of the realization of the right to vote. Both the circumstances hindering the free expression of voters' will and problems with ensuring secret ballot were one of the main challenges relating to the elections held on 26 October.

According to the final report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, procedurally, the election day was generally orderly administered but marked by a tense atmosphere and widespread intimidation of voters. ODIHR observers noted numerous indications of pressure on voters, reports of many voters feeling pressured, and tracking by ruling party structures and affiliates.⁵⁵⁴ According to the Mission, in 6 per cent of the 1,924 observations, which is a significant number, the process was assessed negatively, mainly due to indications of voter pressure and intimidation, sometimes accompanied by tension, unrest and overcrowding. While not against the law, party representatives, mostly from GD, video-recorded the voting process at most polling stations. This, as observed, had an intimidating effect, as the cameras were often directed at VIDs or polling booths, potentially compromising the secrecy of the vote. Unknown individuals were observed tracking voters outside polling premises, and party representatives in polling stations were also reported to be tracking

⁵⁵⁰ Final Report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, p. 70, see the link: < <https://www.osce.org/files/f/documents/b/8/585577.pdf> > [7.03.2025].

⁵⁵¹ Constitutional Court of Georgia, ruling No. 1/3/547 of 22 May 2015 in the case of citizens of Georgia Ucha Nanuashvili and Mikheil Sharashidze v. Parliament of Georgia, II,4/.

⁵⁵² See ruling No. 3/2/588 of the Constitutional Court of Georgia of 14 April 2016 in the case of citizens of Georgia - Salome Kinkladze, Nino Kvetenadze, Nino Odisharia, Dachi Janelidze, Tamar Khitarishvili and Salome Sebiskveradze v. Parliament of Georgia, II,33.

⁵⁵³ Organic Law of Georgia Election Code of Georgia, 27/12/2011, Article 3, part "d", part "a", part "b"; Constitution of Georgia, Article 37, part 2.

⁵⁵⁴ Final Report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, p. 67, see the link: <<https://www.osce.org/files/f/documents/b/8/585577.pdf>>, [11.03.2025].

voters. According to the Mission, this widespread perception of voter intimidation conflicts with OSCE commitments and other international standards.⁵⁵⁵

In addition, the Mission assessed that in 24 per cent of observations, vote secrecy was potentially compromised due to the manner of ballot insertion into ballot boxes, inadequate polling station layouts, and marks visible on the back of ballots.⁵⁵⁶ According to the Mission, pre-election pilot projects demonstrated potential compromises to vote secrecy, which were not rectified prior to election day.⁵⁵⁷

105 complaints were filed with the election administration regarding the alleged violations of secrecy, requesting the invalidation of the results/summary protocols of 2,263 polling stations. No polling station results were invalidated on the grounds of violations of the secret ballot.⁵⁵⁸ The invalidation of the results of all polling stations (2,263) where elections were held using technologies became the subject of a court dispute due to violations of the secrecy of the vote.⁵⁵⁹

Considering the large-scale introduction of electronic technologies in the voting process in the country, the importance of the realization of the right to vote and the high public interest, the Public Defender submitted an amicus curiae brief relating to the mentioned issue.⁵⁶⁰ The document discusses the principle and importance of secret ballot, the necessary measures to ensure secrecy, and the legal consequences of violating the principle of secrecy, as well as the standards related to the secrecy of the vote in case of electronic voting. In addition to the above-mentioned national standards, the Public Defender also focused on international standards.

According to the Public Defender, the State is obliged to take all measures and create guarantees to ensure a secret ballot and protect other constitutional principles/standards, including within the framework of the electronic voting system and throughout the entire election process. Along with various incidents of influencing or attempting to influence the will of voters, the problems identified with ensuring secrecy on the election day hindered the free electoral process and also damaged public trust in the conduct of the elections and the use of electoral technologies.

10.3. Post-election period

With regard to the post-election period, the Public Defender draws attention to the following alleged illegal acts:

⁵⁵⁵ Final Report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, p. 68.

⁵⁵⁶ Final Report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, pp. 8-9.

⁵⁵⁷ Final Report of the Election Observation Mission of the Office for Democratic Institutions and Human Rights, p. 26.

⁵⁵⁸ Letter No. 02/2103 of the Central Election Commission of Georgia to the Public Defender's Office of Georgia, 11/11/2024.

⁵⁵⁹ Lawsuit No. 10402619 of the Georgian Young Lawyers' Association, 12.11.2024, also see the link: <<https://gyla.ge/post/GYLA-gancxadeba-30octomberi>>, [11.03.2025], Tetritskaro District Court declared the results of 30 technology-equipped polling stations invalid by ruling No. 3/62-24 (3/63-24), 4.11.2024, which was later and appealed and annulled.

⁵⁶⁰ See the link: < <https://bit.ly/3QQ1WLg> >, [7.03.2025].

- Information disseminated by the media regarding an alleged criminal act committed against a political opponent after October 26, 2024
- Alleged violations of the rights of protesters and alleged ill-treatment by the police during protests held in Tbilisi at various times relating to the election results.

In the post-election period, the Public Defender's Office responded to 1 information disseminated by the media regarding an illegal action and 3 alleged violations of rights during protests held in connection with the election results. As a result of the study of the information disseminated by the media and provided to the Public Defender's Office, the following has been identified: 1 violent crime; 1 violation of the inviolability of an apartment or other property.

According to the information obtained by the Public Defender's Office, an investigation is underway at the Ministry of Internal Affairs into a criminal case under articles of violence against two or more persons⁵⁶¹ and violation of the inviolability of an apartment or other property.^{562 563} 2 persons have been recognized as victims in the case, and criminal prosecution has been launched against 1 person.

The Public Defender's Office responded to the rights violations identified during 3 election-related protest rallies.⁵⁶⁴ In particular: the protest rally taking place near the Central Election Commission of Georgia on November 16, 2024; the protest rally taking place on Chavchavadze Avenue in Tbilisi on November 19, 2024; the march on Rustaveli Avenue in Tbilisi on November 24, 2024.

In order to ensure a legal response to the alleged criminal cases identified during the protests, the Public Defender appealed to the Special Investigation Service.⁵⁶⁵ According to the information provided,⁵⁶⁶ investigation was launched into 16 cases; no investigation was launched into 1 case; 5 persons were recognized as victims, including 1 journalist. No one has been charged.

The Public Defender's Office hopes that the Special Investigation Service, without any unjustified delay, will conduct a full, thorough and objective investigation to identify representatives of the law enforcement agency, who allegedly ill-treated the persons detained during the protests. At the same time, the Public Defender calls on the Service to ensure correct classification of the case during investigation, considering individual factual circumstances of the case.

The Public Defender's Office continues to monitor the case in order to assess the progress of the investigation.

⁵⁶¹ Criminal Code of Georgia, Article 126, part 11, subparagraph "c".

⁵⁶² Criminal Code of Georgia, Article 160, part 1.

⁵⁶³ Letter No. 13/71666 of the Prosecutor General's Office of Georgia of November 5, 2024.

⁵⁶⁴ For a detailed analysis of the protests that began on November 28, 2024, see the relevant chapter.

⁵⁶⁵ Public Defender's letters No. 2024/6495, No. 2024/6510, No. 2024/6516, No. 2024/6525 of November 19, 2024, and letter No. 2024/6679 of November 26, 2024.

⁵⁶⁶ Letters NSIS 3 24 00021528, NSIS 6 24 00021521 of November 29, 2024, letter NSIS 7 24 00022431 of December 6 and letter NSIS 4 25 00005175 of March 20, 2025, Special Investigation Service.

Applications filed with the Office regarding alleged violations relating to the elections

After October 26, 2024, the Public Defender's Office received a total of 9 applications regarding violations of rights/alleged criminal acts related to the elections. Among them, 3 applications were filed by a convict placed in a penitentiary institution, 3 applications were filed by representatives of the non-governmental sector, 2 applications by a citizen, and 1 statement by a political party, the Unity-National Movement.

The author of one of the applications, S. Sh., submitted documentation along with the application and indicated that the documentation was evidence of the election fraud. A representative of GSRT presented a report of the Center for Psychological Rehabilitation of Torture Victims and the Georgian Young Lawyers' Association on the same issue, along with the attached materials. And the International Society for Fair Elections and Democracy provided materials on alleged violations identified during the elections, indicating various facts, including alleged voter bribery, etc. The aforementioned information has been sent to the Prosecutor General's Office of Georgia for the further response.⁵⁶⁷

According to the Prosecutor General's Office, at this stage, they are examining the documentation submitted by the Public Defender's Office.⁵⁶⁸

Recommendations

To the Central Election Commission of Georgia:

- Take all necessary measures to ensure a secret ballot when using electronic technologies and strengthen public trust, including through the proper arrangement of polling stations, improvement of election materials, and planning of an information campaign;
- Ensure that polling stations are arranged so that observers can fully and smoothly exercise their powers;
- Ensure the necessary measures for the strict observance of the marking rules, by properly training members of the election commissions.

To the Georgian National Communications Commission:

- Develop a guiding document for broadcasters relating to the granting of the status of a qualified election subject, in order to establish the most transparent and clear criteria when evaluating public opinion polls.

To the Prosecutor's Office of Georgia, the Ministry of Internal Affairs of Georgia and the Special Investigation Service:

- Conduct an effective investigation into each criminal case indicated in this chapter, including with a view to establishing the responsibility of each perpetrator of the crime;
- Grant victim status to all affected persons within a tight timeframe and ensure their access to the investigation materials.

⁵⁶⁷ Letter No. 25/967 of the Public Defender's Office of Georgia of January 30, 2025.

⁵⁶⁸ Letter No. 13/6532 of the Prosecutor General's Office of Georgia of February 6, 2025.

11. Human Rights Defenders

In May 2024, the Law on Transparency of Foreign Influence granted a new, stigmatizing status to non-governmental and media organizations that receive a certain portion of their income from abroad. The law obliges these organizations to report their financial activities and make relevant data public. At the same time, the Ministry of Justice of Georgia granted authorized persons the power to conduct monitoring to identify such entities and verify their compliance with the law.

The Public Defender criticized such a regulation when the Draft Law on Transparency of Foreign Influence was first introduced, noting that it was incompatible with the basic principles of a modern democratic state.⁵⁶⁹ In addition, the Public Defender considered that the law did not represent a necessary means of achieving the declared goal, opened up the possibility of a broad interpretation of the regulation reflected in it, did not meet the requirements of “legal certainty of law” and created a high risk of arbitrariness on the part of the State.⁵⁷⁰ According to the Public Defender, if the purpose of adopting the law was to increase the transparency of foreign aid flows intended for Georgia and the accountability of recipient organizations, this could have been achieved by making appropriate amendments to the Law of Georgia on Grants and modifying the existing database on foreign aid.⁵⁷¹

Later, the Law of Georgia on Transparency of Foreign Influence was appealed to the Constitutional Court and the Public Defender of Georgia submitted an *amicus curiae* brief within the framework of the ongoing dispute.⁵⁷²

It is noteworthy that, based on the law, on August 1, 2024, the Minister of Justice of Georgia issued Order No. 1019 On the Approval of the Rules for Maintaining the Register of Organizations Pursuing the Interests of a Foreign Power, Submission of Financial Declarations and Conducting Monitoring. According to this subordinate act, the personal data (name, surname, personal number, bank account number, etc.) of both employees and experts hired under short-term employment relationships, beneficiaries and other persons to be included in the financial declarations by organizations subject to registration became subject to public publication. The Public Defender considered such a decision unjustified and harmful, since the large-scale publication of personal data of individuals further strengthened the restrictive and stigmatizing effect of the law on persons employed in these organizations. As a result, the Public Defender addressed the Minister of Justice of Georgia with a proposal (No. 2024/4184 of August 30, 2024), recommending not to subject the personal data of individuals indicated in the declarations to public

⁵⁶⁹ See the statement of the Public Defender of Georgia of February 17, 2023 regarding the draft law of Georgia on Transparency of Foreign Influence, available on the website: < bit.ly/40uKNv9 > [25.01.2025].

⁵⁷⁰ See the opinion of the Public Defender of Georgia regarding the Law of Georgia on Transparency of Foreign Influence, available on the website: < bit.ly/40xfKyD > [25.01.2025].

⁵⁷¹ See the statement of the Public Defender of Georgia of April 11, 2024 regarding the draft law of Georgia on Transparency of Foreign Influence, available on the website: < bit.ly/40NebhG > [25.01.2025].

⁵⁷² See the opinion of the Public Defender of Georgia regarding the Law of Georgia on Transparency of Foreign Influence, available on the website: < bit.ly/40xfKyD > [25.01.2025].

publication.⁵⁷³ The Minister of Justice partially took into account the proposal of the Public Defender and made amendments to the relevant order, as a result of which the financial institutions, personal numbers, bank account numbers of employees, as well as persons in other contractual relationships or beneficiaries and other persons, are not published in financial declarations.⁵⁷⁴ Although the names and surnames of these persons are still available, as a result of the Public Defender's recommendation, the negative effect of the new regulations on the protection of personal data of individuals has been significantly reduced.

Recommendations:

To the Ministry of Internal Affairs of Georgia:

- In accordance with international standards, including the 1998 UN Declaration on Human Rights Defenders and the OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders, define the concept of human rights defenders and produce statistics on all offences committed against them related to their activities.

To the officials:

- When exercising the powers granted by law, observe internationally recognized standards relating to human rights defenders. Among other things, avoid discrediting human rights defenders and facilitate their activities.

⁵⁷³ General proposal of the Public Defender of Georgia on the issue of preventing and combating discrimination is available on the website: < bit.ly/4aucSHD > [25.01.2025].

⁵⁷⁴ Information is available on the website: < bit.ly/4hxVcgF > [25.01.2025].

12. The Right to Property

12.1. Introduction

The right to property is recognized and protected by the Constitution of Georgia⁵⁷⁵ and national legislation. At the same time, its protection is particularly important in any democratic state.⁵⁷⁶ In the 2024 reporting period, the issues of non-fulfillment of public domestic debt obligations and extremely prolonged enforcement of cases of return of real estate to its legal owner were again observed.

12.2. The right to property of persons affected by housing cooperative construction

For many years, the Public Defender of Georgia has been pointing to the importance of fulfilment of public domestic debt obligations in the annual parliamentary reports.⁵⁷⁷ However, the information provided on this issue shows that no effective measures have been taken to fulfill this obligation in the regions of Georgia over the past 9 years. In the 2023 Report of the Public Defender on the Situation of Human Rights and Freedoms in Georgia, the Government of Georgia was recommended⁵⁷⁸ to develop a procedure for reimbursing the domestic debt acknowledged in connection with the housing cooperative construction on the territories of Georgian municipalities, inter alia, to determine the category of persons to be reimbursed as a priority and to create an effective mechanism for fulfilling the obligations acknowledged towards the affected population. In addition, pursuant to paragraph 13 of the Resolution (4332-XIVMS-XMP) adopted by the Parliament of Georgia on June 27, 2024 relating to the 2023 Report of the Public Defender of Georgia, the Ministry of Finance of Georgia was tasked with consideration of the issue of reimbursement of domestic debt acknowledged in connection with the housing cooperative construction on the territories of municipalities. However, according to the information provided by the same ministry,⁵⁷⁹ the State Commission for the Study of the Issue of Public Domestic Debt of Georgia, established by Decree No. 108 of the Government of Georgia of November 15, 2004 for the purpose of considering and resolving the issues of public domestic debts recognized by paragraph 1 of Article 48 of the Law of Georgia on Public Debt and for developing recommendations, has not made any recommendations or decisions regarding the public domestic debt reimbursement mechanism in relation to persons who belong to the categories recognized in accordance with paragraph 1 of Article 48 of the Law of Georgia on Public Debt (including the obligation assumed by the State in connection with the former housing cooperative construction). Thus, according to the data of the Ministry of Finance of Georgia,⁵⁸⁰ the number of people affected by the housing cooperative construction in the municipalities of Georgia has not changed compared to the previous year and is still 2801.

⁵⁷⁵ Constitution of Georgia, Article 19.

⁵⁷⁶ Ruling No. 1/1/543 of the Constitutional Court of Georgia of January 29, 2014 in the case of Metalinvest LLC v. Parliament of Georgia, II, para. 1.

⁵⁷⁷ 2015 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 557.

⁵⁷⁸ 2016 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, pp. 821-823.

⁵⁷⁹ 2017 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 178.

⁵⁸⁰ 2023 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 168.

Regarding Tbilisi Municipality, based on the information provided by the Ministry of Finance of Georgia,⁵⁸¹ the parliamentary report of the previous year noted that the number of people affected by the housing cooperative construction was 1192 within the municipality. However, according to the information provided by the same ministry this year,⁵⁸² as of now the number of affected people is 1783. The Ministry of Finance of Georgia explained the provision of the previous incorrect figure by the technical error. Accordingly, notwithstanding the information of the LEPL Property Management Agency about the transfer of real estate to 390 affected persons from January 1, 2024 to January 1, 2025, the number of affected persons within the borders of Tbilisi municipality is still high. Given the age of the problem, in order to timely fulfill the obligations undertaken towards the persons affected by the housing cooperative construction, it is important to take effective, time-bound measures and satisfy all such persons in time.

12.3. Extremely prolonged enforcement of cases of return of immovable property to the legal owner

Like previous years, the issue of prolonged enforcement of cases of return of immovable property from illegal possession/use to the legal owner remained unresolved in the reporting period. According to the information provided by the LEPL National Bureau of Enforcement,⁵⁸³ during 2024, the Enforcement Police Department processed 2,160 enforcement cases of return of real estate to its legal owner. During the same period, 626 new cases were registered with the Bureau and 329 enforcement cases were completed. The difference between completed cases and new cases indicates that the National Bureau of Enforcement does not effectively use the authority granted by the Law of Georgia on Enforcement Proceedings and spends too much time on enforcement of court decisions. Although, despite the request of the Public Defender of Georgia, the National Bureau of Enforcement did not provide information on the dates of commencement of proceedings in enforcement cases, the applications show years of delay in the enforcement process. In particular, in the reporting period, on the basis of numerous applications filed by citizens, the Public Defender of Georgia addressed the National Bureau of Enforcement with recommendations⁵⁸⁴ regarding several cases and requested the enforcement of pending enforcement cases within a tight timeframe and the transfer of vacated real estate to the owners.⁵⁸⁵ According to the circumstances of one of the cases,⁵⁸⁶ the creditor party lives in an apartment owned by someone else under a rental agreement and, according to the data of the LEPL National Agency of Public Registry, no other residential real estate is registered in his name. Family members with health issues, including persons with disabilities, live with him and, in addition, there is an enforcement document for the immediate enforcement of the decision, which proves the applicant's interest in the immediate enforcement of the decision and the priority of the enforcement of the decision. It was also established from other applications of citizens⁵⁸⁷ that enforcement proceedings in their cases were launched in 2022-

⁵⁸¹ 2023 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 134, available at: <<https://shorturl.at/NHhsX>> [11.03.2025].

⁵⁸² Letter No. 08-02/6912 of the Ministry of Finance of Georgia of February 5, 2025.

⁵⁸³ Letter No. 08-02/6912 of the Ministry of Finance of Georgia of February 5, 2025.

⁵⁸⁴ Letter No. 08-02/10484 of the Ministry of Finance of Georgia of February 12, 2024.

⁵⁸⁵ Letter No. 08-02/6912 of the Ministry of Finance of Georgia of February 5, 2025.

⁵⁸⁶ Letter No. 61-01250293562 of the LEPL Property Management Agency of January 29, 2025.

⁵⁸⁷ Letter No. 5113 of the LEPL National Bureau of Enforcement of January 30, 2025.

2023, however, according to the information provided,⁵⁸⁸ the enforcement process was not completed in any of the above-mentioned cases as of February 2025. In this regard, alarming statistics were revealed in the data⁵⁸⁹ provided by the National Bureau of Enforcement, according to which the agency has not yet enforced 120 enforcement cases launched in 2018, 207 launched in 2019, 176 launched in 2020, and 211 launched in 2021.

As a result, real estate owners are deprived of the opportunity to fully use their property for an unjustifiably long period of time, which causes them significant financial damage. Thus, in order to eliminate unreasonable delays in enforcement proceedings, it is necessary to prioritize enforcement cases, including the ones in which courts have issued relevant rulings on the immediate enforcement of the decision, or where the real estate specified in the enforcement document is the only residence of the creditor.

According to the information⁵⁹⁰ posted on the official website of the National Bureau of Enforcement, on November 17, 2023, the Minister of Justice of Georgia introduced to the Parliament of Georgia a project of a new service - "Registration of Commutative Contract", which involves the registration of various types of contracts, including rental and lease contracts, with the Public Registry, within the framework of which the parties agree that in the event of a violation of the obligations stipulated by the contract, the National Bureau of Enforcement will issue an enforcement notice. The service will allow citizens to register a rental contract with the Public Registry, where it will be indicated that if the tenant does not fulfill the obligations assumed, the National Bureau of Enforcement will evict him, and the parties will agree on this in advance. This initiative should be positively assessed, since in case of its implementation, the owner will be able to timely and fully restore the violated property right, avoiding lengthy court proceedings. However, according to the information provided by the National Bureau of Enforcement,⁵⁹¹ even a year after the announcement of the aforementioned project, work is still underway together with the Ministry of Justice of Georgia to finalize certain provisions and implement further actions.

12.4. The Right to Property in Criminal Proceedings⁵⁹²

In last year's parliamentary report, the Public Defender highlighted a legislative shortcoming whereby, regardless of the legal status in the case, the costs of storing a vehicle—seized or obtained as material evidence during a criminal investigation—must be covered by the vehicle's owner or lawful possessor.⁵⁹³ To address this shortcoming, the Public Defender submitted a proposal to the Parliament of Georgia recommending amendments to the Law of Georgia "On the Legal Entity of Public Law under the Ministry

⁵⁸⁸ Recommendation No. 2024/1308 of the Public Defender of Georgia of May 23, 2024;

⁵⁸⁹ Recommendation No. 2024/1979 of the Public Defender of Georgia of June 17, 2024.

⁵⁹⁰ M. Kh.'s application No. 212/2024 of April 5, 2024.

⁵⁹¹ R. Kh.'s application No. 140/2024 of April 5, 2024; V. K.'s application No. 1775/2024 of May 27, 2024; T. Kh.'s application No. 2058/2024 of June 4, 2024; T. M.'s application No. 14872/23 of December 12, 2023.

⁵⁹² For more details, see the 2024 Activity Report of the Criminal Justice Department of the Public Defender's Office of Georgia.

⁵⁹³ Report of the Public Defender of Georgia "On the Situation of Human Rights and Freedoms in Georgia in 2023", p. 171. <https://shorturl.at/MCO9I>

of Internal Affairs – the Public Safety Management Center 112”. Unfortunately, this recommendation has not yet been implemented.⁵⁹⁴

During the reporting period, based on the review of citizens’ complaints, the Public Defender identified the following cases of violations and unjustified restrictions of the right to property by law enforcement agencies in the course of criminal proceedings:

Unlawful Restriction of Property Rights During Investigation

In the course of an ongoing criminal investigation, an investigator verbally prohibited a witness—via telephone—from disposing of, transferring, or dismantling a building located on immovable property registered in their name, despite the fact that the individual had obtained the proper authorization from the relevant municipal administration.⁵⁹⁵ The witness was also barred from freely using their property, including for entrepreneurial purposes, thereby preventing them from generating income from their lawful ownership.⁵⁹⁶

It is important to note that under the Criminal Procedure Code, the restriction of property rights is permitted solely through the imposition of a seizure order.⁵⁹⁷ In cases of urgent necessity, a seizure order may be imposed by a prosecutor’s decision, the legality of which must subsequently be reviewed by the court. In all other cases, it is the court that issues a ruling on the imposition of a seizure order based on a party’s motion.⁵⁹⁸

In this case, the investigator, through a formal record of a telephone conversation, restricted a witness from disposing of or using their immovable property—an action that, in effect, constituted a *de facto* seizure. In response to this unlawful restriction of property rights, the individual filed a complaint with the Prosecutor’s Office. However, the Marneuli District Prosecutor’s Office did not annul the telephone record, asserting instead that it merely constituted a non-binding, advisory clarification made in the interest of the investigation.⁵⁹⁹ According to the Prosecutor’s Office, issuing such guidance is not prohibited by the Criminal Procedure Code of Georgia and, therefore, does not constitute a violation of the law.⁶⁰⁰

The Public Defender clarifies that under Georgia’s Criminal Procedure Code, investigative authorities are obligated to carry out only those actions that are explicitly prescribed by law. The legislation does not grant investigative bodies the authority to undertake actions during the investigation merely on the basis that they are not expressly prohibited by the Code. Therefore, the investigator did not have the legal

⁵⁹⁴ Proposal №15-2/2465 of the Public Defender of Georgia of March 11, 2024; Report of the Public Defender of Georgia “On the Situation of Human Rights and Freedoms in Georgia in 2023 <https://shorturl.at/MCO9l> p 173); 2023 Activity Report of the Criminal Justice Department of the Public Defender’s Office of Georgia < <https://shorturl.at/jplCk> > p. 278 – 282.

⁵⁹⁵ Order №ბ124.1242410811 of the Mayor of Tetrtskaro Municipality of April 17, 2024.

⁵⁹⁶ №6819/2024, №7212/2024 and №8023/2024 applications.

⁵⁹⁷ Criminal Procedure Code of Georgia, Article 151.

⁵⁹⁸ Ibid, Article 155; Ibid, Article 154 (1).

⁵⁹⁹ Letter №13/14-46243 of the Marneuli Regional Prosecutor’s Office of July 15, 2024.

⁶⁰⁰ Ibid.

authority to impose a restriction equivalent to a seizure on property without the oversight of a prosecutor or court.

As for the response of the Prosecutor's Office, it failed to take any legal action regarding the record that restricted the right to property and did not annul the investigator's protocol of the telephone conversation, which unlawfully limited the citizen's property rights in violation of the procedures established by the Criminal Procedure Code of Georgia.

At this stage, according to the position of the Marneuli District Prosecutor's Office, the citizen is not prohibited by the investigative authorities from freely disposing of the immovable property they own in connection with the ongoing criminal case.⁶⁰¹

The Issue of Returning Items Confiscated During Administrative Detention

During the reporting period, it was also revealed that a person held in administrative detention for five days was not returned their mobile phone and belt following release from the detention facility. These items had been confiscated during a search at the police station. Notably, the items were being held at the police station, and the Ministry of Internal Affairs failed to provide the Public Defender with any legal justification for the lawfulness of their confiscation.⁶⁰²

According to Georgian legislation, if an item is not the object or instrument of an offense, it must be stored in the detention facility and returned to the detainee immediately upon release. Since the aforementioned items were not directly related to the administrative offense, law enforcement officers were obligated to transfer them to the isolator, where the detainee would receive them upon release. Contrary to this requirement, the individual was instead required to go to the police station after release in order to retrieve the items.

Due to the above, the Public Defender addressed the Ministry of Internal Affairs recommending the initiation of disciplinary proceedings against the relevant police officers for violating the citizen's rights.⁶⁰³

Proposal

To the Parliament of Georgia:

- To amend subparagraphs "a" and "b" of Article 71(3) of the Law of Georgia *"On the Legal Entity of Public Law under the Ministry of Internal Affairs – Public Safety Management Center 112"*, so that participants in criminal proceedings are not held responsible for covering the costs associated with a vehicle seized/obtained by the prosecution.

Recommendations

To the Government of Georgia:

⁶⁰¹ Letter N13/14-13544 of the Marneuli Regional Prosecutor's Office of March 5, 2025.

⁶⁰² Letter №32400421870 of the Ministry of Internal Affairs of Georgia of February 12, 2024.

⁶⁰³ Proposal №2024/2833 of the Public Defender of Georgia of July 15, 2024.

- To develop a regulation for the reimbursement of recognized domestic debt related to cooperative housing construction on the territories of Georgian municipalities. This should include defining the order of priority for claimants and establishing an effective mechanism for fulfilling obligations recognized toward affected residents.
- Develop a procedure for the reimbursement of acknowledged domestic debt related to the housing cooperative construction in the territories of Georgian municipalities, including determining the persons to be satisfied as a priority and an effective mechanism for fulfilling the obligations acknowledged towards the affected population.

To the Minister of Justice of Georgia:

- To ensure the preparation and submission to Parliament of the final version of the “Draft Remunerated Contract” during the course of 2025;
- Ensure the preparation of the final version of the “Registration of Commutative Contract” and its submission to the Parliament by 2025.

To the LEPL National Enforcement Bureau:

- To address the challenges related to the recovery of immovable property from unlawful possession/use (eviction cases), and to facilitate the realization of property rights for owners while reducing the backlog of pending cases, develop a rule for determining the order of enforcement. Priority should be given to enforcement proceedings that include a court ruling declaring the decision subject to immediate execution, as well as cases in which the property to be vacated is the creditor’s only residence;
- In order to eliminate the challenges related to the cases of return of immovable property from illegal possession/use (eviction), realize the owners’ right to property and reduce the number of pending cases, develop a rule determining the order of proceedings and prioritize the enforcement cases in which the court has issued a ruling on the immediate enforcement of the decision, or the immovable property to be vacated is the only residence of the creditor.

13. Freedom of Belief and Religion

13.1. Introduction

This chapter is devoted to the overview of the main challenges related to freedom of belief and religion in 2024, including legislative amendments carried out in 2024, alleged hate crimes committed on religious grounds, the issue of permits for the construction of places of worship, and religious monuments of minorities.

Unfortunately, no progress was observed in the reporting period in terms of implementing the recommendations or proposals issued last year. Accordingly, the discriminatory norms in the legislation still remain unchanged. Nor have guidelines been developed for medical institutions operating in Georgia on the introduction of methods/drugs that can replace hemotransfusion procedure and relevant instructions; The issue of returning religious buildings confiscated during the Soviet period to their historical owners also remains a challenge. Unfortunately, no steps have been taken to date to assess the damage caused to religious communities on the territory of Georgia and the amount of property confiscated by the Soviet regime. Although the Parliament of Georgia considered the Public Defender's proposal and promised to implement it,⁶⁰⁴ no legislative regulation has been developed to date that would ensure that the non-Orthodox population has the opportunity to enjoy guaranteed rest during their religious holidays, if they desire so.

In terms of legislative activity, the Law on Transparency of Foreign Influence adopted in 2024 has a negative impact on freedom of belief and religion.

As a result of the violent events that took place in the Adigeni municipality on March 8, 2024, part of the local Muslim community was restricted from praying.⁶⁰⁵ It is noteworthy that the Georgian legislation does not prohibit the use of private property for prayers or educational purposes. In particular, the legislation does not provide for any permission from the State for the opening of an educational institution. Accreditation is granted only by submitting an accreditation application by the educational institution if desired.⁶⁰⁶ In addition, it should be emphasized that no construction or reconstruction works were underway on the site. Accordingly, they did not need a special permit from the State.⁶⁰⁷

The State is obliged to conduct an effective investigation into the above-mentioned allegedly illegal disruption of religious services in the Adigeni municipality, which was accompanied by forced entry into the territory of private property and offensive/intimidating shouts. This implies identifying the possible

⁶⁰⁴ See more in the 2023 Parliamentary Report of the Public Defender, pp. 174-175.

⁶⁰⁵ Public Defender responds to the developments in Adigeni, Public Defender's statement, March 9, 2024. <<http://bit.ly/3Q6P1nT>> [05.02.2025]

⁶⁰⁶ Subparagraph "a" of paragraph 1 of Article 4 of Annex 1 to Order No. 99/N of the Minister of Education and Science of Georgia of October 1, 2010 "On the Approval of the Regulations and Fees for the Authorization of Educational Institutions; Decision of the European Court of Human Rights in the case of Georgian Muslim Relations and Others v. Georgia (Application No. 24225/19), para. 87.

⁶⁰⁷ The types of activities that are considered construction activities and require an appropriate permit are listed in detail in Article 4, paragraph 1, of the Annex to Decree No. 255 of the Government of Georgia "On the Rules and Conditions for Issuing Construction Permits and Putting Buildings into Operation".

hate motive behind the violent incidents and adequately punishing responsible persons.⁶⁰⁸ In order to obtain information about the progress of the investigation, the Public Defender's Office has repeatedly addressed the Ministry of Internal Affairs, however, the Office has not received reply letters to this day.⁶⁰⁹

13.2. Law on Transparency of Foreign Influence

In the reporting period, the Parliament, despite the call of the Public Defender, supported the Law on Transparency of Foreign Influence. According to the law, organizations that receive foreign funding are assigned the status of an organization "pursuing the interests of a foreign power," which carries a negative connotation and serves to discredit these organizations. By assigning such a status, these organizations are associated with organizations under foreign control, which instills distrust in Georgian society and creates a stigmatizing effect.

The above-mentioned law, apart from non-governmental organizations and the media, also applies to religious organizations. It should be emphasized that Georgia has a sharply liberal legislation in terms of registration of religious organizations. They have complete freedom to decide whether to undergo state registration or not. If they choose a registered form of activity, they can register as both legal entities under public law and non-profit (non-commercial) legal entities (NNLE).⁶¹⁰ Many religious organizations use this legislative opportunity and operate in the form of a non-profit legal entity.⁶¹¹ In addition, religious organizations also create legal entities of this form for their charitable purposes.⁶¹² Accordingly, the risks of marginalization that arose after the adoption of the Law on Transparency of Foreign Influence, like all other non-governmental organizations, have equally spread to religious organizations.⁶¹³

The adoption of the Law on Transparency of Foreign Influence leads to the stigmatization and disruption of the activities of religious organizations that have chosen the NNLE form of activity.⁶¹⁴

It is noteworthy that the Advisory Committee on the Framework Convention for the Protection of National Minorities⁶¹⁵ assessed the above-mentioned draft law, indicating that it raised concerns in terms of protection of freedom of association and expression.

13.3. Defence Code

On January 1, 2025, the new Defence Code entered into force. In last year's report, the Public Defender extensively reviewed the legislative novelties introduced by the Code and raised questions in terms of

⁶⁰⁸ Judgment of the European Court of Human Rights in the case of Georgian Muslim Relations and Others v. Georgia, para. 93

⁶⁰⁹ Public Defender's letters No. 2024/433 of April 18, 2024 and No. 2024/3481 of August 4, 2024.

⁶¹⁰ Part 2 of Article 1509¹ of the Civil Code.

⁶¹¹ For example, the Council of Religions operating under the Public Defender includes, among others, the Scientology Church of Tbilisi NNLE and the Holy Apostolic Catholic Assyrian Church of the East in Georgia NNLE.

⁶¹² For example, Charitable Foundation - Caritas Georgia, a non-profit (non-commercial) legal entity founded by the representatives of the Catholic Church.

⁶¹³ Subparagraph "a" of paragraph 1 of Article 2 of the Law of Georgia on Transparency of Foreign Influence.

⁶¹⁴ See the Public Defender's amicus curiae brief on the Law of Georgia on Transparency of Foreign Influence, <<https://shorturl.at/znSZH>> [4.02.2024]

⁶¹⁵ *Advisory Committee on the Framework Convention for the Protection of National Minorities*, 4th opinion of Georgia, ACFC/OP/IV(2023)2, 26 June 2024, para.8. <<https://rm.coe.int/4th-op-georgia-en/1680b08a31>> 07.02.2025

their compliance with human rights standards.⁶¹⁶ Among them, one of the novelty is the maintenance of personal data on all persons subject to mobilization in the electronic system of the mobilization reserve, including the data on a person's religion.⁶¹⁷ In the reporting period, we asked the Ministry of Defence to clarify the legitimate goals that guided it in developing the above-mentioned amendments.⁶¹⁸ The answers⁶¹⁹ provided by the Ministry are vague and do not allow for an assessment of the adequacy or proportionality of the arguments put forward by the State to justify interference with the freedom of belief and religion.

It should be noted with regret that the Public Defender's proposal to abolish the entry on religion in subparagraph "k" of paragraph 5 of Article 97 of the Defence Code remains unimplemented.

13.4. Hate crimes

It is welcome that the Prosecutor's Office of Georgia continues to publish data on crimes motivated by intolerance, including those committed on religious grounds.⁶²⁰ The report of the Prosecutor's Office notes that in 2024, the rate of criminal prosecution for crimes motivated by religious intolerance increased significantly. In particular, in 2022 and 2023, 2-2 persons were charged with crimes committed on above-mentioned grounds, and in 2024 - 6 persons were charged with the same. In 2024, 14 persons were granted victim status. According to the data published by the Prosecutor's Office, a total of 33 people were granted victim status in 2022-2024, the majority of whom were Jehovah's Witnesses (23 people), 5 people were Orthodox Christians, 4 were Muslims, and one victim was a legal entity.

During 2024, 7 applications were received by the Public Defender's Office relating to alleged discrimination on religious grounds. 2 of them concerned crimes motivated by intolerance (1 against Jehovah's Witnesses, and the other against the Muslim community). Of the remaining 5 applications, discrimination was not established in 4 cases, and proceedings are still ongoing in one case.

13.5. The issue of obtaining construction permits

The problem with the construction of a new mosque in Batumi remained unresolved in 2024. On May 25, 2023, the Supreme Court returned the case related to a dispute that began in 2017 to the Kutaisi Court of Appeal for consideration.⁶²¹ It is noteworthy that the Public Defender examined the legality of the Batumi Mayor's decision in 2017 and established that the decision was made without examining relevant circumstances or providing proper justification. The Public Defender addressed the Batumi City Hall with a recommendation and requested to revoke the decisions on the refusal of the construction permit and to make a new reasoned decision as a result of considering all the important circumstances for the case.⁶²²

⁶¹⁶ Public Defender's 2023 Parliamentary Report, pp. 175-179.

⁶¹⁷ Subparagraph "k" of part 5 of Article 97 of the Defence Code.

⁶¹⁸ Letter N2024/3369 of the Public Defender's Office of July 31, 2024.

⁶¹⁹ Letter N MOD 7 24 01022840 of the Ministry of Defence of August 13, 2024.

⁶²⁰ Information is available on the official website of the Prosecutor General's Office < <https://pog.gov.ge/Crimes-motivated-by-intolerance> > [07.02.2025]

⁶²¹ It is noteworthy that the Supreme Court returned the case of the Batumi new mosque, which began in 2017, to the Court of Appeal for consideration on May 25, 2023. See the case of the Batumi new mosque, Tolerance and Diversity Institute (TDI), 2023, < <https://shorturl.at/qORV5> > [06.02.2024].

⁶²² Public Defender's 2018 Parliamentary Report, p. 150.

13.6. Religious-cultural heritage monuments

The measures taken by the State to register and inventory cultural heritage monuments related to national and religious minorities and to conserve and/or restore them represent a subject of Public Defender's interest.

Last year, the National Agency for Cultural Heritage Preservation of Georgia, LEPL, purchased rehabilitation (temporary reinforcement) works for a cultural heritage monument, a mosque, located in the village of Khevasheni, Adigeni municipality, and on August 29, 2024, a contract was signed with the company that won a tender, which has already completed the works provided for in the contract. In addition, last year, the Agency carried out temporary roofing works for a cultural heritage monument, a mosque, located in the village of Zikilia, Akhaltsikhe municipality.⁶²³ As the Public Defender's Office has been informed, it is planned to prepare a project and cost accounting documentation for the rehabilitation of a synagogue located on Guramishvili Street in Akhaltsikhe.⁶²⁴

The Public Defender's Office also learned as a result of the monitoring that the rehabilitation of mosques in the villages of Zvare and Dzentsmani in the Autonomous Republic of Adjara were underway.

As far as we are informed, out of the 25 mosques located in the municipalities of Adjara, 15 are partially or severely damaged.⁶²⁵ 5 of them have been granted the status of a cultural heritage monument (the village of Gulebi in Keda municipality, the village of Makhuntseti in Keda municipality, the village of Bzubzu in Keda municipality, the village of Chinkadzeebi in Keda municipality, the village of Kveda Dagva (Ghaghaishvili) in Kobuleti municipality). The National Agency for Cultural Heritage Preservation of Georgia is not currently rehabilitating the aforementioned 5 monuments and it does plan to do so in 2025 either.⁶²⁶

It should be noted that many churches and mosques across Georgia that have been granted the status of a cultural heritage monument require rehabilitation and are in a deplorable condition.⁶²⁷

Proposals

To the Parliament of Georgia:

- To amend the Defence Code and to abolish the entry on religion in Article 97, paragraph 5, subparagraph "k";

⁶²³ Letter N00004984 of the Ministry of Culture of Georgia of February 6, 2025.

⁶²⁴ Letter N00024161 of the Ministry of Culture and Sports of Georgia of July 9, 2024.

⁶²⁵ See the Samples of Georgian Islamic Architecture in Adjara (Fixing the visual and physical conditions of wooden mosques), Christine Mujiri, Solidarity Community, p. 13. 2024. < <https://shorturl.at/WXHQa> > [24.02.2024]

⁶²⁶ Letter N00039205 of the Ministry of Culture and Sports of Georgia of November 11, 2024.

⁶²⁷ For example, Mughni Surb Gevorg (church); *Shamkoretsots* Karmir Avetaran (church); Tandoyants Surb Astvatsatsin (basilica); Surb Nshan (Surb Nikoghayos), (church); Yerevan Surb Minas (basilica).

- To include an alternative legislative provision in the Labour Code of Georgia in order to provide the non-Orthodox population with the opportunity to have a guaranteed rest day during their religious holidays, if desired;
- To develop, with the participation of the Council of Religions operating under the Public Defender of Georgia and non-governmental organizations, a law on restitution in order to determine the procedure, criteria, responsible agencies and deadlines for returning property confiscated from religious associations during the Soviet period to their historical owners;
- To amend the Law on Transparency of Foreign Influence so that it does not apply to religious organizations or charitable organizations established by them.

Recommendations

To the Government of Georgia:

- To establish the amount of the property confiscated by the Soviet regime and the damage caused to religious associations operating on the territory of Georgia.

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

- To develop guidelines for medical institutions operating in Georgia on the introduction of methods/drugs that can replace hemotransfusion procedure and relevant instructions.

To the Ministry of Culture of Georgia:

- To accelerate the process of rehabilitation of religious-cultural heritage monuments of religious minorities.

14. Right to Equality

14.1. Introduction

The year 2024 was marked by negative trends in the realization of the right to equality, largely driven by a series of legislative amendments and intense political developments. In the context of an election year, issues related to women's political participation were particularly prominent, with the abolition of mandatory gender quotas standing out as a matter of significant concern.⁶²⁸

14.2. Alleged cases of discrimination in the context of elections and protest rallies

The reporting year was marked by intense political developments in the country. Particularly noteworthy were three major events that posed significant challenges to the protection of the right to equality and democratic principles. It is important to highlight that the Public Defender maintained active oversight of alleged violations of equality during these processes and responded to them proactively.

- (1) In the reporting year, the draft Law of Georgia on the Transparency of Foreign Influence (hereinafter – the Law) was reintroduced in Parliament. On August 30, 2024, the Public Defender of Georgia addressed the Minister of Justice with a general proposal aimed at preventing the discriminatory infringement of the personal data of individuals employed by organizations required to register in the registry of entities acting in the interests of a foreign power.⁶²⁹ On September 20, 2024, the Minister of Justice partially accepted the Public Defender's general proposal. The Public Defender positively assessed these changes, as they significantly reduce the negative impact of the regulations on individuals. However, the amendments do not fully reflect or achieve the intended purpose of the Public Defender's recommendation, as the declaration forms submitted by organizations subject to the registration requirement still include the names and surnames of natural persons.⁶³⁰ The Public Defender believes it is of utmost importance that the Ministry of Justice fully implements the issued recommendation.
- (2) The current reporting period coincided with an election year, which, in turn, significantly increased the risks of discrimination on political grounds during the pre-election period.⁶³¹ Against the backdrop of severe polarization in the country, individuals who publicly expressed differing political views or civic positions became easy targets for discriminatory treatment. Citizens actively reported alleged cases of discrimination based on political opinion.

Unlike in previous election years, no citizens submitted complaints to the Office regarding dismissals or workplace harassment based on political views. However, the Office proactively

⁶²⁸ For additional information, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

⁶²⁹ The Public Defender's general proposal of August 30, 2024, to the Minister of Justice; available at: <https://bit.ly/3DCBSzQ>

⁶³⁰ The Public Defender's statement of September 30, 2024, available at: <https://bit.ly/4iO0B4j>

⁶³¹ The Public Defender of Georgia's assessment regarding human rights violations during the pre-election period, available at: <https://bit.ly/3PaV1eM>

responded on its own initiative to all alleged cases of discrimination disseminated by the media or other public sources.⁶³² The Public Defender emphasizes that the prevention of discrimination on political grounds and the creation of an equal environment during the pre-election period are fundamental prerequisites for the strength and legitimacy of the democratic process. Accordingly, preventing political discrimination is critically important not only for the protection of human rights, but also for the sustainability of a democratic state.

- (3) Following the government's announcement that it would not place the opening of negotiations with the European Union on the agenda until the end of 2028,⁶³³ a number of public servants publicly distanced themselves from the decision and called on the government to uphold the country's pro-European course.⁶³⁴ This was soon followed by reactions from representatives of local and national authorities,⁶³⁵ after which a package of amendments to the Law of Georgia on Public Service was initiated. The Public Defender responded with a public statement, noting that the proposed changes significantly undermine the guarantees for the protection of labor rights of public servants and contradict the very principles of public service.⁶³⁶ It is also noteworthy that the legislative process was conducted in an expedited manner, without the involvement of interested members of the public or relevant field experts. Additionally, the regulation was extended to individuals employed at an equivalent level within legal entities under public law in Georgia. Such legislative interventions pose a serious threat to the institutional independence of the public service.

Following the public expression of positions by civil servants and the adoption of the Law of Georgia on Public Service in its third reading, numerous reports emerged regarding the termination of employment relationships.⁶³⁷ Each of the individuals concerned cited the public expression of a critical stance regarding the shift in the country's European integration course as the reason for the termination of their employment.

⁶³² For additional information, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

⁶³³ Available at: <https://www.radiotavisupleba.ge/a/33219304.html>

⁶³⁴ Available at: <https://tinyurl.com/yb638fut>; <https://tinyurl.com/2jp4jx7a>; <https://tinyurl.com/43284w2h>; <https://tinyurl.com/2sbs3e27>; <https://tinyurl.com/5n6v3ybx>; <https://tinyurl.com/3nuz8xu7>; <https://tinyurl.com/4ddc5df5>; <https://tinyurl.com/4msuuxa9>; <https://tinyurl.com/52hb7b8p>; <https://tinyurl.com/2mkdnw3m>; <https://tinyurl.com/5n6b3xeh>; <https://tinyurl.com/mucaj38x>; <https://tinyurl.com/5yf94p3s>; <https://tinyurl.com/mumdvvf8>; <https://tinyurl.com/2e3npmfy>; <https://tinyurl.com/4vr8yz4p>; <https://tinyurl.com/26jstknk>; <https://tinyurl.com/2pcb7sra>

⁶³⁵ Available at: <https://tinyurl.com/25nc9ncb>, <https://bit.ly/4go1Tl2>, <https://tabula.ge/ge/news/726736-kaladzem-tbilisis-multipunktsiuri-bibliotekebis>

⁶³⁶ Statement is available at: <https://tinyurl.com/5n7rcv58>

⁶³⁷ Information is available at: <https://tinyurl.com/nyncvhda>; <https://tinyurl.com/4ktjx94r>; <https://tinyurl.com/nha7jjet>; <https://tinyurl.com/2s36phbs>; <https://tinyurl.com/bdc35b4w>; <https://tinyurl.com/mrt87wmc>; <https://tinyurl.com/y5u2rmhf>; <https://tinyurl.com/48vkvkme>; <https://tinyurl.com/4wk4fpyh>; <https://tinyurl.com/muefd57f>; <https://tinyurl.com/yc6rssvc>; Detailed information regarding dismissals is available at: <https://tinyurl.com/msxkf9ea>

Accordingly, the Public Defender considered it essential to issue a public statement, emphasizing to the heads of public institutions the importance of upholding the principles of equality and freedom of expression.⁶³⁸ The Public Defender unequivocally states that dismissing individuals from their positions due to the open expression of their civic stance on political or other issues is contrary to fundamental human rights and jeopardizes the proper functioning of democratic institutions. Therefore, it is essential that the state ensures robust mechanisms for the protection of human rights and adopts policies grounded in the principles of justice, in order to prevent the risk of discrimination and promote adherence to the principles of equality.

14.3. Challenges to journalistic activity in the Parliament of Georgia

Throughout the reporting year, several instances revealed a recurring practice of restricting journalists from carrying out their work on the premises of Parliament. On multiple occasions, the so-called 'yellow security level' was activated, during which representatives of online media were denied access to the Parliament building.

The Public Defender specifically highlights the vital role of online media in the modern world. In an era where the internet has become an integral part of daily life for a large portion of the population—particularly in terms of accessing information—online outlets have effectively assumed a crucial role in delivering news to the public quickly and efficiently. In this context, it is worth noting that, during the period when the evaluated practice was being introduced, even the Speaker of Parliament acknowledged that out of the 340 accredited journalists in the Parliament of Georgia, 290 represented television channels, while journalists from online media outlets numbered only 'a few dozen'.⁶³⁹ On the one hand, the relatively small number of online media representatives underscores the importance of their role in covering parliamentary proceedings in a format tailored to internet users. On the other hand, it makes it less likely that their presence would pose a security risk to parliamentary operations. Moreover, isolated incidents of protest⁶⁴⁰ or causing discomfort to an interviewee⁶⁴¹—actions that could potentially be undertaken by representatives of any type of media—cannot justify a generalized restriction based solely on the platform from which a journalist operates (particularly when targeting only online media).

The Public Defender's Office is also reviewing⁶⁴² cases involving the suspension of parliamentary accreditation for one to six months for individual journalists from 'Formula,' 'Mtavari Arkhi,' and 'TV Pirveli.' These suspensions were based on journalists continuing attempts to conduct interviews despite a Member of Parliament's refusal to participate.⁶⁴³ The accreditation rule, which served as the basis for suspending these journalists, was previously identified by the Public Defender in the 2023 Parliamentary

⁶³⁸ The Public Defender's statement of December 11, 2024, available at: <https://bit.ly/3P8HLYd>

⁶³⁹ See the statement by Shalva Papuashvili dated April 16, 2024, available at: <https://bit.ly/3DL7GCS>.

⁶⁴⁰ See the statement by Shalva Papuashvili dated April 16, 2024, available at: <https://bit.ly/3DL7GCS>.

⁶⁴¹ See the statement of the Speaker of Parliament dated November 25, 2024, available at: <https://bit.ly/4h3kB1l>.

⁶⁴² №2194/2024, №2196/2024, №2230/2024 and №2376/2024 statements.

⁶⁴³ Order №1/31/23 of the Speaker of the Parliament of Georgia dated February 6, 2023, on "Approval of the Rules for Accreditation of Mass Media Representatives in the Parliament of Georgia", Article 15.2(c).

Report as a factor hindering the exercise of freedom of expression.⁶⁴⁴ In relation to this rule, the Public Defender also submitted an amicus curiae brief in 2023.⁶⁴⁵

The Public Defender emphasizes that any measures taken against journalists must be grounded in the principle of equality and expresses hope that, in the next reporting year, the practice of restricting journalistic activity in the Parliament of Georgia—which gives rise to suspicions of discriminatory conduct—will be fully eliminated.

14.4. Equal rights of women

During the reporting year, discriminatory treatment of women remained a significant challenge. In the context of an election year, the issue of women's political participation was particularly relevant. Taking into account the abolition of gender quotas, the situation must be unequivocally assessed as negative.

Sexual Harassment

In 2024, cases of sexual harassment were identified across various settings—including educational institutions, workplaces, and in the context of receiving services. It is also noteworthy that some of the alleged incidents involved representatives of investigative authorities.⁶⁴⁶

It is noteworthy that during the reporting period, the Public Defender of Georgia prepared a study titled “*Sexual Harassment in Public Spaces*”,⁶⁴⁷ which examined and analyzed all decisions (rulings) issued by common courts across Georgia concerning sexual harassment in public spaces, covering the period from May 3, 2019, to January 20, 2023.

Given that the primary responsibility for responding to cases of sexual harassment in public spaces lies with the Ministry of Internal Affairs of Georgia, it is particularly problematic when the alleged perpetrators are representatives of law enforcement agencies. Notably, the Public Defender will also examine cases involving the alleged sexual harassment and degrading treatment of women detained during protest rallies by law enforcement officials.⁶⁴⁸

Political participation of women

A significant step backward on the path to achieving gender equality was the abolition of the temporary mechanism of mandatory gender quotas in electoral lists. The Public Defender responded to this issue with a public statement,⁶⁴⁹ emphasizing the need for such supportive measures to eliminate the invisible

⁶⁴⁴ 2023 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia," pp. 152–153.

⁶⁴⁵ Amicus Curiae Brief №04-2/5436 of the Public Defender, dated June 7, 2023.

⁶⁴⁶ For additional information, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

⁶⁴⁷ The study was conducted with the financial support of the United States Agency for International Development (USAID) and is available at: <https://bit.ly/4235kt1>.

⁶⁴⁸ For additional information, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

⁶⁴⁹ Statement of the Public Defender of Georgia of April 2, 2024, available at: <https://bit.ly/3BXtKtx>.

barriers that women face on a daily basis. Additionally, following the Public Defender's referral,⁶⁵⁰ the OSCE/ODIHR prepared a legal opinion on the organic laws related to the abolition of gender quotas, assessing them negatively and finding them inconsistent with international human rights standards concerning the elimination of discrimination against women in political and public life.⁶⁵¹

The legislative debate surrounding the abolition of gender quotas once again underscored the importance of combating gender-based discrimination and gender stereotypes. The debate was ongoing by vulgar and offensive remarks directed at female Members of Parliament.⁶⁵² The Public Defender once again emphasizes that *"it is essential for women's voices to be clearly heard in the country's legislative body and other policymaking institutions, so that women's needs and gender equality-promoting measures are firmly placed on the agenda"*.⁶⁵³

14.5. Persons with disabilities

Despite certain positive measures taken by the state in recent years to protect the rights of persons with disabilities, significant challenges remain. Although international obligations have been acknowledged and national legislation has been improved, sufficient progress has not been observed in ensuring social inclusion and equality for persons with disabilities.

Tangible problems persist in the realization of the right to work, with key challenges including the promotion of competitiveness among persons with disabilities and their employment in the open labor market.⁶⁵⁴ The implementation of the biopsychosocial model is progressing with delays, and most importantly, access to the physical environment, information, means of communication, medical care, and various services remains a major challenge for persons with disabilities.

To fully realize the rights of persons with disabilities, it is essential for the state to develop an inclusive policy framework, ensure accessible infrastructure and services, promote employment opportunities, raise public awareness, and reduce stigma—areas in which the state has, so far, fallen short of effective implementation. At the same time, it is crucial for private companies to contribute to this process by creating accessible work environments. Through coordinated efforts, it will be possible to ensure the full realization of the rights of persons with disabilities and to improve their quality of life.

14.6. Right to equality of the members of LGBTQI+ community

⁶⁵⁰ Statement of the Public Defender of Georgia of April 23, 2024, available at: <https://bit.ly/4hdbMCr>

⁶⁵¹ "Opinion on Two Organic Laws of Georgia Amending the Election Code and the Law on Political Unions of Citizens in Relation to Gender Quotas," Warsaw, 11 June 2024, Opinion-Nr.: ELE-GEND-GEO/501/2024 [ELD/NS]. See the OSCE/ODIHR legal opinion in English at <https://bit.ly/4jBzPMY>

The relevant draft laws were reviewed by the Parliament of Georgia in an expedited manner over the course of four days and were adopted in their final, third reading on April 4 of this year. Subsequently, on May 15, the Parliament overrode the veto imposed by the President of Georgia.

⁶⁵² See the Public Statement of the Public Defender of Georgia of April 3, 2024, available at: <https://bit.ly/4j1NGw1>.

⁶⁵³ The Statement of the Public Defender of Georgia of April 2, 2024, available at: <https://bit.ly/3BXtKtx>.

⁶⁵⁴ The Public Defender's Report on the Situation of Human Rights and Freedoms in Georgia, 2023, p. 255, available at: <https://tinyurl.com/4petws8x>

The policy of combating discrimination and promoting equality in the country remains a significant challenge. Of particular note during the reporting year is the Law of Georgia on “Family Values and Protection of Minors”,⁶⁵⁵ along with the accompanying amendments introduced to 18 normative acts.

Following the initiation of this legislative package, the Public Defender of Georgia held meetings in the Parliament of Georgia to express the institution’s position on the draft law. The discussions addressed, among other issues, potential restrictions on freedom of expression and assembly, the impact on academic freedom, and concerns related to the exercise of the Public Defender’s mandate and powers.

Amendments were introduced to the draft law, including the addition of a definition for ‘popularization’ and the clarification of Article 11, which posed a potential threat to the effective exercise of the Public Defender’s mandate. Additionally, the law no longer applies in cases where an individual’s gender, differing from their biological sex, had already been recorded in the Civil Registry.

However, it is important to note that the definition of “popularization” provided in the law does not meet the foreseeability requirement established by the Constitution of Georgia and the European Convention, and it creates a high risk of arbitrariness.

The problematic nature of the law’s legitimate aim is further underscored by the broad and unforeseeable nature of the term “popularization”.⁶⁵⁶ The law includes a definition of the term ‘popularization,’ describing it as presenting something in a positive or exemplary manner. Nevertheless, the provisions in question fail to meet the foreseeability requirement set by the Constitution and the Convention for laws establishing criminal liability, and they create a high risk of arbitrariness. Due to the vague and indeterminate nature of the norm, its application could extend to academic, artistic, and scientific activities, as well as book publishing and other legally permitted pursuits, by subsuming them under the elements of a criminal offense. It is inadmissible for an individual’s criminal liability—and the possibility of imposing criminal sanctions for the exercise of constitutionally guaranteed rights such as freedom of assembly, expression, creativity, privacy, and the right to free personal development—to depend on the subjective interpretation of the norm by its enforcer.

Particularly concerning is the establishment of criminal liability for violating requirements set by law—especially given that the sanction includes imprisonment for up to two years. Furthermore, the law criminalizes performing surgical operations or other medical interventions intended to assign a gender different from an individual’s biological sex, with such actions punishable by up to four years of imprisonment. The legislator has criminalized the repeated commission of certain acts—following the imposition of an administrative penalty⁶⁵⁷—such as: disseminating advertisements; including information in (higher) educational programs; or the dissemination of, or assistance in disseminating, information by an employee, when such actions are aimed at promoting identification with no biological sex or with a gender different from one’s biological sex, promoting same-sex relationships based on sexual orientation, or promoting incest.

⁶⁵⁵ “Law of Georgia on Family Values and Protection of Minors”, 17/09/2024: <https://bit.ly/3ZVKedk>

⁶⁵⁶ “Law of Georgia on Family Values and Protection of Minors”, Article 3.

⁶⁵⁷ Code of Georgia on Administrative Infringements, Article 172¹⁰.

Accordingly, the law criminalizes the provision and dissemination of information to adults if such actions are deemed to be aimed at promoting any of the aforementioned behaviors.

In addition, the law also applies to academic spaces. It prohibits so-called 'LGBT+ propaganda' in educational institutions—specifically, the dissemination of information that is 'aimed at promoting identification with no biological sex and/or with a gender different from one's biological sex, same-sex relationships based on sexual orientation, or incest.' This creates a significant barrier to the development and teaching of gender studies, human rights, and other academic disciplines.

It is important to highlight the law's impact on the right to life and health. According to Article 6 of the law, performing surgical operations or other medical interventions for the purpose of assigning a gender different from a person's biological sex is prohibited. This restriction is not limited to surgical procedures but extends to all forms of medical intervention, posing serious challenges for individuals undergoing gender transition. For these individuals, access to medical services is critically important to their life and health. This access would be at risk if medical professionals refuse to provide essential care due to concerns over non-compliance with the law. The right to health entails access to necessary medical assistance without discrimination.

It is noteworthy that on January 24, 2025, the Public Defender of Georgia submitted a communication to the Committee of Ministers of the Council of Europe regarding the implementation process of the European Court of Human Rights' judgments in the *Identoba Group* cases.⁶⁵⁸

It is essential that the state implements policies that promote the creation of an equal environment for LGBTQ+ individuals and support their full participation in social, economic, and cultural life.

14.7. Discrimination in labour relationships

Cases of alleged discrimination in labor relations continue to be among the most frequently reported categories of complaints submitted to the Public Defender. Applicants refer to actions such as the imposition of disciplinary measures, removal from official duties, victimization, termination of employment, and more. In line with trends from previous years, complainants most commonly cite the expression of differing opinions and trade union activity as grounds protected against discrimination. Additionally, there were instances in which applicants linked restrictions on their labor rights to the provision of specific information to the Public Defender's Office.

In 2024, significant attention was also given to protests and strikes organized by employees across various sectors.⁶⁵⁹

14.8. Investigation of hate crimes

As in the previous year, problems persist in the investigation and initiation of criminal proceedings for alleged hate crimes. These issues stem, on the one hand, from law enforcement agencies' inadequate fulfillment of their positive obligations to protect the equality of vulnerable groups, and on the other

⁶⁵⁸ "Communication of the Public Defender of Georgia concerning Identoba group cases, made under Rule 9(2) of the Rules of the Committee of Ministers for the Supervision of the Execution of Judgments and of the terms of Friendly Settlements", 24 February 2025.

⁶⁵⁹ For additional information, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

hand, from concerning instances in which law enforcement officers have used offensive and homophobic language.

These issues are further reflected in the complaints received by the Public Defender's Office. The reported cases were related to religious belief, political opinion, sexual orientation and gender identity (SOGI), professional activities, and public activism.⁶⁶⁰

14.9. Encouragement of discrimination

As in previous years, the current reporting period revealed various instances of the encouragement of discrimination, which negatively impacts the creation of an equal and inclusive environment. Sexist rhetoric continued to be actively used against women involved in political life, aiming to diminish their role and restrict their participation in public discourse. During the pre-election period, the spread of homophobic narratives was also evident. Additionally, stigmatizing statements targeting persons with disabilities were identified.⁶⁶¹ These cases clearly underscore the need for a more active and principled fight against discrimination.

At the outset of the pre-election period, the Public Defender publicly called on members of political parties to ensure a hate-free electoral environment and to engage in constructive, policy-oriented discourse focused on electoral programs.⁶⁶² In the statement released, the Public Defender specifically emphasized that the encouragement of discrimination and the use of hate speech not only violate the principles of equality and democracy but also undermine the legitimacy of a fair electoral process. The use of hate speech for political purposes is unacceptable, and the responsibility for its elimination lies with both political actors and the media, who must work together to promote the creation of an equal and fair electoral environment.

Proposal

To the Parliament of Georgia/Chairperson of the Parliament of Georgia:

- To amend the Law of Georgia on "Family Values and Protection of Minors" to bring it in line with human rights protection standards;
- In consideration of public interest and access to public information, during the activation of the 'yellow security level' as defined by Order No. 1/259/23 of the Speaker of the Parliament of Georgia dated September 4, 2023 to grant media representatives regardless of their platform—access to the Parliament building and allow them to carry out their professional activities;
- To ensure the effective implementation of the Code of Ethics in practice through a functional enforcement mechanism, and apply disciplinary sanctions as prescribed by the Code in cases where Members of Parliament use language that encourages discrimination.

Recommendations

⁶⁶⁰ For additional information on specific cases under the review of the Public Defender's Office, see the Public Defender's 2024 Special Report on Combating Discrimination, Preventing It, and the State of Equality.

⁶⁶¹ For specific cases of the encouragement of discrimination, see the Public Defender's 2024 Special Report on "Combating Discrimination, Preventing It, and the State of Equality".

⁶⁶² The Public Defender's statement of September 2, 2024, available at: <https://bit.ly/49PHov0>

To the Parliament of Georgia and Local Self-Governing Authorities:

- To reinstate special temporary measures—such as gender quotas—or introduce other effective mechanisms recognized by international practice, in order to increase women’s representation in Parliament and local councils.

To the Minister of Justice of Georgia:

- To amend Order №1019 of the Minister of Justice of August 1, 2024, on “Approval of the Rules for Maintaining the Registry of Organizations Acting in the Interests of a Foreign Power, Submission of Financial Declarations, and Monitoring”, to ensure that the names and surnames of natural persons, including employees, listed in the declarations submitted by organizations subject to registration are not publicly disclosed.

To the Prosecutor’s Office of Georgia:

- To ensure continuous training of personnel to improve their qualifications in the investigation of hate motivated crimes.

To the Minister of Internal Affairs:

- To ensure intensive and continuous training of employees of the Ministry of Internal Affairs on issues related to sexual harassment in public spaces;
- To develop internal regulations/establish practices that ensure that victims of sexual harassment in public spaces are informed about the outcomes of the relevant administrative proceedings.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia:

- To assess the accessibility needs of persons with disabilities, including those with mental health conditions, in relation to medical facilities and the services they offer. Additionally, to ensure the retraining of a significant portion of medical personnel on all forms of accessibility, with particular emphasis on appropriate communication with individuals with mental health conditions.

To the LEPL State Employment Support Agency:

- To strengthen efforts to raise employers’ awareness, including regarding the application of the principle of reasonable accommodation; and to promote the introduction of individual support services and modern assistive technologies for persons with disabilities in the workplace, as well as the development of temporary incentive mechanisms.

15. Gender Equality

15.1. Introduction

In Georgia, numerous reforms have been implemented over the years to achieve gender equality and address existing challenges. However, during the reporting year, no effective steps were taken to improve the human rights situation of women. On the contrary, it is particularly important to note the abolition of mandatory gender quotas, which has a negative impact on women's participation in politics, especially when considering the positive results that followed their introduction in 2020, both at the national and regional levels.

In terms of women's participation in political and public life, a significant issue arose with the violence committed by law enforcement officers against women during demonstrations.⁶⁶³

During the reporting period, a significant challenge was the thorough investigation of cases of violence against women and domestic violence, as well as efforts to prevent such occurrences. The issue of preventing gender-based crimes is highlighted by the persistently high rates of femicides and attempted femicides. According to the General Prosecutor's Office of Georgia, in 2024, 25 cases of female murders were identified, 16 of which were committed by family members. Out of 17 attempted murders, 12 were carried out by family members.⁶⁶⁴

It is noteworthy that, according to the Global Gender Inequality Index, in 2024, Georgia advanced from 68th to 54th place in terms of women's economic participation and opportunities.⁶⁶⁵

Furthermore, significant progress has been observed at the institutional level in strengthening women's participation in peace and security processes. However, the underrepresentation of women in decision-making positions, as well as the participation of women living in rural areas and those affected by conflict in local decision-making processes remain as major challenges. It is noteworthy that positive changes implemented at the internal institutional level in the field of peace and security have had little tangible impact on the daily lives of displaced and conflict-affected women.

15.2. Women's Political Participation and Economic Empowerment

Women's political participation is crucial for the development of a democratic state based on rule-of-law. Unfortunately, in the country, women's participation in both politics and decision-making positions continues to remain a challenge.

According to the 2024 Global Gender Inequality Index, Georgia made slight progress in women's political empowerment, moving from 91st to 88th place.⁶⁶⁶ According to the Inter-Parliamentary Union data, Georgia moved from 128th to 106th place in the number of women in Parliament, with 34 women MPs.⁶⁶⁷

⁶⁶³ For detailed information, see the section on the prohibition and investigation of torture and other cruel, inhuman, or degrading treatment or punishment in the context of the spring and winter protest actions—ill- treatment and other human rights violations.

⁶⁶⁴ For detailed information, see the section on the right to life.

⁶⁶⁵ Available at: https://www3.weforum.org/docs/WEF_GGGR_2024.pdf

⁶⁶⁶ Available at: https://www3.weforum.org/docs/WEF_GGGR_2024.pdf, p. 185

⁶⁶⁷ The data reflects the situation as of December 1, 2024, and is available at: https://data.ipu.org/women-ranking/?date_year=2024&date_month=12 [last visited on: 12.02.2025]. Available at: <https://www.parliament.ge/parliament->

It is noteworthy that, as a result of the introduction of mandatory gender quotas in 2021, the representation of women in municipality representative bodies Sakrebulo across Georgia increased by 11% compared to 2017, reaching 24.5%.⁶⁶⁸ The results of the gender quota are particularly striking in certain municipalities, where women were either not represented at all or were represented in very small numbers. For example, in the Marneuli municipality, there were no female MRB Member elected in 2017, but in 2021, women's representation in the municipality representative body Sakrebulo increased by 700% (7 female MRB Member were elected). Similarly, in Abasha, women's representation increased by 400% (from 1 to 5), and in Keda, it increased by 200% (from 1 to 3).⁶⁶⁹ Women's representation also increased in major cities. In Tbilisi, in 2021, women's representation increased by 20% compared to 2017 (from 10 to 12).⁶⁷⁰ In Kutaisi, it increased by 140% (from 5 to 12), in Batumi by 233% (from 3 to 10), and in Rustavi by 450% (from 2 to 11).⁶⁷¹

The above-mentioned statistics show that, despite the increase in numbers, women are still underrepresented in representative bodies. Against this backdrop, the Public Defender negatively assesses the abolition of the gender quota system, as the mandatory gender quota mechanism is one of the most effective tools for achieving substantive gender equality in politics.

It is important to note that, following the Public Defender's referral, the OSCE/ODIHR prepared a legal opinion⁶⁷² on the legislative amendments related to the abolition of gender quotas. The opinion negatively assessed these amendments, considering them inconsistent with international human rights standards concerning the elimination of discrimination against women in political and public life. According to the conclusion, the justification for the abolition of gender quotas in Georgia was not based on concrete evidence, data, or facts, nor on a thorough analysis of the functioning of gender quota mechanisms, or on potential alternative, effective measures. It fails to substantiate the necessity of abolishing electoral gender quotas and the need to eliminate the system of financial incentives for political parties.

[members](https://www.parliament.ge/parliament-members) It is important to note that, in the tenth convocation of Parliament, 38 out of 176 members were women. <https://www.parliament.ge/parliament-members>; However, it is noteworthy that after certain political parties declined the mandates of their members in the Parliament of Georgia, this number significantly decreased, and currently, there are only 14 female MPs in the Georgian Parliament.

⁶⁶⁸The Public Defender's Office requested information from municipalities regarding the number of female and male representatives elected to municipality representative bodies Sakrebulo following the 2017 and 2021 local self-government elections. The statistical information provided is based on the data supplied by the municipalities and represents the aggregate figures.

⁶⁶⁹ In addition, in the municipalities where only 2 female representatives were elected in 2017, the dynamics are as follows: in Kazbegi Municipality, the representation of women increased by 50%; in Akhalkalaki, Ninotsminda, and Mestia by 250%; in Rustavi by 450%; in Dedoplistskaro and Chkhorotsku by 150%; in Shuakhevi by 50%; in Khulo by 100%; and in Dmanisi by 200%.

⁶⁷⁰ It is important to note that in 2017, the Tbilisi City Municipal Assembly elected 10 female and 40 male representatives. During the electoral period, the mandate of 3 female and 13 male representatives was terminated early, with 3 female and 8 male representatives replacing them. In 2021, 12 female and 38 male representatives were elected. During the electoral period, the mandate of 7 male representatives was terminated early, with 3 female and 4 male representatives replacing them.

⁶⁷¹ Additionally, in 2021, women's representation increased in comparison to 2017 as follows: in Telavi, by 200% (from 3 to 9); in Zugdidi, by 86% (from 7 to 13); and in Gori and Akhaltsikhe, by 57% (from 7 to 11).

⁶⁷² Available at: <https://shorturl.at/mlDrO>

As of 2024, the percentage of women in ministerial positions is low, at only 16.67%.⁶⁷³ However, the total number⁶⁷⁴ of female professional public servants employed at the executive level (56.4%) exceeds the number of men. Despite this, the percentage of women employed in decision-making positions remains relatively low, at 45.7%.⁶⁷⁵

Along with the underrepresentation of women in decision-making positions, women's participation in decision-making processes at the local level remains a significant issue. In some cases, this is linked to a lack of awareness about the right to participate in decision-making processes, as well as a lack of initiatives or programs aimed at increasing women's involvement.⁶⁷⁶

According to the Global Gender Inequality Index, in 2024, Georgia advanced from 68th to 54th place in terms of women's economic participation and opportunities.⁶⁷⁷ In terms of women's economic empowerment, certain measures are being implemented by the state, which is unequivocally commendable..⁶⁷⁸ It is noteworthy that the Agency Enterprise Georgia is working in several areas to promote women's economic empowerment, with a particular focus on increasing the knowledge and awareness of female entrepreneurs through various programs. In 2024, as part of the Regional Consulting Centers project,⁶⁷⁹ 201 women were retrained in business skills development, including 140 female entrepreneurs.

It is also noteworthy that, within the framework of the state program for supporting microenterprise, in 2024, 60% of the approved loans and 59% of the total loan volume were allocated to female entrepreneurs, or to entrepreneurial entities where women hold 100% of the shares.⁶⁸⁰ The growth of

⁶⁷³ Available at : https://www3.weforum.org/docs/WEF_GGGR_2024.pdf

⁶⁷⁴ The total number encompasses ministries, with the exception of the Ministry of Internal Affairs, where only 19.3% of the employees are women.

⁶⁷⁵ Letter № 8227 from the Civil Service Bureau, dated March 24, 2025. The Ministry of Internal Affairs did not provide information to the Bureau on the number of senior officials in terms of gender, and as a result, this data is not included.

⁶⁷⁶ Meetings were held in the internally displaced persons (IDP) settlements of Karaleti, Skra, Verkhvebi, and Berbuki, as well as in the villages of Goraka and Tvauri in the Kaspi Municipality, the villages of Ditsi and Arbo in the Gori Municipality, the villages of Tserovani and Tsilkani in the Mtskheta Municipality, meeting with displaced women living in Tskaltubo, in the villages of Zeda Etseri and Khurcha in the Zugdidi municipality, in the villages of Muzhava and Chalishi in the Chalenjikha Municipality, in the village of Kheta in the Khobi Municipality, and in Tetrtskaro, in the village of Shaumiani in the Marneuli Municipality and in the Vaziani settlement of the Gardabani Municipality.. Women living in the village of Chorchana in the Khashuri district reported that they are actively involved in the decision-making process which shall be assessed positively.

⁶⁷⁷ Available at: https://www3.weforum.org/docs/WEF_GGGR_2024.pdf, p 185.

⁶⁷⁸ Letter №19/635 - 31.01.2025 of the Ministry of Economy and Sustainable Development; Letter №5/224 - 24.01.2025 of the Rural Development Agency.

⁶⁷⁹ With the financial assistance of the World Bank, the agency developed a project for Regional Consulting Centers, according to which, in 2024, three consulting centers were operational in the regions of Samegrelo-Zemo Svaneti, Adjara, and Kakheti. In the future, it is planned to open centers in all regions and the capital. As part of the consulting component of the Regional Consulting Centers, the agency provides increased funding by 5% for entrepreneurial entities where more than 50% of the shares are owned by a female entrepreneur.

⁶⁸⁰ Under the state program for supporting microenterprise, female entrepreneurs can benefit from micro loans with favorable interest rates, with the agency providing up to 80% loan guarantees and subsidizing interest costs. Source: Letter № 19/635 of the Ministry of Economy and Sustainable Development - January 31, 2025.

financial support initiatives is particularly important, as the main challenge for women in starting a business is the lack of access to financial resources.⁶⁸¹

Economic participation is particularly problematic for women living in rural areas, displaced women, and those affected by conflict, as evidenced by the meetings held by the Public Defender's Office.⁶⁸² Women repeatedly mentioned the lack of social and economic services, which limits their ability to meet their needs.⁶⁸³ According to women, in some municipalities, vocational training programs for women lack stability and a long-term nature. Despite numerous recommendations from the Public Defender of Georgia, transportation and access to childcare facilities remain problematic in the region, which hinder women and girls' access to education and employment.⁶⁸⁴ As in previous years, this time too, issues related to agriculture⁶⁸⁵ and caregiving responsibilities are highlighted, which also hinder women's economic opportunities.

The role of international and local non-governmental organizations should be positively noted, as they implemented several projects in collaboration with state agencies and the private sector, focusing on women's economic empowerment.⁶⁸⁶

⁶⁸¹ Report on Survey of Female Entrepreneurs in Georgia <https://georgia.unwomen.org/sites/default/files/2023-05/Survey%20of%20Women%20Entrepreneurs%20in%20Georgia%20ENG.pdf>

⁶⁸² A total of 194 women participated in the meetings. The meetings were held in the internally displaced persons (IDP) settlements of Karaleti, Skra, Verkhvebi, and Berbuki, as well as in the villages of Goraka and Tvaure in the Kaspi Municipality, the villages of Ditsi and Arbo in the Gori Municipality, the village of Chorchana in the Khashuri Municipality, and the villages of Tserovani and Tsilkani in the Mtskheta Municipality. Meetings were also held with displaced women living in Tskaltubo and Kutaisi, as well as in the villages of Zemo Etseri and Khurcha in the Zugdidi Municipality, the villages of Muzhava and Chalishvi in the Chalenjikha Municipality, the village of Kheta in the Khobi Municipality, the villages of Karzama and Perevi in the Sachkhere Municipality, and in Tetritskaro, in the village Shaumiani in the Marneuli Municipality, and in the Vaziani settlement of the Gardabani Municipality.

⁶⁸³ For example, women living in the village of Ditsi in the Gori Municipality explained that they had participated in agro and small business funding projects, but were unable to secure funding due to various reasons. They lamented that funding is still being awarded to large-scale farmers, while those who also need support are being denied assistance and financial backing. Similarly, women living in the village of Arbo mentioned that despite numerous attempts, they were unable to obtain business funding. The women expressed a desire for more information and support.

⁶⁸⁴ For example, in the Skra IDP settlement, it was noted that transportation is not aligned with working hours. In the village of Goraka, a woman wanted to work, but she could not find employment because, due to a lack of transportation, she would have to walk several kilometers every day. In the village of Tsilkani, transportation only goes to Tbilisi, and when local residents need to go to another city, they still have to travel to Tbilisi first. In the village of Muzhava in the Chalenjikha Municipality, there is no daily transportation, which prevents women from traveling for employment purposes. As for kindergartens, there is no kindergarten in the village of Goraka in the Kaspi Municipality, and the closest one is in Lower Chala, but there is no transportation service, so children are not regularly taken to the kindergarten. Similarly, in the village of Arbo in the Gori Municipality, there is no kindergarten, and children have to go to a neighboring village. Women expressed a desire for a kindergarten to be established in their village. According to them, this would also create new job opportunities, and mothers would be able to work.

⁶⁸⁵ For example, in the Berbuki and Skra IDP settlements, as well as in the village of Goraka, there is a problem with irrigation water. Similarly, in Chorchana, they lack both drinking and irrigation water.

⁶⁸⁶ Meetings with women, representatives of non-governmental and international organizations.

A significant challenge remains the low awareness among men regarding the use of parental leave.⁶⁸⁷ As a result, the rate of men utilizing this right remains low. According to the Public Service Bureau's data, in 2024, only one man employed in the Ministry used paid paternity leave. As for other public services, 11 men used paid leave, while one man took unpaid leave.⁶⁸⁸

15.3. Women, Peace and Security

The 'National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace, and Security for 2022-2024' is an important strategic document aimed at protecting the rights of women and girls affected by conflict and strengthening their role in peace and security processes.

Within the mandate granted to the Public Defender by the Constitution, the institution has carried out the monitoring of this plan.⁶⁸⁹ The results show that significant progress has been made at the institutional level in strengthening women's participation in peace and security processes. The responsible agencies have created numerous internal documents on human resources management, including gender equality strategy and action plans.⁶⁹⁰ Additionally, gender-segregated data is regularly collected and analyzed within these agencies, which is critically important for increasing women's participation in peace and security processes.

The percentage of women in the Geneva International Discussions is 36%,⁶⁹¹ while in the meetings of the Incident Prevention and Response Mechanism, the number of women among the participants representing the central government is 15%.

In the process of strategically reviewing the policy on reconciliation and engagement, meetings were held with members of the Women's Information Platform. As part of the regular dialogue mechanism, seminars and meetings with women and youth were also conducted.⁶⁹² In collaboration with the State Security Service and with the support of the UN Women's Organization, informational meetings were held with

⁶⁸⁷ A quarter of men and a third of women are aware of the changes made to the Labor Code, which give men the opportunity to take parental leave. Half of the respondents say they do not know whether such a law exists, while a fifth of them claim that such a law does not exist. Institute for Social Research and Analysis (ISSA) study: "IMAGES: Men, Women, and Gender Relations in Georgia: Public Perception and Attitudes", p. 44. Available at: <https://shorturl.at/zplww>; last visited on: 25.03.2025

⁶⁸⁸ Letter № 8227 of the Civil Service Bureau; 24.03.2025. The Ministry of Internal Affairs did not provide data to the Bureau on the use of leave, and as a result, the Ministry of Internal Affairs' data is not reflected in the statistics.

⁶⁸⁹ Monitoring Report on the 'National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace, and Security for 2022-2024.

⁶⁹⁰ Letter of the Ministry of Defense № MOD 6 24 00863649 - 10/07/2024, Letter of the Ministry of Internal Affairs № MIA 9 24 02419327 - 08/08/2024, Letter of the Ministry of Foreign Affairs № 01/23275 - 22/07/2024, Letter from the Office of the State Minister of Georgia for Reconciliation and Civil Equality GOV № 1252 - 16/07/2024, Letter of the State Security Service of Georgia № SSG 0 24 00160145 - 17/07/2024. Data as of the second quarter of 2024..

⁶⁹¹ Letter of the Ministry of Foreign Affairs of Georgia № 01/23275 - 22/07/2024: In the first half of 2024, two rounds of negotiations were held. In the 60th round, out of 11 members of the participating delegation, 3 were women, which constitutes 27%. In the 61st round, out of 11 members of the participating delegation, 4 were women, which constitutes 36%. Letter of the Ministry of Foreign Affairs of Georgia № 01/2377 - 24.01.2024: In 2023, the 57th round of negotiations was held, where 3 out of 11 members of the delegation were women, constituting 27%. In the 58th round, out of 10 members of the delegation, 1 was a woman, constituting 10%. In the 59th round, 3 out of 11 members of the delegation were women, constituting 27%.

⁶⁹² Letter from the Office of the State Minister of Georgia for Reconciliation and Civil Equality GOV № 1252 - 16/07/2024.

various interested parties. However, despite this, according to civil society and women affected by conflict, issues of women's involvement in peace processes remain one of the main challenges. According to the provided information, women's participation often limits itself to discussions on specific needs, while their involvement in decision-making processes remains low.

Furthermore, it is still important to highlight the need for a system⁶⁹³ that ensures the identification of risks related to conflict, crisis, or violence and a response mechanism, particularly to protect women's rights and ensure an effective response to human rights violations. This is especially crucial in settlements located near the occupied territories.

The promotion of the elimination and prevention of all forms of violence against women and girls is the second area of action in the National Action Plan. According to the provided information, informational/consultative meetings were regularly held with displaced and conflict-affected women.⁶⁹⁴ However, it is noteworthy to consider the geographical coverage of these meetings, as interviews with displaced and conflict-affected women revealed that victims of violence often lack sufficient information about state services, which complicates their access to the assistance provided to them. Stereotypical views and a lack of trust in law enforcement agencies continue to persist among the population.

To ensure the socio-economic empowerment of women and girls affected by conflict and to improve the localization process, an inter-agency commission working on gender equality, violence against women, and domestic violence, in collaboration with the Office of the State Minister, organized meetings in villages near the occupied territories to identify the needs of the conflict-affected population.⁶⁹⁵ Additionally, a 'Mobile Justice House' has been activated in the villages near the occupied territories.⁶⁹⁶

It is important to highlight the issues related to the funding and income generation opportunities for returning displaced and migrant women.⁶⁹⁷ In several target municipalities, to ensure access to preferential agro and small business grants, informational/consultative meetings are organized with women and youth.⁶⁹⁸

Despite the above, interviews conducted with non-governmental organizations and displaced and conflict-affected women showed that access to healthcare services, including psychological services,

⁶⁹³ Gender-sensitive early warning and response mechanisms.

⁶⁹⁴ Letter of the Office of the State Minister of Georgia for Reconciliation and Civil Equality GOV №1252 - 16/07/2024; Letter from the Shida Kartli Administration № 07/4792 - 22/10/2024; A total of 232 women and 75 men participated. Additionally, 5 meetings were held in villages near the occupied territories, including 2 field sessions of the Gender Equality Council. Letter of the Legal Aid Service №LA 3 24 00023911 - 11/07/2024. During the reporting period, 11 meetings were held on issues related to sexual violence, gender-based violence, and legal matters concerning property and entrepreneurship.

⁶⁹⁵ Letter from the Administration of the Government of Georgia, Advisor to the Prime Minister on Human Rights Issues №GOV 6 24 00019978 - 16/07/2024.

⁶⁹⁶ Letter of the Ministry of Justice of Georgia №8206 - 19/07/2024. As of today, there are 123 branches of the Justice House in Georgia.

⁶⁹⁷ Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia №MOH 1 24 01235211 - 21/11/2024, Partner Agency: Letter of the LEPL IDPs, Ecomigrants and Livelihood Agency №IDP 2 24 00901120 - 26/08/2024. During the reporting period, the agency was approached by 1,304 beneficiaries seeking to establish a source of income and self-employment, of which 722 were women. The processing of applications is underway in order to determine the winners.

⁶⁹⁸ For additional information, see the section on Women's Political Participation and Economic Empowerment.

remains a significant challenge, along with a lack of information in this regard. It was noted that the existing services are not sufficiently adequate to improve their living conditions, particularly in areas such as reproductive health, childcare, and education. It was also emphasized that raising awareness on a broader scale and simplifying the provision of information related to services is crucial.

Unfortunately, access to drinking and irrigation water remains problematic, as well as the malfunctioning of drainage systems, access to transportation, and the lack of services tailored to the needs of the elderly.

It should be noted that the activities carried out under the National Action Plan were primarily executed within the framework of internal institutional operations, and their impact on the quality of life of displaced and conflict-affected women and youth has not been significantly reflected.

15.4. Women's Sexual and Reproductive Health and Rights

The situation regarding women's sexual and reproductive health and rights is one of the key factors for assessing the state of gender equality in the country.

Informational meetings held in Georgia's regions once again highlighted the low level of awareness and access to existing state programs.

The approved regulations of the Universal Health Care State Program,⁶⁹⁹ which did not provide an exceptional opportunity to access antenatal care services after the 13th week. According to the information of the Ministry of Health, in order to implement the Public Defender's recommendation, the Ministry reviews exceptional cases with confidentiality, with an individualized approach, and may additionally fund the provision of relevant medical assistance through the 'Referral Services' program, as determined by a commission created for this purpose.⁷⁰⁰ However, the Public Defender is unaware of the criteria on which women and girls are granted the opportunity to benefit from this service as an exception.⁷⁰¹

The Public Defender positively evaluates the free service for the prevention of cervical cancer through the HPV (Human Papillomavirus) vaccination, which is available to both women and men. It is noteworthy that the Ministry of Health⁷⁰² organized meetings, including in regions populated by ethnic minorities. Throughout the year, the civil sector⁷⁰³ also worked on informational campaigns, however, awareness of the vaccine remains low among the population. Misconceptions about vaccination continue to emerge, both within the general population and among medical professionals. Therefore, it is important for the state to expand the number of informational meetings through broader geographical coverage.

⁶⁹⁹ Specifically, the Maternal and Child Health Subprogram.

⁷⁰⁰ Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia N^oMOH 5 25 00141606 - 07.02.2025.

⁷⁰¹ The Public Defender of Georgia is examining case N25-76 regarding the human rights situation of a 13-year-old pregnant minor. According to the letter of the Shida Kartli Regional Center of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking (Letter No. SCA 6 25 00203322, dated February 21, 2025), due to the fact that the minor and her family learned about the pregnancy late, at six months, the minor could not be included in the state antenatal care program.

⁷⁰² Letter from the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia N^oMOH 9 25 00174505 - 17.02.2025.

⁷⁰³ Non-Governmental Organization "Tandgoma".

Despite the recommendation of the Public Defender of Georgia, free abortion services remain inaccessible to women in penitentiary institutions.⁷⁰⁴ The legislation remains problematic, as it stipulates that after 12 weeks of pregnancy, the termination of a pregnancy resulting from violence is only possible after a conviction is issued by the court.

15.5. Violence against women and domestic violence

During the reporting period, no significant steps were taken to improve the response to and prevention of violence against women and domestic violence, and the situation in this regard remains unchanged. A continued challenge is the incompatibility of Georgian legislation with international standards, as well as the absence of the element of free consent in the definition of rape. Additionally, the law still does not provide for the possibility of conducting remote questioning of the victim or temporarily removing the defendant from the courtroom.

Despite the fact that certain amendments⁷⁰⁵ were made to the Law of Georgia on “Amnesty” following the Public Defender of Georgia's recommendations, several issues remain unresolved.⁷⁰⁶ In practice, it is particularly alarming that in 2024, following release from a penitentiary institution due to amnesty, an abuser killed his ex-wife while under the conditions of a protective order.⁷⁰⁷ This fact once again highlights the problematic nature of the issue and the necessity of addressing it in a comprehensive manner.

A significant issue identified by the Public Defender's Office was the insufficient and ineffective response of law enforcement officers to cases of violence against women and domestic violence,⁷⁰⁸ which substantially hinders the thorough investigation of gender-based crimes and the effective protection of victims. In addition, the incorrect interpretation of the law continues to be a problem, leading to the

⁷⁰⁴ Letter of the Ministry of Justice №893 - 30.01.2025. The issue of financing abortion without medical indications is not currently under consideration by the Ministry of Justice.

⁷⁰⁵ For example, following the presentation of the Public Defender's position, crimes committed based on gender against women were added. Additionally, when discussing gender-based and domestic violence against women, it became mandatory for the judge to hear the victim's statement.

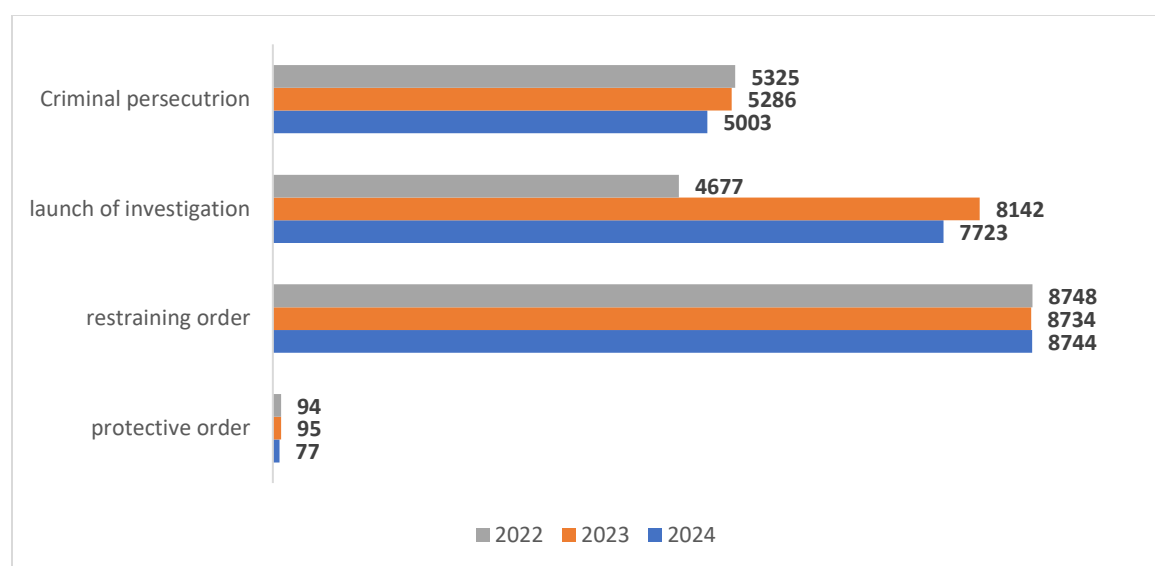
⁷⁰⁶ The Public Defender believed that amnesty should have applied to those individuals who had completed a course on the correction of violent behavior. Additionally, a problematic provision is the one that obliges judges to issue a restraining order without conducting a risk assessment. This creates the risk of the judge imposing restrictions on the defendant in an unjustified manner, preventing a thorough evaluation of the situation.

⁷⁰⁷ Case 32024-1865.

⁷⁰⁸ The Public Defender's Office identified this issue in several cases under review. Beneficiaries interviewed during the shelter monitoring process also spoke about these issues. For example, a beneficiary staying at a shelter for victims of violence mentioned that the police officer was a relative of her husband and threatened her, saying she would face problems instead. She also reported that the police did not believe her when she spoke about the violence she had experienced. According to her, the police only helped when she attempted to take her own life, and even then, they only issued a restraining order. Case №5744/2024 - The applicant reported systematic physical and psychological abuse committed in the presence of minors and also mentioned that during one of the incidents, the abuser forced her to kneel and struck her in the presence of a neighbor. The applicant stated that she had contacted the police several times, but they did not respond, and ultimately, only a restraining order was issued. The applicant also pointed out violations during the questioning of her and her minor children, as well as the possible indifference of the police officers. However, there was no willingness to take action on these incidents. Case №53/24 - The woman was a victim of systematic gender-based violence by her neighbor. She stated that the police did not properly document the abuse she experienced and left her complaints unaddressed. Following the Public Defender's referral, the General Prosecutor's Office recognized the woman as a victim.

refusal to assess the risks of gender-based crimes and to issue restraining orders.⁷⁰⁹ It is concerning that the initiation of criminal proceedings in cases of rape against women is delayed, and the ineffective, inconsistent investigation leaves the potential perpetrator unpunished and fails to protect the rights of the victim.⁷¹⁰ Additionally, the analysis of statistics shows that in the reporting year, there has been a decrease in the rate of investigations and the initiation of criminal proceedings in cases of domestic violence/domestic crimes.

Statistics on Domestic Violence / Domestic Crimes^{711, 712}



Furthermore, the lack of an integrated system for collecting data on domestic violence and other forms of violence against women, as well as a unified methodology, significantly hinders the creation of a coherent picture of these crimes,⁷¹³ which in turn reduces the effectiveness of the fight against gender-based violence. This problem particularly affects the collection of statistics on gender-based crimes

⁷⁰⁹ Case №1257/24; №1677/24; №4608/2024. To address the issue, the Public Defender of Georgia made a general recommendation to the Minister of Internal Affairs.

⁷¹⁰ Case №3017/2024. In the mentioned criminal case, the woman has not been recognized as a victim of the alleged rape, and as a result, she does not have access to the full case materials. Additionally, other potential gender-based crimes committed against her have not been thoroughly investigated.

⁷¹¹ The statistics include both adult and minor victims of domestic crimes. It is noteworthy that the Ministry of Internal Affairs did not provide the statistical information in a segregated format based on age and gender. The General Prosecutor's Office of Georgia maintains segregated statistics based on the age of the accused and the victims. However, analyzing the statistics, for example, to determine the total number of individuals accused of committing domestic crimes against adult women, becomes challenging.

⁷¹² Segregated information by crime type was also not provided for the cases where the Ministry of Internal Affairs' victim and witness coordinators were involved. According to the Ministry, in 2024, the Ministry of Internal Affairs' victim and witness coordinators were involved in up to 550 criminal cases. Letter MIA 5 25 00378807 - 10.02.2025, The General Prosecutor's Office's victim and witness coordinators were involved in 1721 cases, and this information was provided to the Public Defender's Office in a segregated format by crime type. Letter №13/6552 - 06.02.2025.

⁷¹³ Data is collected by various bodies, including the police, prosecution, judiciary, and other institutions, but centralization of this data has not been achieved. This issue is identified as a problem in the Public Defender's monitoring report on the administration of justice in cases of sexual violence against women, where, due to this problem, a comprehensive analysis of sexual violence statistics cannot be performed.

committed against women.⁷¹⁴ Additionally, the general nature of the document outlining the national referral procedures for identifying, protecting, assisting, and rehabilitating victims of violence against women and/or domestic violence (National Referral Mechanism) does not ensure prevention of gender based violence and coordinated action by state agencies to prevent gender-based violence and protect victims. The monitoring of the Action Plan on Violence against Women and Domestic Violence reveals that the three-year action plan does not outline the necessary decisive steps to address the deep-rooted problems, leaving existing challenges unresolved and further exacerbating them. At the same time, some of the activity indicators in the action plan are overly general and do not allow for an assessment of the fulfillment of the commitments made under the plan, which additionally hinders the process of developing a new, effective action plan.⁷¹⁵

The monitoring revealed that the action plan does not adequately address important issues such as the social rehabilitation and economic empowerment of victims. Additionally, the action plan is less focused on raising public awareness of gender equality issues, and in this regard, it only includes one activity.⁷¹⁶ This in a situation where gender stereotypes regarding family life⁷¹⁷ and employment⁷¹⁸ continue to be widespread among the population, which in turn, constitute the root causes of gender-based violence.

Despite the approval of the compensation procedure for victims, the lack of special regulations for compensating in cases of the perpetrator's death or incapacity has emerged as a practical issue. The absence of these procedures, in some cases, makes it impossible for victims to receive compensation from the state. It should be noted that despite the recommendations provided by the Public Defender over the years, no specific changes have been made to this procedure.⁷¹⁹

It is commendable that in 2024, additional shelters and crisis centers for victims of domestic and gender-based violence were opened. However, it should be noted that when determining the location of the

⁷¹⁴ For example, according to the LEPL National Agency for Crime Prevention, Execution of Non-Custodial Sentences, and Probation, since the aforementioned act is not specified as a separate article in the Criminal Code of Georgia, the agency does not maintain relevant statistics. Letter N 2/22835; 18.03.2025

⁷¹⁵ Monitoring Report on the Implementation of the 2022-2024 Action Plan for Combating Violence Against Women and Domestic Violence and Measures to Protect Victims (Survivors).

⁷¹⁶ Activity 1.1.2 - Raising awareness among professional students on issues related to gender-based violence against women and domestic violence.

⁷¹⁷ Every second person (52%) believes that the final say in a family belongs to the man, and the responsibility for child care is primarily the mother's responsibility. The majority of the population (56%) agrees that if the child becomes sick, it is the mother who should take a day off from work to care for the child, not the father. The survey showed some differences between individual attitudes and the societal norms as perceived by the respondents. Study on Attitudes Toward Gender Equality in Georgia. p. 7-8, report available at: <https://shorturl.at/loHTn>; last visited on: 25.03.2025

⁷¹⁸ Despite the fact that the majority of the population in Georgia (83%) agrees with the view that paid work is the best way for women to be independent, nearly every second person (48%) believes that, in the case of limited job opportunities, male employment should be prioritized over female employment. Additionally, the majority of the population (75%) believes that there are professions that women cannot perform. Furthermore, every second person (54%) thinks that women are more suited to work in the service sector. The majority of the population in Georgia agrees with the view that women should work less and devote more time to family care (71%). Study on Attitudes Toward Gender Equality in Georgia. p. 6-7, report available at: <https://shorturl.at/loHTn>; last visited on: 25.03.2025

⁷¹⁹ It is also noteworthy that in 2024, a working group was established, where representatives from various institutions will work on introducing relevant changes to this regulation. The Public Defender hopes that the working group will consider the recommendations provided by the Public Defender.

shelters, the issue of regional coverage was overlooked. Additionally, the newly opened facilities are not adapted for people with disabilities, which creates an additional barrier to their access to services. Furthermore, during the reporting period, the lack of available spaces in the shelters emerged as a problem.⁷²⁰ The timely recruitment of staff for vacant positions in shelters and crisis centers, as well as the proper rehabilitation of individuals benefiting from the shelters remain as systemic problems.⁷²¹

Prevention of Violence Against Women and Domestic Violence

For the first time, the Public Defender's Office of Georgia, with the support of the Council of Europe Office in Georgia, assessed the measures for the prevention of violence against women and domestic violence.⁷²² The monitoring revealed that in the country, campaigns aimed at gender equality and the empowerment of women are almost nonexistent.⁷²³ Furthermore, the majority of state agencies and municipalities mistakenly equate informational meetings with comprehensive campaigns. The meetings they conduct do not have a campaign-oriented nature and are often limited to sessions held within the framework of the 16-day campaign against gender-based violence, which, in turn, does not ensure long-term changes.⁷²⁴

In the prevention of violence against women and domestic violence, an important role is played by the reinforcement of anti-violence behaviors and teaching conflict resolution without violence in interpersonal relationships. Therefore, it is critically important to fully integrate these issues into the education system. Unfortunately, issues related to violence against women and domestic violence are not systematically and structurally integrated into schools, which creates a risk of uneven and selective coverage of the topic across different schools and regions of Georgia.

Additionally, it is worth noting that the professional training of specialists by key institutions responsible for responding to cases of violence against women and domestic violence (such as the judiciary and the Ministry of Health) is carried out on a limited basis. Furthermore, it is noteworthy that the number of professional training programs is small.⁷²⁵ At the same time, due to the limited timeframe for their

⁷²⁰ This issue is pointed out by the agency's staff, who mention that there were periods during the year when all the shelters in the country were full, and beneficiaries had to be refused service.

⁷²¹ 2024 Monitoring Report on Services for Victims of Violence and Trafficking.

⁷²² The Public Defender's Special Report 'Baseline Assessment of Prevention Measures of Violence Against Women and Domestic Violence in Georgia for 2022-2023' – During the monitoring, four key areas of prevention were evaluated: awareness, education, professional training of specialists, and preventive intervention and therapeutic programs.

⁷²³ This issue was discussed within the framework of meetings held on the topic of violence against women and domestic violence.

⁷²⁴ In this regard, the approach of the General Prosecutor's Office and that of the Ministry of Internal Affairs is an exception, as they conduct campaign-oriented activities compared to other institutions.

⁷²⁵ Additionally, the monitoring of the Action Plan on Violence Against Women and Domestic Violence revealed that the activities outlined in the action plan are focused on the number of trainings conducted, while the qualitative component is overlooked. As a result, it is difficult to assess the impact and effectiveness of the trainings conducted.

implementation, the effectiveness of these programs is also called into question. It should also be noted that a particular issue is the absence of long-term evaluation of the training/professional development programs.⁷²⁶ Additionally, professional training is primarily funded fully or partially by international donors. All of this points to the need for the state to implement a more comprehensive and coordinated approach and take on greater responsibility.

During the reporting period, a key issue identified was the inclusion of convicted perpetrators of violence against women and domestic violence in behavior correction programs, as well as the geographical coverage of these programs. It is critically important to implement effective mechanisms to encourage increased participation. A challenge also arises from the lack of programs for individuals convicted of sexual crimes. Furthermore, no program has been developed for perpetrators who have been issued a protective order.

15.6. Early/Child Marriage

Unfortunately, the elimination of the harmful practice of child marriage remains one of the major challenges. Due to insufficient legislative regulation, cases of child engagement initiated by parents remain outside the scope of statistics and appropriate response, which violates a range of fundamental rights of the child.⁷²⁷

It is commendable that this year there has been a reduction in the number of pregnancies and births among minors,⁷²⁸ although the rate remains high. According to the information provided by the LEPL National Health Agency, in 2024, 427 minors were registered as pregnant,⁷²⁹ while 365 minors became parents⁷³⁰.

According to the cases of child marriage/engagement reviewed by the Public Defender's Office of Georgia, problems continue to arise in the coordinated work between the Ministry of Internal Affairs, educational institutions, and the Care Agency, as well as in the effective use of existing protection and assistance mechanisms.⁷³¹ Despite the fact that only the Agency has an approved practical guidelines

⁷²⁶ In certain institutions, the conducted trainings are evaluated (for example, through pre/post tests). However, this is not systemic and is not properly integrated within the institution.

⁷²⁷ In the Public Defender of Georgia's 2023 Parliamentary Report (p. 206), a recommendation was made to "Amend the Criminal Code of Georgia to criminalize the engagement of minors". However, this recommendation was not reflected in the Resolution of the Parliament of Georgia on the "Public Defender's Report on the State of Human Rights and Freedoms in Georgia in 2023". We hope that discussions on this issue will begin in 2025, and relevant authorities will take effective steps to establish mechanisms against child engagement.

⁷²⁸ The number of pregnancies and births among minors is 37% lower compared to the previous year's figures.

⁷²⁹ For comparison, in 2023, 679 minors were registered as pregnant, and 409 minors became parents. Letter of the National Health Agency №HA 7 25 00085299 - 28/01/2025.

⁷³⁰ Among them, 347 were minor mothers, 7 were minor mothers and fathers, and 11 were minor fathers. Letter of the State Services Development Agency N 51999, 11.03.2025

⁷³¹ Among the cases studied by the Public Defender, case No. 2964/24 is noteworthy, where, despite the fact that the Ministry of Internal Affairs of Georgia was investigating the fact of sexual penetration of a girl under the age of 16, it was not possible to prevent the repetition of the same crime, which resulted in the pregnancy of the underage girl. Also, case №498/მ25, where the state failed to provide proper support to a minor girl, resulting in the minor girl marrying a second time while still a child.

titled 'Management of Child and Early Marriage Cases for Social Workers,' among the individual cases reviewed, ineffective responses from social workers continue to emerge, which are, in part, caused by preconceived attitudes and stereotypical views towards ethnic minorities.⁷³² Additionally, a problem arises with the initiation of administrative proceedings in cases of alleged child marriage.⁷³³

The Ministry of Internal Affairs of Georgia has initiated investigations into 184 alleged crimes committed on the grounds of marriage with a minor, and 74 restraining orders have been issued.⁷³⁴ According to the Prosecutor's Office, 50 children were recognized as victims in crimes committed on the grounds of marriage with a minor, and criminal proceedings were initiated against 45 individuals.⁷³⁵

It is noteworthy that in 2024, 43 students (38 girls and 5 boys) lost or had their student status suspended due to marriage.⁷³⁶ However, the statistical data may not reflect the true picture, as the reasons for dropping out are incorrectly indicated. Particularly problematic is the suspension of student status based on a 'parental statement,' which, in some cases, is motivated by child marriage.⁷³⁷

Proposals

To the Parliament of Georgia:

- To take into account the OSCE/ODIHR recommendations regarding the reintroduction of a mandatory gender quota mechanism, including the mechanism for financial incentives for political parties in line with Georgia's international obligations and to adequately ensure women's political participation;
- To adopt a legislative package to align sexual violence legislation with the Istanbul Convention;
- To amend the criminal legislation to allow, where there is a relevant legal basis, for the remote questioning of the victim or the temporary removal of the defendant from the courtroom.

Recommendations

To the Administration of the Government of Georgia:

- To develop a unified communication strategy to prevent child marriage and its associated crimes;

⁷³² For example, in one of the cases of child marriage - №25-182, the social worker's report included several stereotypical phrases and references regarding child marriage: *"The girl appeared confident and bold in the family where she is currently staying"; "Although the girl's and her husband's parents do not support early marriage, they are understanding of their children's decision"; "Family members take care of her"; "In the context of managing the case of early marriage, I did not identify any grounds for suspicion of her rights being violated, which would have justified further intervention".*

⁷³³ Cases: №2314/м2024; №25-182.

⁷³⁴ Letter of the Ministry of Internal Affairs of Georgia MIA 8 25 00356453 - 07/02/2025.

⁷³⁵ Letter of the General Prosecutor's Office of Georgia №13/6551 - 06/02/2025.

⁷³⁶ Letter of the Ministry of Education, Science and Youth - MES 5 25 0000216680, 28.02.2025. It is noteworthy that in 2023, 38 minors dropped out of school due to marriage.

⁷³⁷ This issue has also been addressed in the Public Defender's parliamentary reports of previous years. Additionally, during the current reporting year, in one of the cases of child marriage — №2964/24— the school informed us that the minor's student status was terminated on the basis of a "parental statement", and as a result, the student was no longer enrolled. It is important to note that the minor was in a de facto marriage.

- To implement changes to the procedure for determining and issuing compensation for victims of violence against women and/or domestic violence, in order to eliminate existing practical shortcomings;
- To enhance the National Referral Mechanism for violence against women and domestic violence through the coordinated involvement of responsible agencies in the development and implementation of relevant tools, so that it becomes a practical, effective, and actionable instrument;
- To ensure the inclusiveness of the process for developing national action plans on gender equality by engaging all relevant stakeholders and allocating adequate time and resources to them;
- To ensure that the future action plan on violence against women and domestic violence includes a large-scale public awareness campaign aimed at increasing knowledge about gender-based violence and reducing stereotypes;
- Coordinate the development and revision of Standard Operating Procedures (SOPs) among relevant agencies for the identification, protection, assistance, and rehabilitation of victims of violence against women and/or domestic violence.

To the Minister of Justice of Georgia:

- To take effective steps to improve behavior correction programs for perpetrators and increase the participation of convicted offenders, including through the introduction of an effective incentive system;
- To develop behavior correction programs for perpetrators who are subject to protective orders;
- To ensure that abortion services are provided free of charge to women in penitentiary institutions, just like other gynecological/reproductive health services.

To the Minister of Internal Affairs of Georgia:

- To ensure the development of unified operational procedures (guidelines) for cases of child marriage, to be approved by an order of the Minister of Internal Affairs;
- To conduct awareness-raising trainings for police officers on the procedures and importance of completing the risk assessment form in cases of violence against women and domestic violence, as well as to ensure comprehensive investigation of such cases.

To the Minister of Education, Science and Youth of Georgia:

- To approve, by ministerial order, unified Standard Operating Procedures (SOPs) for school administration representatives regarding the identification, effective response, and referral of child marriage cases.

To the Ministry of Foreign Affairs of Georgia and the Office of the State Minister of Georgia for Reconciliation and Civic Equality:

- To maintain statistics on the resolution of issues raised by women in peace processes.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia:

- To expand the geographical coverage of information campaigns on social and health protection services and resources for displaced and conflict-affected women and youth;
- To establish and expand reproductive and psychological support programs in villages along the occupation line;
- To conduct an intensive awareness campaign on the importance of HPV vaccination, including for healthcare professionals.

To the Minister of Economy and Sustainable Development:

- To increase the number of informational meetings and training sessions on entrepreneurship for rural women, both aspiring and experienced entrepreneurs, including through expanded geographical coverage.

To the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking:

- To ensure the regular training of social workers on child marriage and the measures they are required to implement.

16. The Right to Protection of Cultural Heritage

The Constitution of Georgia recognizes the protection of cultural heritage as a fundamental human right and part of the principle of a social state.⁷³⁸

The Culture Strategy 2025, approved by Decree No. 303 of the Government of Georgia of July 1, 2016, is a state policy document determining various specific tasks related to the protection of cultural heritage. The document designates the Ministry of Culture and Sports of Georgia (currently, the Ministry of Culture of Georgia)⁷³⁹ as the agency responsible for coordinating, monitoring, and evaluating the implementation of the mentioned tasks.⁷⁴⁰

According to the Ministry of Culture of Georgia, the monitoring of the Culture Strategy 2025 and the assessment of its implementation cannot be carried out in accordance with the Rules for Developing, Monitoring and Evaluating Policy Documents,⁷⁴¹ since the Culture Strategy 2025 was approved in 2016, it does not include baseline or target indicators for the implementation of goals/tasks.⁷⁴²

According to the Culture Strategy, the document is valid for ten years and is subject to annual review and update, if necessary, to achieve the set goals; a one-year action plan shall be developed annually, which shall be evaluated at the end of each year, and activities shall be updated in the action plan for the following year. According to the same document, in order to assess the results achieved in the intermediate (by 2020) and final phases (by 2025) of the strategy implementation process, interim and final reports on the implementation of the strategy shall be prepared.⁷⁴³

According to the Public Defender, since the Culture Strategy is a valuable document determining state policy in this area, the development of which was preceded by long and comprehensive work,⁷⁴⁴ it is

⁷³⁸ Constitution of Georgia, Art. 20, para. 4; Art. 5, para. 6.

⁷³⁹ Culture Strategy 2025 approved by Decree No. 303 of the Government of Georgia of July 1, 2016, Appendix 1, pp. 28-32. The tasks include, for example: improving the system of classification and categorization of cultural heritage and consideration of the relevant definitions of international standards; digitizing cultural heritage, creating/developing catalogs; establishing an examination, restoration and conservation laboratory equipped with the latest achievements of modern technology; physical protection (restoration, conservation, rehabilitation) of tangible cultural heritage based on international standards and relevant research; by developing and disseminating unified instructions, guides and programmes for public awareness of the work to be carried out on cultural heritage monuments and their maintenance, etc.

⁷⁴⁰ Ibid. p. 40.

⁷⁴¹ Decree No. 629 of the Government of Georgia of December 20, 2019, on the Approval of the Rules for Developing, Monitoring and Evaluating Policy Documents.

⁷⁴² Letter No. 00019709 of the Ministry of Culture and Sports of Georgia to the Human Rights and Civil Integration Committee of the Parliament of Georgia, 06/06/2024; Letter No. 00004658 of the Ministry of Culture of Georgia to the Public Defender's Office of Georgia, 5/02/2025; According to the Ministry, the priorities and objectives of the Culture Strategy are integrated into the Ministry's budget programmes every year, and sectoral policy is implemented on the principle of programme financing, which integrates the priorities and objectives defined in the Culture Strategy 2025. The state strategy in the field of culture is reflected in the government document approved in 2021 - Vision 2030 - Georgia's Development Strategy.

⁷⁴³ Ibid.

⁷⁴⁴ Among other things, in 2015, Georgia's Culture Strategy Guide was developed and presented to the public, and a structural unit responsible for developing the strategy and monitoring its implementation was set up in the Ministry. In

important to update the Culture Strategy 2025 document in a way that would enable its full implementation and appropriate monitoring.

It is noteworthy that the Public Defender has been referring for years to the need to develop and adopt appropriate legislative regulations in the field of cultural heritage protection.⁷⁴⁵ Considering the international agreements, the Culture Strategy 2025 also indicates the need to develop a code of cultural heritage in order to harmonize existing legislation in the field of cultural heritage and adequately reflect all relevant topics.⁷⁴⁶ Like previous years, the draft of the aforementioned code was not submitted to the Parliament of Georgia in the reporting year either. According to the Ministry of Culture of Georgia, the agency is working on draft laws in various directions in the field of culture.⁷⁴⁷

In addition, the official website of the Ministry has not been created for many years. The Public Defender once again draws special attention to the need to create an official website and make all necessary information/documentation available in order to ensure access to information and transparency of cultural heritage management.⁷⁴⁸ Based on the same goals, the website of the National Agency for Cultural Heritage Preservation of Georgia also needs to be updated.⁷⁴⁹ Publishing information only on social networks cannot be considered a sufficient or appropriate effort. Information posted in this form is not complete, systematized or easy to find.

In recent years, the events related to the Gelati monastery complex, a world cultural heritage site, have been of great public interest. Since 2023, the works carried out at the Gelati monastery have been supervised by the Patriarchate of Georgia. According to the information available to the Public Defender's Office, in 2024-2025, the Ministry issued permits for works on the monument, including research works, as well as for the import and export of cultural values.⁷⁵⁰ Recent decisions⁷⁵¹ show that several permits were issued for the installation of a temporary metal structure for the dome of the Gelati Cathedral of the Mother of God and for conservation works on the roof.⁷⁵² The permit holder (Gelati Temporary Rehabilitation Committee) has obligations to provide interim reports on the works. The Public Defender's

order to ensure transparency, inclusiveness, and coordination of the process, the Culture Strategy Coordination Group, an interdepartmental commission, and a working group were formed, and other measures were also taken. Culture Strategy 2025, approved by Decree No. 303 of the Government of Georgia of July 1, 2016, Appendix 1, from p. 48.

⁷⁴⁵ For more information, see the Parliamentary Reports of the Public Defender of Georgia, 2020, 259; 2021, 194.

⁷⁴⁶ Decree No. 303 of the Government of Georgia of July 1, 2016 on the Approval of Culture Strategy 2025, Appendix 1, p. 28.

⁷⁴⁷ Letter No. 00004658 of the Ministry of Culture of Georgia, 5/02/2025.

⁷⁴⁸ The website is still under construction: <http://culture.gov.ge/> [11.03.2025].

⁷⁴⁹ See the link: <https://www.heritagesites.ge/ka/files/65> [11.03.2025]. The website does not even contain basic information about the structure of the administrative body or data on their heads; after 2016-2017, no reports of the agency have been available, etc. See the Parliamentary Report of the Public Defender of Georgia, 2023, pp. 165-166.

⁷⁵⁰ Materials provided by the Ministry of Culture of Georgia by letter No. 00010051 of 07/03/2025.

⁷⁵¹ Permits issued on January 23, February 3, and February 17, 2025.

⁷⁵² Opening of the section of the blocked window on the western side of the dome of the temple and the removal of the remaining painting and plaster on the same section for the installation of the temporary metal roof support structure of the dome; for the temporary metal roof support structure of the dome, outside the dome, works for the installation of a circular metal spatial support platform; installation of temporary auxiliary scaffolding required for the conservation works on the roof.

Office of Georgia will continue to monitor the Ministry's decisions and implementation of reporting obligations regarding the Gelati monastery complex.

Recommendations

To the Government of Georgia and the Ministry of Culture of Georgia:

- Update the Culture Strategy 2025 approved by Decree No. 303 of the Government of Georgia of July 1, 2016, in accordance with the Rules for Developing, Monitoring, and Evaluating Policy Documents approved by Decree No. 629 of the Government of Georgia of December 20, 2019.

To the Ministry of Culture of Georgia and the National Agency for Cultural Heritage Preservation of Georgia:

- Ensure a transparent process for the development of the draft cultural heritage code and its submission to the Parliament of Georgia;
- Ensure the creation/updating of official websites of administrative bodies and access to documents and information related to the work of agencies on online platforms.

17. The Right to Environmental Protection

The Public Defender of Georgia actively supervises the realization of the constitutionally recognized right to environmental protection.

As in previous years, the scope of environmental issues is expanding. The Office reflects the challenges identified in the context of the right, as well as systemic analysis, in special and parliamentary reports. It is also worth noting that among environmental issues, the Office has been supervising the measures taken by the State regarding atmospheric air pollution for years, and the progress achieved is truly welcome, but it is important for the State to actively continue to take measures in this direction so that the right to clean air is realized across the country.

17.1. Right to water

In the reporting year, the Public Defender's Office prioritized its efforts relating to the right to water. The Office, on the basis of human rights-based approaches and international standards, developed a special methodology, based on which monitoring was carried out in a number of municipalities of Georgia, and a special report was prepared.⁷⁵³ The report reflects international standards relating to the right to water, state obligations, substantive aspects and principles of the right, national regulations, as well as challenges in a number of municipalities of Georgia.

The right to water is referred to in General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights (CESCR).⁷⁵⁴ We also find references to the human right to water in various international resolutions and reports.⁷⁵⁵ In 2010, for the first time, the UN General Assembly, by a resolution,⁷⁵⁶ recognized the human right to safe water and sanitation as an essential right for the full enjoyment of life and the realization of human rights. Later, the UN Human Rights Council⁷⁵⁷ also reaffirmed this recognition by a resolution, clarifying that the right to water was derived from the right to an adequate standard of living.

Water is used for a wide range of purposes, but the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses. According

⁷⁵³ Public Defender's Special Report on Realization of the Right to Water in Georgia, 2025.

⁷⁵⁴ According to the Committee, the right to water is implicitly reflected in two articles of the Covenant on Economic, Social and Cultural Rights, the right to an adequate standard of living (Article 11) and the right to health (Article 12), General Comment No. 15, E/C.12/2002/11, see the link: https://www2.ohchr.org/english/issues/water/docs/cescr_gc_15.pdf

⁷⁵⁵ UN, Economic and Social Council, Realization of the right to drinking water and sanitation, Report of the Special Rapporteur, El Hadji Guissé, Draft guidelines, E/CN.4/Sub.2/2005/25, 2005. See the link: https://www.ohchr.org/sites/default/files/Documents/Issues/Water/SUB_Com_Guisse_guidelines.pdf.

[UN High Commissioner for Human Rights](https://www.unhcr.org/refugees/2007/11/43962000.html), Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, 2007, see the link: <https://digitallibrary.un.org/record/606139/?v=pdf>.

⁷⁵⁶ UN, General Assembly, The human right to water and sanitation, Resolution, A/RES/64/292, 2010, see the link: <https://documents.un.org/doc/undoc/gen/n09/479/35/pdf/n0947935.pdf>.

⁷⁵⁷ UN, General Assembly, Human rights and access to safe drinking water and sanitation, Resolution, A/HRC/RES/15/9, 2010, see the link: <https://documents.un.org/doc/undoc/gen/g10/166/33/pdf/g1016633.pdf>.

to the UN Committee, personal and domestic use includes water for drinking, personal sanitation, washing of clothes, food preparation, and personal and household hygiene.⁷⁵⁸

The right to water obliges States to progressively, as quickly and effectively as possible, and fully realize the right to water, using the maximum available resources. States have special obligations regarding the right to water, which include: respect, protect and fulfil.⁷⁵⁹

In addition, according to international standards, the main principles of full protection of the right to water include: non-discrimination and equality, access to information, participation, and state accountability.

The Public Defender's special report reviews in detail both the components of the right to water and the above-mentioned standards, as well as the relevant human rights principles for the realization of this right, and domestic national regulations related to the realization of the right to water.

For example, based on the analysis of the national legislative framework of Georgia, the Public Defender considers that national legislation mainly addresses drinking water issues in the context of public health and not from a multifaceted rights perspective. Although public health issues are one of the most important components of the right to water, as evidenced by international approaches, water is related not only to this area. Water affects the socio-economic aspects of human life, while access to water is the basis for the realization of many rights, including an adequate standard of living, dignity, food, etc. According to the Public Defender, the current regulations do not reflect such a systemic and multifaceted rights-based approach.

In order to study the situation on the ground, representatives of the Public Defender of Georgia conducted monitoring in several regions⁷⁶⁰/villages⁷⁶¹ of Georgia, namely, in 35 villages of 15 municipalities of 5 regions. Among them were villages inhabited by ethnic minorities, as well as villages located along the occupation line.

Despite the more or less different pictures across municipalities and villages, many problems turned out to be common. The water supply systems vary. For example, some villages have water supplied to their

⁷⁵⁸ UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, 2002E/C.12/2002/11, para. 12a.

⁷⁵⁹ For more on the general and special obligations of the State, see the UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, 2002E/C.12/2002/11, chap. 3.

⁷⁶⁰ Mtskheta-Mtianeti, Shida Kartli, Kvemo Kartli, Samtskhe-Javakheti and Kakheti.

⁷⁶¹ Villages of Mtskheta municipality: Misaktsieli, Navazi and Agdgomelaantkari; villages of Dusheti municipality: Ebnisi, Mchadijvari, Mikeliani and Tsikhisubani; villages of Gori municipality: Akhalubani and Adzvi; villages of Ghogeti (located near the occupation line) and Tamarasheni (located near the occupation line) of Kareli municipality; village Chorchana of Khashuri municipality (located near the occupation line); IDP settlement in the village of Koda and village Jorjiashvili of Tetrtskaro municipality; village Jandari and village Zvareti of Marneuli municipality; village Patara Arakali of Ninotsminda municipality; villages of Akhalkalaki municipality: Sulda and Okami; villages of Akhaltsikhe municipality: Mugareti, Boga and Julgha; villages of Borjomi municipality: Larebi, Tsaghveri and Kvibisi; Villages of Gurjaani municipality: Kachreti, Darchieti, Jimiti and Naniani; villages of Dedoplistskaro municipality: Zemo Kedi and Kvemo Kedi; villages of Sagarejo municipality: Keshalo and Kazlari; village of Vaziani and village of Akhali Kumisi of Gardabani municipality.

homes⁷⁶² (which does not necessarily mean a centrally regulated water supply; in some villages, residents carry out the work of connecting to the network by themselves), while others have to rely solely on district springs/taps/wells.⁷⁶³ Only a small number of municipalities/villages⁷⁶⁴ are supplied with water by a licensed company, and in the majority of villages where the Office conducted inspections, the population is supplied by an unlicensed supplier. It should be noted that supplying water to the population in their homes is not a guarantee of the full realization of the right to water, and a number of challenges have been identified in this regard as well. Particularly noteworthy are villages where, although the water supply network has been built, population has not been supplied with water for months or has not been supplied at all.⁷⁶⁵

On-site visits revealed problems with almost all criteria of the right to water. Among them, the most acute are: insufficient water; access to different amounts of water, both in different and same settlements; long distance between a residential building and a municipal spring/tap/well; poor road infrastructure for accessing water; non-consideration of the interests of vulnerable groups; alternative supply at one's own expense and effort; unacceptable colour/taste/smell of water.

Along with the water quality issue, the lack of information was revealed in other directions as well, for example, unlike Tbilisi, the population is not informed in advance about the expected interruption of water supply,⁷⁶⁶ and information about the duration or estimated time of restoration works is provided orally. In addition, the principle of public participation in the decision-making process is practically ignored. As a rule, citizens have no information about this right.

A comprehensive analysis of the challenges reveals that there is an unequal rights situation not only between the citizens living in rural and urban areas, but also between villages, and in some cases, even between residents of one and the same village, which is caused by various factors. For example, terrain, geographical location of citizens' houses, socio-economic status, and the resulting different individual opportunities.

⁷⁶² Villages of Mtskheta municipality: Misaktsieli, Navazi, Agdgomelaantkari; villages of Gori municipality: Akhalubani and Adzvi; village of Ghogeti, Kareli municipality; village of Kazlari, Sagarejo municipality (populated by ethnic minorities); villages of Gurjaani municipality: Kachreti, Jimiti and Naniani; villages of Dedoplistskaro municipality: Zemo Kedi and Kvemo Kedi; village of Patara Arakali, Ninotsminda municipality; villages of Akhalkalaki municipality: Sulda and Okami; villages of Akhaltsikhe municipality: Mugareti, Boga and Julgha; villages of Borjomi municipality: Tsaghveri, Larebi and Kvibisi; IDP settlement in the village of Koda and the village of Jorjiashvili, Tetrtskaro municipality; Jandari settlement, Marneuli; villages of Dusheti municipality: Ebnisi and Mchadijvari; Vaziani settlement of Gardabani municipality.

⁷⁶³ Village Chorchana of Khashuri municipality (located near the occupation line); village Tamarasheni of Kareli municipality (located near the occupation line); village Keshalo of Sagarejo municipality (populated by ethnic minorities); village Zvareti of Bolnisi Municipality; villages of Dusheti Municipality: Mikeliani and Tsikhisubani.

⁷⁶⁴ Villages of Dedoplistskaro municipality: Zemo Kedi and Kvemo Kedi; village Okami of Akhalkalaki municipality.

⁷⁶⁵ For example, the village of Kazlari in Sagarejo municipality and the village of Ebnisi in Dusheti municipality.

⁷⁶⁶ For example, the villages of Zemo Kedi and Kvemo Kedi in Dedoplistskaro municipality are exceptions.

17.2. Disaster risks and challenges

The 2023 Shovi tragedy highlighted challenges relating to disaster management from a human rights perspective, including in terms of state policy planning.

Georgia has been a signatory to the Paris Agreement since 2015. The country has developed a significant vision in the form of the Nationally Determined Contributions (NDC)⁷⁶⁷ document, which formed the basis for the Climate Strategy and Action Plan (CSAP).⁷⁶⁸ These documents are aimed at mitigating climate change. However, Georgia does not yet have a national climate adaptation plan, which should determine how to overcome the challenges caused by climate change by planning appropriate adaptation measures. The importance of developing a national adaptation plan was once again emphasized at the 2024 Conference (COP29) of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in Baku.⁷⁶⁹ The European Parliament also pointed out the importance of developing, implementing and regularly updating national adaptation plans in a resolution adopted based on COP29, calling on the states that have not yet developed national adaptation plans to develop them by 2025 and to make progress by 2030.⁷⁷⁰

In addition to the Paris Agreement, Georgia has also been a signatory to the Sendai Framework for Disaster Risk Reduction since 2015. The development of a national disaster risk reduction strategy/action plan is part of the country's climate change adaptation policy.

Unfortunately, the Georgian National Disaster Risk Reduction Strategy and Action Plan, which were approved for 2017-2020,⁷⁷¹ was not updated in 2024 either. The need to develop the named policy documents stems from the Law of Georgia on the Rules for Planning and Coordinating National Security Policy⁷⁷² and is important as the relevant strategy/action plan aims to identify problems in the direction of disaster risks and to find ways for their solution.

Similar to previous year, according to the information provided by the Administration of the Government of Georgia,⁷⁷³ the process of updating the Threat Assessment Document of Georgia⁷⁷⁴ is still in the final

⁷⁶⁷ See the link: <<https://matsne.gov.ge/ka/document/view/5147380?publication=0>>.

⁷⁶⁸ See the link: <<https://mepa.gov.ge/en/PublicInformation/32027>>.

⁷⁶⁹ See the link: <<https://unfccc.int/news/national-adaptation-plans-key-to-unleashing-the-transformative-power-of-resilience-and-protecting>>; COP is the main decision-making body of UNFCCC.

⁷⁷⁰ European Parliament Resolution of 14 November 2024 on the UN Climate Change Conference 2024 in Baku, Azerbaijan (COP29) (2024/2718(RSP)), p. 31, see the link: <https://www.europarl.europa.eu/doceo/document/TA-10-2024-0035_EN.html>.

⁷⁷¹ Government's Decree No. 4 of 11 January, 2017.

⁷⁷² Law of Georgia on the Rules for Planning and Coordinating National Security Policy, Art. 15, part 4. .

⁷⁷³ Letter GOV 1 25 00004004 of the Administration of the Government of Georgia, 17/02/2025; Letter No. 344 of the Office of the National Security Council, 17/02/2025.

⁷⁷⁴ Based on the updated register of threats, a national disaster risk reduction strategy of Georgia and an action plan should be prepared.

phase. The development of the National Disaster Risk Reduction Strategy and Action Plan of Georgia is also related to the update of this document.⁷⁷⁵

Exploring disaster risks in the country and planning response measures is of paramount importance from a human rights perspective, especially since the consequences of the global climate crisis are relevant for Georgia as well and affect a number of aspects of fundamental rights.

Due to the increase in the frequency and intensity of glacial and geodynamic cascade events caused by climate change, and in order to prevent/mitigate possible risks, it is important to conduct a detailed study of glacial valleys, which is one of the challenges of Georgia. The country has not studied glacial valleys. This process began only in 2024. A Swiss company⁷⁷⁶ conducted a study across the country, based on satellite data, to identify unstable slopes in glacial valleys. As far as we are informed, at the next stage of the study, it is planned to conduct a detailed study of risk areas and develop appropriate preventive measures.⁷⁷⁷

One of the necessary tasks of adaptation to climate change is the creation of an early warning system, which is also an important part of natural hazard management.⁷⁷⁸ In the reporting year, an additional 73 units of ground-based standard automatic hydrometeorological station-watchdogs were installed in the country.⁷⁷⁹ As the Public Defender has been informed, work is underway with international assistance to improve data collection, weather forecasting, and early warning systems. In addition, within the framework of an international project, it is planned to introduce an ultra-short-term weather forecasting system, which will facilitate the high-probability forecasting of natural disasters several hours in advance and the spread of early warnings.⁷⁸⁰ Making accurate and point forecasts is essential for an early warning system.⁷⁸¹

In the opinion of the Public Defender, planning/implementing measures based on identification, assessment, and study of existing risks requires continuous and effective efforts on the part of the State, in order to prevent both human casualties and economic losses as much as possible. The process of studying glacial valleys in detail and planning further steps, as well as the introduction and development of an early warning system, should proceed smoothly and as a priority, with maximum mobilization of appropriate institutional and financial capabilities.

⁷⁷⁵ Letter No. 7 24 00003615 of the Administration of the Government of Georgia, 12/02/2024.

⁷⁷⁶ Company GEOTEST AG, LEPL National Environmental Agency, 13.02.2025, letter No. 21/1118.

⁷⁷⁷ Ibid.

⁷⁷⁸ 4th National Environmental Action Programme of Georgia (2022-2026), approved by Decree No. 1629 of the Government of Georgia of September 7, 2022, p. 105.

⁷⁷⁹ From 06/09/2023 to the end of 2024, letter No. 21/1118 of LEPL National Environmental Agency, 13.02.2025,.

⁷⁸⁰ LEPL National Environmental Agency participates in MedEWSa – “Mediterranean and pan-European forecast and early warning systems against natural hazards” – the winning project of the European Union's research and innovation programme Horizon 2020, which aims to improve early warning systems for natural disasters for the Mediterranean region, including Georgia, letter No. 21/1118 from the National Environmental Agency, 13.02.2025,.

⁷⁸¹ 4th National Environmental Action Programme of Georgia, approved by Decree No. 1629 of the Government of Georgia of September 7, 2022, p. 113.

17.3. Public participation in environmental decision-making

Challenges relating to public awareness and participation in decision-making processes related to environmental issues have repeatedly become the subject of the Public Defender's assessment.

In the reporting period, one of the pressing issues was the Baldi Canyon case.⁷⁸² The decisions⁷⁸³ made in the past years regarding the canyon were followed by long and continuous protests⁷⁸⁴ among local residents and activists. The protests continue to this day. It is worth noting that in early 2025, the director of the investor company was found guilty by the court of a violent crime against one of the protesters,⁷⁸⁵ and another case of a violent crime against another participant is under consideration.⁷⁸⁶ The civil movement "For the Preservation of the Baldi Canyon" also points out the problem of physical and verbal abuse and harassment of protesters by company representatives. In addition to the criminal nature of specific actions, such incidents harm the entire process and further aggravate the crisis situation.

One of the main concerns of citizens participating in the protests is that they were neither informed about the planned decisions, nor were they given an opportunity to participate in the processes. In addition, they question the impact of the planned activities on the canyon's ecosystem and biodiversity.

The Baldi Canyon is a natural monument, therefore, it belongs to the category of protected areas.⁷⁸⁷ Based on the importance of a natural monument and its unique value, legislation stipulates that population and public associations have the right to participate in the decision-making process relating to further development, maintenance and management of such a monument, in this case the Baldi Canyon, as a protected category, or in other types of decisions.⁷⁸⁸ Legislation also refers to the activities prohibited in such protected areas and explains that an activity⁷⁸⁹ in protected areas shall be determined according to the categories of protected areas, in accordance with international agreements and conventions.

According to the position provided to the Public Defender's Office by the LEPL Agency of Protected Areas, the Baldi Canyon is a natural monument and the legal acts on the basis of which the territory of a natural monument is transferred for use do not provide for the need to communicate with population, since the

⁷⁸² Civil movement "For the preservation of the Baldi Canyon", application No. 1840/2024.

⁷⁸³ In 2022, an agreement was signed between the Agency of Protected Areas and Canyon 350 LLC on the transfer of tourist services, and the company was leased property related to tourist services - land plots on the territory of the Baldi Canyon natural monument - for a period of 40 years. And by order No. B58.58230604 of the Martvili City Hall of March 1, 2023, a permit was issued for the construction of rides, a swing and a pedestrian path, and a roller coaster in this territory.

⁷⁸⁴ See the link: <<https://shorturl.at/Umu47>>; <<https://shorturl.at/nKRaB>>.

⁷⁸⁵ See the link: <<https://www.radiotavisupleba.ge/a/33337086.html>>.

⁷⁸⁶ Ibid.

⁷⁸⁷ Law of Georgia on the System of Protected Areas, Art. 3, para. 1.: The categories of protected areas are: a state reserve, a national park, a natural monument, a managed reserve, a protected landscape and a multipurpose use area.

⁷⁸⁸ Ibid., Art. 22, representatives of population and public associations shall have the right to participate in: a) the process of considering and amending decisions on the creation, development, reduction and abolishment of protected areas, and the management plans and statutes of administrations, and other documents; b) the maintenance and management of protected areas and buffer zones.

⁷⁸⁹ Law of Georgia on the System of Protected Areas, Art. 20, para. 4.

mentioned measure does not restrict the local population from using the natural resources of vital importance for them.

The Public Defender believes that the relevant agencies should make maximum efforts to ensure citizens' participation when making decisions related to protected areas, since such monuments are of public value and decisions made on their development concern the broad public interest. As already noted, the law also indicates the right of public participation. Especially when it is expected that differences of opinion and questions may arise in society regarding the validity, feasibility and impact aspects of the decision, efforts are necessary for achieving a common public agreement when making decisions related to the further development of protected areas (natural monuments), as well as changing local cultural or traditional habits⁷⁹⁰ regarding the use of such areas.

In addition, it is worth noting that the Law of Georgia on the System of Protected Areas⁷⁹¹ prohibits the disturbance and modification of natural ecosystems; destruction (extermination), extraction (capture), ripping, damage (mutilation), and disturbance of any natural resources for exploitation or any other purposes. According to the Agency of Protected Areas, hydrological and geological studies had been conducted on the Baldi Canyon before the architectural project was prepared. The question of whether the planned works are consistent with the natural ecosystem of the canyon and whether they will lead to its destruction or other prohibited impacts is unclear. It is impossible to establish this without relevant studies and assessment documents.

It is noteworthy that the decision to conduct an impact assessment on biodiversity was made only after the long-term protests of citizens.⁷⁹² However, as the Ministry of Environment and Agriculture of Georgia informed the Office, the temporary commission established to assess the impact of the ongoing infrastructure on the biodiversity of the Baldi Canyon natural monument was unable to make such an assessment.⁷⁹³ According to the ministry, the commission established by the order of the minister once visited⁷⁹⁴ the village of Baldi, but due to the opposition of a certain group of locals, they were unable to enter the protected area and assess the impact on biodiversity. Therefore, such an assessment does not exist to date, and based on the Ministry's response, no additional efforts have been made in this direction.

17.4. Access to environmental information

This year, the Public Defender's Office provided detailed information to the Ministry of Environmental Protection and Agriculture of Georgia on the challenges identified within the framework of its mandate in 2021-2024 in relation to the implementation of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, for the purpose of their consideration in the 7th national report.

⁷⁹⁰ Citizens indicate that the Baldi Canyon is part of the immediate living environment of the village, it determines the cultural identity, lifestyle and economic activity of the local population.

⁷⁹¹ Law of Georgia on the System of Protected Areas, Art. 20, para. 4.

⁷⁹² See the link: <<https://mepa.gov.ge/Ge/News/Details/21597>>.

⁷⁹³ The Ministry of Environmental Protection and Agriculture of Georgia, Letter No.1865/01, 17.03.2025.

⁷⁹⁴ Ibid, the commission visited the village of Balda on February 27, 2024.

The Public Defender indicated in the 2023 parliamentary report that in order to ensure openness and accessibility of information on the state of the environment, it was important to publicly, annually, and electronically publish documents prepared by the National Environmental Agency on natural geological processes. It is welcome that the agency agreed with the Public Defender's position and posted all bulletins prepared since 2014 on the website.⁷⁹⁵ The Public Defender hopes that such practices will continue smoothly in the future.

17.5. Impact of infrastructure projects

The Public Defender has repeatedly pointed out the need to take into account the rights and legitimate interests of citizens when planning and implementing infrastructure projects. Among them, the 2023 parliamentary report discusses the challenges identified during the construction of roads within the framework of the cases studied by the Office (for example, the inconsistent practice of applying to the National Forensics Bureau for the assessment of the impact on citizens' property rights, ineffective communication between the Roads Department and the Levan Samkharauli National Forensics Bureau), which have a decisive impact on the process of restoring rights and planning further measures to satisfy citizens' interests.⁷⁹⁶

One of the cases⁷⁹⁷ studied in the reporting year once again pointed to the problems existing in the process of decision-making relating to the impact on property and redress. In the case under consideration, the citizen's property did not fall under redress on the grounds that the residential house was not located above the tunnel to be built according to the project. In the same case, there was a discrepancy between the conclusion prepared by the National Forensics Bureau and the data provided by an engineer of the Roads Department regarding the distance between the property and the tunnel. According to the Roads Department, despite the small error, the above could not be considered a prerequisite for the redress of the residential house.

Years of practice have shown that the implementation of road projects often intersects with the interests of citizens, and a full study of individual cases is of crucial importance. Therefore, according to the Public Defender, common rules should be developed relating to the relevant criteria and procedures that the Roads Department will follow when studying the impact on property within the framework of infrastructure projects and deciding on the issue of redress. This is important, on the one hand, to make uniform decisions, to avoid that the interests of citizens are disregarded in individual cases as much as possible, and, on the other hand, to ensure predictable and clear criteria/procedures for citizens.

⁷⁹⁵ See the link: <<https://nea.gov.ge/c/Departments/Geology>>.

⁷⁹⁶ For more information, see the Parliamentary Report of the Public Defender of Georgia, 2023, <<https://ombudsman.ge/res/docs/2024052911382931838.pdf>>, pp. 176-177.

⁷⁹⁷ Application No. 7375/23 of citizen Sh.M., regarding the construction project of the Shorapani-Argveta section of the international highway. The applicant's property did not fall under redress, since the residential building was not located directly above the tunnel.

17.6. Animal-related challenges

For many years, no appropriate steps have been taken to solve the problem of stray animals, which is a serious challenge for both the capital and the regions.⁷⁹⁸

According to the data of the LEPL Animal Monitoring Agency, which operates within Tbilisi Municipality, in 2024, the Agency received over 69,600 notifications⁷⁹⁹ regarding animals (dogs/cats). This number is a continuation of the growing trend of previous years.⁸⁰⁰ The number of dogs taken to shelters also increased again,⁸⁰¹ more than half of which were returned to their natural habitat.⁸⁰² Almost 2,000 animals died a natural death (1,759)/euthanasia (217). The rate of sterilization and castration of animals also increased, exceeding 8,600 in the reporting year.⁸⁰³ According to the data of the Animal Monitoring Agency, in 2024, the Agency identified 393 administrative violations.

In response to the large-scale challenges in this direction, the Public Defender, as in previous years, once again points out the need for a long-term, result-oriented systemic approach. In order to determine the legal status of animals, rules of care, liability issues, and other important circumstances, the purpose of which is to create a safe environment for both people and animals themselves, it is necessary to develop relevant legal regulations. In 2024, the Parliament again failed to adopt such legislative regulations.

17.7. Acoustic noise control

In recent years,⁸⁰⁴ the Public Defender's Office has been actively supervising challenges in the direction of acoustic noise, which were mostly caused by ineffective legislative regulations.

The liability for the violation of acoustic noise norms was tightened in 2023;⁸⁰⁵ instead of a warning, a monetary fine was introduced as a form of liability for natural and private persons for exceeding the permissible norms of acoustic noise; the amount of the monetary fine in case of repeated violations was also increased.

In 2024, 5,570 complaints⁸⁰⁶ were received by the Tbilisi City Hall hotline regarding alleged violations of the permissible norms of acoustic noise, which is slightly different from the data of 2023.⁸⁰⁷ As it turns out, most of the complaints concern construction, road, and rehabilitation works, as well as the functioning of entertainment facilities on Orbeliani and Atoneli streets and adjacent territories. Most of

⁷⁹⁸ For more information, see the Parliamentary Report of the Public Defender of Georgia, 2023, from p. 177.

⁷⁹⁹ 69,685 notifications, letter No. 73-0125029399 of the Animal Monitoring Agency, 29/01/2025.

⁸⁰⁰ In 2023 - 67 623 notifications; in 2022 - 65 922 notifications; in 2021 - 58 314 notifications;

⁸⁰¹ In 2023 - 9 425 dogs, in 2024 - 10 998.

⁸⁰² 6,824. A small number (471) were given away; returned to the owner (91); given the status of strays (1,498); transferred to another shelter/left on the basis of an acceptance-delivery act (676).

⁸⁰³ In 2024 - 8 619; in 2023 - 6 529.

⁸⁰⁴ See the Parliamentary Report of the Public Defender of Georgia, 2022, from p. 171.

See the Parliamentary Report of the Public Defender of Georgia, 2023, from p. 180.

⁸⁰⁵ Article 77¹ of the Administrative Offences Code of Georgia.

⁸⁰⁶ Letter No. 17-01250313807 of Tbilisi City Hall's Municipal Inspection, 31.01.2025.

⁸⁰⁷ 2023 - 5836 complaints

the calls concerned the type of noise that was not covered by the relevant technical regulations (e.g., loud talking, shouting, fighting, etc.), therefore, in such cases, citizens were explained the relevant circumstances by telephone. In 2024, the Agency identified 210 violations, while in the previous year this figure was twice more or even higher.⁸⁰⁸ It is noteworthy that most of the violation reports were drawn up against legal entities/individual entrepreneurs.⁸⁰⁹

Thus, as the statistical data show, compared to 2023, the number of noise-related complaints did not significantly decrease in 2024, but there is a large difference between the amounts of violations identified, which, to some extent, may also be related to the tightening of liability.

The reports of violations drawn up against legal entities/individual entrepreneurs entail solid financial sanctions,⁸¹⁰ therefore, the Public Defender hopes that the entities will actively take care of fulfilling the requirements of the established regulations. The Office will continue to supervise legislation in the field of acoustic noise and the activities of the relevant agencies for its enforcement.

17.8. Challenges relating to logging

For many years, the increasing cutting of firewood and unsystematic logging in the country have reduced the quality of timber and caused the degradation of a large part of forest areas.⁸¹¹ The Public Defender spoke in detail about this problem in the 2023 parliamentary report.⁸¹²

Since the cutting of firewood to meet social interests has posed a number of challenges over the years, the Public Defender again got interested in this direction, namely in the steps taken in the reporting period and the results of the control.

In 2024, the process of arranging business yards was expanded, and currently, a total of 69 business yards⁸¹³ have been arranged across the country, which is an increase compared to the previous year.⁸¹⁴

As for violations, according to the data of the Environmental Supervision Department of the Ministry of Environment, in 2024, the damage caused to the environment as a result of illegal logging, transportation, sale of timber obtained as a result of the so-called social logging in any form, and the identified

⁸⁰⁸ 2023 – 521 violations.

⁸⁰⁹ Article 77¹, part 1: natural person – 6 reports, legal entity/individual entrepreneur – 102 reports, Article 77¹, part 2: natural person – 2 reports, legal entity/individual entrepreneur – 41 reports, Article 77¹, part 3: natural person – 16 reports, legal entity/individual entrepreneur – 43 reports.

⁸¹⁰ GEL 1500 – 102 reports, GEL 5 000– 41 reports, GEL 10 000 –43 reports.

⁸¹¹ Report on the First National Forest Inventory in Georgia, 2023, p. 12, see link: <<https://mepa.gov.ge/Ge/Files/ViewFile/53933>>.

⁸¹² See the Parliamentary Report of the Public Defender of Georgia, 2023, from p. 174.

⁸¹³ Letter No. 1060/01 of the Ministry of Environmental Protection and Agriculture of Georgia of 17.02.2025. In addition, in 2024, open days of business yards were held, within the framework of which local population was provided with information about the updated procedures and rules for obtaining wood resources from business yards; In order to develop the forest wood resource sector, meetings were held with representatives of sawmills and a guide was developed for them relating to primary wood processing; 8 energy-efficient stove manufacturers' products are being financed and new manufacturers are being identified and their capabilities are being strengthened.

⁸¹⁴ Letter No. 10207/01 of the Ministry of Environmental Protection and Agriculture of Georgia, 22.12.2023, , 42 yards were equipped for this period.

unregistered sawmills amounted to almost GEL 1 million,⁸¹⁵ and in total, more than 1,750 violations were identified.⁸¹⁶

According to the data, the highest rate of administrative violations is in the Kakheti region (595), while the highest number of facts with criminal signs (53) was identified in Samegrelo-Zemo Svaneti. In addition, despite the fact that the number of violations/crimes detected in Shida Kartli is relatively lower (41/10, a total of 51), this region has the highest rate of damage to the environment (GEL 354,264.58), which accounts for almost a third of the total damage.

Although the Forest Code of Georgia came into force on January 1, 2021, which determined the abolition of the existing system of the so-called social logging, with the amendment adopted in 2022, the deadline for the abolition of the system of issuing the right to cut firewood based on a timber production ticket, considering the individual social interests of a natural person, was postponed to January 1, 2026.⁸¹⁷ Despite the proposal of the Public Defender to review the mentioned deadline and consider the possibility of reducing it, nothing changed in this direction in 2024.

Since the damage to the ecosystem is continuous, the measures necessary to replace the so-called social cutting system must be implemented actively and within a tight timeframe. In addition, the Public Defender still believes that it is necessary to consider reducing the deadline for the implementation of the new system.

Proposals

To the Parliament of Georgia:

- Organize discussions on the Special Report on Realization of the Right to Water in Georgia in thematic committees and ensure the use of parliamentary control mechanisms to overcome the challenges reflected in the report, including, if necessary, by creating effective legislative guarantees;
- In order to effectively and humanely manage the animal population, adopt a law on domestic animals in 2025 and determine the legal status of animals, establish uniform rules for their care, establish strict liability for the violation of obligations, and establish effective supervision and enforcement mechanisms.

⁸¹⁵ GEL 948,710.44, data provided by letter DES 2 25 00006766 of the Environmental Supervision Department of the Georgia Forestry Commission, 12/02/2025. It is noteworthy that during the years of 2020-2023 (4 years), the damage caused to the environment exceeded GEL 8.9 million. Statistical data provided by letter DES 7 24 00002027 of the Environmental Supervision Department, 15/01/2024.

⁸¹⁶ A total of 1,752, the number of administrative offences (a total of 1,556): illegal logging of timber - 882; illegal timber transportation/violation of transportation rules - 655; sale of timber obtained as a result of social logging in any form - 19; number of facts with criminal elements (sent to investigative bodies) (a total of 196): illegal logging - 101; illegal transportation of timber - 2; detection of an unregistered sawmill (illegal sawmill) - 93.

⁸¹⁷ Forest Code of Georgia, Art. 93, part 9.

Recommendations

To the Government of Georgia:

- Assess, with the involvement of public, experts and stakeholders, progress in realization of the right to water, including the achievement of the target set by the “Vision 2030, Georgia’s Development Strategy” (ensure water supply for 100% of the population of Georgian cities/the entire country in compliance with the relevant standards by 2025/2030); as well as develop a time-bound plan defining specific measures and responsible agencies for addressing existing problems;
- Strengthen the resource capabilities of self-governments, purposefully and in a result-oriented manner, to effectively and gradually improve the realization of the right to water, as well as to ensure equality;
- Increase the financial resources of the LEPL National Food Agency to monitor water quality throughout the country and to create an information system in order to properly inform citizens;
- Study the compliance of the Drinking Water Technical Regulations approved by the 2014 Resolution No. 58 of the Government of Georgia with the latest (2022) guidelines of WHO relating to the drinking water quality; To ensure progressive implementation, update the relevant indicators and continue the progressive update of national standards in the future in line with the amendments made to the aforementioned guidelines;
- In 2025, develop and approve the updated national disaster risk reduction strategy of Georgia and its action plan.

To the Ministry of Environmental Protection and Agriculture of Georgia, LEPL National Food Agency:

- Create a unified platform/database to inform the public about the results of drinking water quality control in an easy, understandable, accessible, and appropriate manner;
- In addition to the online platform, create other mechanisms in order to inform the population, through various effective means, about drinking water quality control and its results;
- Expand the scope of water quality control by coordinating with state agencies/finding resources, and ensure state control of water quality throughout the country in the shortest possible time.

To the Ministry of Environmental Protection and Agriculture of Georgia, National Environmental Agency (LEPL):

- In 2025, continue the detailed study of glacial valleys smoothly, ensure the planning and implementation of the necessary steps for the development of detailed studies and relevant preventive measures for risk areas;
- In 2025, continue the process of implementing and developing an early warning system smoothly.

To the Ministry of Environmental Protection and Agriculture of Georgia, LEPL Agency of Protected Areas:

- In accordance with Article 22 of the Law of Georgia on the System of Protected Areas, ensure the protection of the right of the population and public associations to participate in decision-making related to protected areas.

To the local governments:

- With the effective use of the existing resources and in cooperation with state agencies, plan and take effective steps as soon as possible to ensure that all municipalities are provided with a water supply by a licensed supplier;
- Make maximum efforts to study and satisfy the needs of citizens, including women, older persons, persons with disabilities and other groups, in terms of access to water; ensure water supply, through alternative means, to the citizens who do not have access to the minimum amount of water required for personal and household purposes.

To the SSA Roads Department:

- Develop unified rules for the establishment of as comprehensive and clear criteria and procedures as possible for making decisions on the study and assessment of impact on citizens' property during the planning and implementation of projects.

18. The Right to Health

18.1. Introduction

The right to health is universally recognized as a fundamental human right, essential for the realization of individual and collective aspirations, resilience and maintenance of human dignity. According to the World Health Organization (WHO),⁸¹⁸ health is not merely the absence of disease or infirmity, but a state of complete physical, mental and social well-being. Such a broad and multidimensional understanding raises many challenges that significantly determine health outcomes. The States are obliged to take appropriate measures to ensure the realization of the right to health, especially in cases of significant medical needs.⁸¹⁹

Effective, fair and sufficiently prompt consideration of patient applications/complaints is very important for the quality and safe protection of health. Although in 2023 the Parliament of Georgia endorsed the recommendation of the Public Defender and instructed the relevant agency to develop new norms/standards defining the procedure for processing cases, which would establish the obligation to submit review documentation to the Professional Development Council for the assessment of the quality of medical services in a timely and proper manner,⁸²⁰ this issue has not been fully regulated yet, which poses a threat to the effective protection of patients' rights.

18.2. Patient safety

Patient safety and provision of quality health care services are fundamental to strengthening health care system and ensuring universal access to services. Patient safety is a framework of organized activities that create cultures, processes, procedures, behaviors, technologies, and environment in health care that consistently and sustainably lower risks and reduce the impact of medical errors.⁸²¹ A sustainable patient safety system improves health outcomes by promoting standardized protocols, continuous monitoring, and transparent reporting mechanisms that help prevent adverse medical events.⁸²²

In 2023, the 5th Global Ministerial Conference on Patient Safety adopted the Montreux Charter on Patient Safety,⁸²³ which refers to the global commitment to strengthen patient safety and reduce harm in health systems. Georgia, as a signatory to the Charter, developed a patient safety programme⁸²⁴ and established a patient safety council, the mission of which is to build high-quality health systems and health

⁸¹⁸ Constitution of the World Health Organization. In: World Health Organization: Basic documents. 45th ed. Geneva: World Health Organization; 2005 Information available at: <bit.ly/3SbSmT9> [24.01.2025].

⁸¹⁹ International Covenant on Economic, Social and Cultural Rights (Article 12), information is available at: <<https://u.to/INJ9IQ>> [24.01.2025].

⁸²⁰ Resolution of the Parliament of Georgia of November 6, 2023 on the 2022 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia.

⁸²¹ World Health Organization. Global Patient Safety Action Plan. Information is available at: <<https://goo.su/Zs4Ud>> [29.01.2025].

⁸²² To Err Is Human: Building a Safer Health System. Information is available at: <<https://goo.su/J8ogYUR>> [29.01.2025].

⁸²³ Montreux Charter on Patient Safety galvanizes action to address avoidable harm in health care.

⁸²⁴ Information is available: <<https://lnnk.in/iJgX>> [29.01.2025].

organizations, ensure the safety of clinical processes, promote professional education, and strengthen the involvement of patients and their families in health care processes.⁸²⁵

Although the creation of such programmes and mechanisms is a vital commitment to improving patient safety, the real impact depends on their effective and sustainable implementation. Mere approval of the programme does not guarantee success – health care institutions must integrate these initiatives into daily practice, establish clear accountability mechanisms, and conduct constant monitoring and evaluation of patients' rights. A patient-centered approach, in which patient safety is an integral part of medical activities and of institutional policy in general, creates guarantees for minimizing preventive harm and ensuring a high standard of care. Without real actions, the policy remains only a formality and cannot bring significant change for patients.

The Public Defender considers that in order to effectively ensure patient safety, it is necessary to strengthen the national monitoring and accountability system, adhere to safety protocols, and regularly assess patient satisfaction. It is also necessary to provide continuous professional trainings for medical personnel, improve health care infrastructure, and strengthen the involvement of patients and their families in this direction. The implementation of time-bound and measurable activities will result in patient safety, reduce medical risks, and improve health care quality.

18.3. Primary health care system

Primary health care is a whole-of-society approach to health that aims to ensure the highest possible level of health and well-being and equitable distribution of health care resources.⁸²⁶ It is a fundamental part of the health care system, which includes disease prevention, early diagnosis and provision of simple medical services. This system is directly linked to fundamental human rights, such as the right to health, life and dignified life.⁸²⁷

Currently, primary health care services are provided in Georgia through family doctors, nurses and regional health centers. However, as studies conducted by the World Health Organization (WHO) show, the quality of primary health care services, financial sustainability and inequalities between regions remain problematic.^{828, 829}

In general, strengthening the primary health care system (PHC) requires not only expanding the network, but also improving the service package. As a central pillar of universal health coverage (UHC), it should

⁸²⁵ Order No. 69/n of the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia of September 29, 2023 on the Approval of the Patient Safety Programme of Georgia for 2024-2025.

⁸²⁶ Decree No. 1325 of the Government of Georgia of July 17, 2023 on the Establishment of the Patient Safety Council in Georgia and Approval of the Statute.

⁸²⁷ WHO Strategic Communications Framework for Effective Communications, 2017, information is available at: <<https://goo.su/R28Y3Rq>> [24.01.2025].

⁸²⁸ Primary health care, World Health Organization (WHO). Information is available at: <<https://u.to/UK6KIQ>> [24.01.2025].

⁸²⁹ Rethinking primary health care financing in Georgia. Information is available at: <<https://goo.su/OsK9>> [24.01.2025].

ensure accessible and quality services for all individuals, regardless of their geographical location, socio-economic status, or other potential barriers.⁸³⁰

According to the Public Defender, the primary health care system of Georgia is an important part of the human rights protection mechanism. Its improvement is necessary to ensure equal access to health care services for the population, which, in turn, will contribute to strengthening social justice and creating decent living conditions for people.

In 2024, within the framework of the Universal Health Care Programme, measures taken to reform the primary health care system included structural changes, establishing minimum requirements for personnel, increasing salaries, improving access to medicines, expanding medical services, and introducing monitoring systems.⁸³¹ These measures made a significant contribution to improving the health care system, in particular, increasing the quality and efficiency of services available to the population.

The proposed changes and initiatives indicate a strengthening of the role of primary health care, which is especially important in regions where access to health care services is difficult. At the same time, the reforms have contributed to the transparency of the system and data-based management, which allows the authorities to more effectively monitor the health status of the population.

The monitoring of population's access to primary health care services conducted by the Public Defender's Office within the framework of the Rural Doctor State Programme in previous years,⁸³² has identified a number of acute problems relating to the accessibility and quality of services. The inspection⁸³³ conducted in 2024 once again proved that old infrastructure and lack of compliance with minimum standards remain one of the main challenges. Medical institutions in some villages are insufficiently equipped and fail to meet the minimum standards necessary to ensure safe and high-quality health care. These infrastructural deficiencies not only hinder the efficiency and safety of service delivery, but also exacerbate health inequalities, especially for the rural population, which is already disadvantaged in terms of access to health services.

According to the Public Defender, the full implementation of reforms and their long-term results depend on the adequate allocation of resources, staff motivation and continuous monitoring. Therefore, it is necessary to focus on improving infrastructure, raising staff qualifications and introducing technological innovations, which will ensure the sustainable development of the health system and improve the health of the population.

18.4. Assessing the needs of children with diabetes

Diabetes is one of the most widespread diseases globally. According to the International Diabetes Federation (IDF) in 2021, its prevalence was 537 million, with 6.7 million related deaths.

⁸³⁰ Health and sustainable development: progress in Georgia. Information is available at: <<https://goo.su/tpfdyeE>> [24.01.2025].

⁸³¹ HEALTH FINANCING GUIDANCE No 1 Health financing country diagnostic: a foundation for national strategy development WHO. Information available at: <<https://goo.su/JLNlzAL>> [24.01.2025].

⁸³² Letter No. MOH 6 25 00213076 of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia 26/02/2025.

⁸³³ Information is available at: < <https://bit.ly/3k6rfMv>> and <https://bit.ly/3EcX9SY> [24.01.2025].

The state health care programmes of Georgia include a diabetes management component, which aims to improve outpatient and inpatient care for patients with diabetes mellitus and diabetes insipidus, prevent possible complications and provide specific medications.⁸³⁴

In 2023, with the support of the Public Defender's Office, the Non-Communicable Diseases Alliance in Georgia (NCD Alliance in Georgia) conducted a study⁸³⁵ aimed at assessing the needs of children with diabetes mellitus living in Georgia. The study also examined international best practices in the management of type 1 diabetes (T1D) in children and adolescents, based on which appropriate conclusions were made and recommendations were prepared for health care decision-makers in Georgia.

Children and parents' awareness and education component is weak, there is no unified information or socialization platform/programme. In addition, in the direction of informing and educating parents about type 1 diabetes, it is necessary to develop a more effective format, using modern technologies, especially in the regions, to train parents and medical specialists and to expand the format of consultations.⁸³⁶ In addition, it is important to study the shortcomings associated with the state-funded continuous glucose monitors.⁸³⁷ It is desirable to give parents the opportunity to choose between various suppliers, so that they ultimately choose the most suitable and desirable monitor.

The availability of pediatric endocrinologists, as well as their qualifications, is a problem, especially in the regions.⁸³⁸

Another important need is the existence of a multidisciplinary team consisting of all the necessary specialists, including a psychologist and a nutritionist, which has been often mentioned when analyzing the results of the study. It is necessary to have such teams at primary health care institutions, to introduce systemic approaches in order to improve the qualifications of specialists - for example, to develop continuous medical education modules in this direction. In general, strengthening the role of primary health care in this regard is very important.⁸³⁹

The State has taken significant steps in the process of managing child diabetes, but challenges still remain that need to be resolved. Raising parental awareness and their cooperation with health care providers is

⁸³⁴ The monitoring results were communicated to the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia by letter No. 2024/4063 26/08/2024 of the Office.

⁸³⁵ Decree No. 609 of the Government of Georgia of December 30, 2022 on Approval of State Health Care Programmes for 2023.

⁸³⁶ Information is available at: <<https://u.to/Y9t9IQ>> [24.01.2025].

⁸³⁷ Needs Assessment of Children with Diabetes, baseline study report, p. 26. Information is available at: <<https://goo.su/8Kzvz>> [11.02.2025].

⁸³⁸ Regarding this issue, pediatric endocrinologists noted during in-depth interviews that parents should have a choice of glucose monitoring devices (Libre, Medtronic). According to them, Guardian 3 is not very common in the world. In addition, the families who cannot use glucose monitoring devices provided by the state programme purchase them at their own expense, the cost of which is - Dexcom CGM 3 units - equivalent of 216 euros, and Freestyle Libre 2 units - equivalent of 130 euros in GEL. Of course, only families with the appropriate financial resources can afford such expenses.

⁸³⁹ Needs Assessment of Children with Diabetes, baseline study report. p. 6. Information is available at: <<https://goo.su/8Kzvz>> [11.02.2025].

a key priority. One of the important initiatives is the creation of a national diabetes registry, which will simplify the management of patient data and control of concomitant diseases. The implementation of this system requires close cooperation with health care providers.

According to the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs, in order to improve access to services in the regions, it is necessary to increase the number of specialists and provide them with the necessary materials (insulin, syringes, test sticks). It is also important to add a psychological service to the programme, which will help parents cope with the disease. Regarding continuous glucose monitoring systems, parents want to have the opportunity to choose between devices of different manufacturers. Work is underway on this issue, but additional communication is needed with manufacturers. Promoting physical activity is also important for managing diabetes. Information and educational activities aimed at promoting a healthy lifestyle are being held within the framework of the national strategy and action plan.⁸⁴⁰

According to the Public Defender, ensuring access to quality health care for children with diabetes is an important aspect of realizing the right to health. To achieve this, parents must have access to qualified specialists, modern medical technologies and educational resources. It is also necessary to take measures to improve access to diagnostics, treatment and education, as well as to strengthen the role of primary health care, which ensures the fair and equal right of all children to a healthy future. This will not only improve the quality of life of patients, but also significantly reduce the social and medical burden of diabetes in the country.

18.5. Rights of cancer patients

Cancer is a global health challenge. Despite significant progress in public health interventions and improving access to medical services, high cancer morbidity and mortality remain a significant challenge.⁸⁴¹

A thematic study – “Access to Cancer Services in Georgia”,⁸⁴² conducted by the Georgian Parliament’s Health Care and Social Affairs Committee in 2024, clearly demonstrates the urgency of this issue. The study findings describe problems existing in cancer treatment and measures that need to be taken to improve access to services and overcome barriers.⁸⁴³ According to the Public Defender, improving access to cancer services requires a complex and coordinated approach, which involves policy development at the state level, as well as public involvement and consideration of international experience.

⁸⁴⁰ Needs Assessment of Children with Diabetes, baseline study report. p. 25. Information is available at: <<https://goo.su/8Kzyz>> [11.02.2025].

⁸⁴¹ Letter No. MOH 8 25 00223897 of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, 28/02/2025.

⁸⁴² Information is available at: <<https://goo.su/ceKRe>> [24.01.2025].

⁸⁴³ Report of the thematic survey on Access to Oncology Services in Georgia, conducted by the Committee on Health Care and Social Affairs of the Parliament of Georgia. Information available: <<https://goo.su/4Q3dD6>> [26.02.2025].

The efforts of the State to provide medical services and financial support to cancer patients should be positively assessed.⁸⁴⁴ Among them, the introduction of a scheme for the provision of oncology medicines to patients,⁸⁴⁵ and reference prices⁸⁴⁶ are important measures,⁸⁴⁷ as well as the establishment of a national oncology council, the purpose of which is to ensure the prevention and management of oncological diseases.

It is important for cancer patients to have equal access to necessary medicines regardless of their socio-economic status.⁸⁴⁸ Managing side effects and financing psychological services remain beyond state programmes.⁸⁴⁹ Studies conducted by the International Agency for Research on Cancer (IARC) have shown that comprehensive cancer care should include not only physical treatment, but also psychological and emotional support to improve the overall quality of life of the patients.⁸⁵⁰ It is necessary to develop a more inclusive approach that will combine these critical aspects into a single structural framework of oncology care.

Recommendations

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

- Devise a clear, time-bound, unified plan for the development of primary health care services with performance indicators and monitoring mechanisms, which will contribute to the elimination of regional disparities in access and quality of services, as well as to improvement in the efficiency of financing services, attraction of professional staff and improvement in their qualifications, which will ultimately increase the efficiency of the system and patient-centered care;
- Within the framework of systematic monitoring of the State Diabetes Management Programme, define clear performance indicators (patient registration, glucose control, complication prevention and satisfaction indicators), ensure regular publication and transparency of results, conduct trainings for health care personnel and increase patient engagement through awareness campaigns;

⁸⁴⁴ Oncopsychotherapy, rehabilitation, nutrition and reconstructive-restorative surgeries are not funded, post-treatment rehabilitation plays an important role in the patient's full recovery and reintegration into the labour market. Report on the thematic study conducted by the Committee on Health Care and Social Affairs of the Parliament of Georgia, Access to Oncology Services in Georgia, p. 30. Information is available at: <<https://goo.su/4Q3dD6>> [26.02.2025].

⁸⁴⁵ Decree No. 136 of the Government of Georgia of April 16, 2024 on Amendments to Decree No. 36 of the Government of Georgia of February 21, 2013 on Certain Measures to be Taken for the Purpose of Transition to Universal Health Care.

⁸⁴⁶ Upper limit of the sale or export price of a medicine, which is set by the State.

⁸⁴⁷ Order MOH 3 24 00000089 of the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia of March 18, 2024.

⁸⁴⁸ Cancer prevention and control in the context of an integrated approach, information is available at: <<https://goo.su/eyPcf>> [24.01.2025].

⁸⁴⁹ 2018 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 167 information is available at: <<https://goo.su/d16Ya>> [24.01.2025].

⁸⁵⁰ Prevention Strategies for Gastric Cancer: A Global Perspective, information is available at: <<https://goo.su/UowsHU>> [24.01.2025]

- Develop a policy document to ensure equal access to treatment and medicines, considering comprehensive support to oncology patients (including treatment of side effects and psychological support), and increase funding for innovative treatment methods.

19. Right to work

In 2024, protection of workers' rights was particularly negatively affected by the amendments made by the Parliament of Georgia to the Law of Georgia on Public Service on December 13, 2024, which, inter alia, apply to persons employed in legal entities under public law. The Public Defender of Georgia believes that the amendments do not comply with the standards established by the Constitution for the protection of human rights and, in addition, do not meet the goals of the Law of Georgia on Public Service.⁸⁵¹ It is noteworthy that the legislative process was carried out in an expedited manner, without the involvement of stakeholders and relevant specialists.

During the year, the cases processed by the Public Defender's Office related to the realization of labour rights mainly concerned the unjustified termination of labour relations, restriction of the right to employment, and conclusion of contracts inconsistent with labour legislation. Among them, the Office considered applications relating to discrimination in labour relations. Applicants mainly named the expression of different opinions and trade union activities as grounds for discrimination.⁸⁵² As a result of the consideration of cases, the Public Defender established interference with the right in 30 cases.

There are still no relevant legal guarantees in the country to properly ensure the right to adequate remuneration. In addition, under the current labour legislation, a private employer is still not obliged to pay for the pregnancy, childbirth and childcare leave.⁸⁵³ As in previous years, realization of the right to work of persons with disabilities, promotion of their competitiveness and employment in the open labour market remain a challenge.⁸⁵⁴

19.1. Amendments to the Law of Georgia on Public Service

In December 2024, the Parliament of Georgia considered the draft law on amendments to the Law of Georgia on Public Service⁸⁵⁵ in an expedited manner, as a result of which:

- The head of a primary structural unit of a public institution and his/her deputy, who before these amendments had been professional public servants, both functionally and by status, and had held these positions for an indefinite time as a result of successfully passing the competition specified in legislation,⁸⁵⁶ today are considered persons employed under an administrative contract,⁸⁵⁷ who were employed, as a rule, without a competition, by the unilateral decision of the head of the institution, on the basis of a fixed-term contract.

⁸⁵¹ See the statement of the Public Defender of Georgia < <https://shorturl.at/rsCbS> > [11.03.2025].

⁸⁵² Special Report on the Right to Equality. p.

⁸⁵³ Constitutional Complaint No. 1698 of the Public Defender of Georgia of May 6, 2022 against the Parliament of Georgia < <https://shorturl.at/rvTW1> > [11.03.2025].

⁸⁵⁴ See: Special Report of the Public Defender of Georgia on the Right to Work and Employment of Persons with Disabilities < <https://ombudsman.ge/res/docs/2022091620441847336.pdf> > [11.03.2025]. In addition, Special Report on the Right to Equality

⁸⁵⁵ On Amendments to the Law of Georgia on Public Service, December 13, 2024, 165-Ims-XImp.

⁸⁵⁶ Decree No. 204 of the Government of Georgia on the Procedure for Conducting Competitions in Public Service, April 21, 2017.

⁸⁵⁷ Law of Georgia on Public Service, Article 3, subparagraph "g", Article 78, subparagraph "e".

The Public Defender of Georgia believes that the amendments to the Law on Public Service contradict the Constitution and do not meet the objectives of the Law on Public Service.⁸⁵⁸ It is noteworthy that the Constitutional Court of Georgia has already ruled on the functions of heads of structural units of public institutions and considers them to be positions identifiable by their professional nature, for which persons shall be selected solely based on professional criteria, and when selecting them, the authorized body shall not be guided by the political expediency. The Constitutional Court of Georgia found the entry of similar/identical content⁸⁵⁹ in the Local Self-Government Code related to the termination of the authority of the head of the primary structural unit of the City Hall/Gamgeoba incompatible with paragraph 2 of Article 29 of the Constitution (the wording in force until March 23, 2018) and explained that the disputed norm restricted the constitutional right of the head of the structural unit of the City Hall/Gamgeoba to carry out activities in a local self-government body (the guarantees for the unhindered exercise of official authority and protection from unjustified dismissal).⁸⁶⁰ The Public Defender of Georgia believes that the edition of the Law of Georgia on Public Service effective from December 13, 2024 significantly worsens the social guarantees of public servants. In addition, despite the performance of the main functions of the institution, the duration of their employment relationship depends on the opinion of the head, while the expiration of the contract may serve as the basis for the termination of the administrative contract. In addition, the term of the contract cannot be longer than the sum of the term of office of the head of the relevant institution and the period from the termination of the authority of this head to the commencement of the authority of the person appointed to the position of the head of this institution.⁸⁶¹ In addition, the administrative contract may be terminated early on the initiative of one of the parties, and in this case, the employed person has the right to demand only compensation in the amount of 1 or 2 months' salary.⁸⁶²

- The current edition of the Law of Georgia on Public Service, unlike the previous edition, does not allow a person illegally dismissed as a result of reorganization to be reinstated, and instead offers insufficient compensation and significantly less than that offered to public servants dismissed from public service on other grounds.⁸⁶³

This provision of the Law of Georgia on Public Service creates a kind of leverage for the employer to dismiss undesirable public servants and persons employed in legal entities under public law through reorganization. It is noteworthy that this norm, in addition to not complying with the human rights standards established by the Constitution of Georgia, is also inconsistent with the right recognized by Article 10 of Convention 158 of the International Labour Organization (ILO) – an illegally dismissed person shall be empowered to order payment of adequate compensation. According to the explanations of the ILO Committee of Experts, the best solution for the purpose of restitution of the rights of an illegally dismissed person is reinstatement, and in case of impossibility of reinstatement, the possibility of receiving adequate

⁸⁵⁸ See the statement of the Public Defender of Georgia < <https://shorturl.at/DYzeM> > [11.03.2025].

⁸⁵⁹ Local Self-Government Code (edition valid as of February 6, 2015).

⁸⁶⁰ Ruling No. 3/5/626 of the Constitutional Court of Georgia of October 17, 2017, II-50, 53, II-17.

⁸⁶¹ Law of Georgia on Public Service, Art. 81, para. 2.

⁸⁶² Law of Georgia on Public Service, Art. 82, para. 2.

⁸⁶³ Law of Georgia on Public Service, Art. 118, paras. 3 and 6.

and fair compensation should be considered.⁸⁶⁴ Legal guarantees for the restitution of rights of a professional public servant and a person employed in a legal entity under public law illegally dismissed on the grounds of reorganization is weaker than that provided for in similar cases by the Organic Law of Georgia - Labour Code of Georgia. In particular, a person dismissed on the ground of reorganization, even if his claim is granted in the court, cannot be reinstated to the position he had previously held and will only be paid for the stoppage period and 3 months' salary as compensation. It is noteworthy that persons dismissed on this ground find themselves in an unequal position compared to persons dismissed on other grounds, where the law provides for the reinstatement if the claim is granted, while in the event of impossibility of reinstatement, the law provides for the payment of 6 months' salary and a class supplement intended for professional public servants as compensation.

19.2. Violations of labour rights identified as a result of the consideration of complaints by the Public Defender's Office

In 2023, the Public Defender's Office of Georgia examined the state of protection of labour rights of convicts employed in a private enterprise operating on the territory of the Special Penitentiary Service for the first time,⁸⁶⁵ identified the violation of the convict's labour rights and addressed the employer with relevant recommendations.⁸⁶⁶ The Public Defender of Georgia believes that considering the specificity of the employment procedure of defendants/convicts and the limited choice of work in closed institutions, in the absence of relevant supervisory mechanisms, the risk of violation of labour rights is particularly high. In order to protect the labour rights of defendants/convicts employed in private enterprises operating on the territory of penitentiary institutions during the reporting period, the Public Defender of Georgia submitted a proposal to the Minister of Justice of Georgia to develop an appropriate monitoring mechanism that would ensure effective protection of the labour rights of the defendants/convicts employed in these enterprises, so that the detection of a violation of the labour rights of defendants/convicts does not depend solely on the complaint of the employed person.⁸⁶⁷

The complaints studied by the Public Defender's Office also reveal problems with the working hours of defendants/convicts engaged in prison labour on the territory of the Special Penitentiary Service. As a result of the consideration of one of the convict's complaint,⁸⁶⁸ it was found that the working hours of persons engaged in prison labour in penitentiary institutions were not counted in accordance with legislation.⁸⁶⁹ This issue is even more important considering that, unlike other employees, defendants/convicts are under the constant supervision/control of the employer even during non-working hours and belong to a vulnerable group. Proper observance of working hours ensures the protection of the labour rights of defendants/convicts engaged in prison labour. The Public Defender of

⁸⁶⁴ See: General Survey, Protection against Unjustified Dismissal, ILO, 1995, 218-232, [https://webapps.ilo.org/public/libdoc/ilo/P/09661/09661\(1995-82-4B\).pdf](https://webapps.ilo.org/public/libdoc/ilo/P/09661/09661(1995-82-4B).pdf) [11.03.2025].

⁸⁶⁵ Report of the Public Defender on the Situation of Human Rights and Freedoms in Georgia, 2023, pp. 242-244.

⁸⁶⁶ Recommendation No. 2024/4355 of the Public Defender of Georgia of 09.09.2024. Available at: <https://www.ombudsman.ge/res/docs/2024112812220194501.pdf> [11.03.2025].

⁸⁶⁷ Proposal No. 2024/7698 of the Public Defender of Georgia of 26.12.2024. Available at: <https://www.ombudsman.ge/res/docs/2025021914544516289.pdf> [11.03.2025].

⁸⁶⁸ Complaint No. 5518/2024.

⁸⁶⁹ The above-mentioned problem is also discussed in the 2016 Report of the National Preventive Mechanism, available: <https://www.ombudsman.ge/res/docs/2019040513214458561.pdf> pp. 116-118 [11.03.2025].

Georgia addressed the Minister of Justice of Georgia with a proposal to ensure that the working hours of defendants/convicts engaged in prison labour are counted on the territory of all penitentiary institutions in accordance with the procedure established by legislation.⁸⁷⁰

In 2023, the Public Defender of Georgia detected violations of labour rights of teachers/coaches employed in cultural and sports institutions established by the Tbilisi City Hall, relating to the illegal conclusion of contracts for a period of less than a year and the restriction of social guarantees provided for by the Labour Code of Georgia. In this regard, during the reporting period, the Public Defender's Office studied the practice of 59 local municipalities and city halls of 4 self-governing cities on its own initiative and found that in some cultural and sports institutions established by the local self-government executive bodies in 13 municipalities, teachers/coaches had not been able to take a paid leave for the last 10 years, since the employment contract had been concluded with them for a period of 10 months annually. In the majority of institutions, employment contracts are renewed annually with the same teachers/coaches (this concerns employment contracts concluded for a period of less than a year). In order to eliminate the violations identified and restore the labour rights of teachers/coaches, the Public Defender of Georgia addressed the relevant public institutions with a recommendation to bring employment contracts into line with the Organic Law of Georgia - the Labour Code of Georgia.⁸⁷¹ It is welcome that all the addressee institutions implemented the Public Defender's recommendation. At the beginning of 2024, while examining one of the complaints, the Public Defender's Office revealed flawed practices related to the rules regulating the competition for the selection of public school principals.⁸⁷² In particular, during an interview with the commission/commissions established by the Minister for the purpose of presenting a candidate for the position of a public school principal to the school's board of trustees, the obligation to justify the scores awarded to the candidates was neglected. The minutes of the candidates' interview with the commission did not contain information about the questions asked to the candidate, the answers given, or the justification of the scores awarded based on these answers. Such circumstances make the issue of the legality and transparency of the decision made regarding them unclear for the candidates, causes distrust in the administrative body and harms the entire process. Accordingly, the Public Defender of Georgia addressed the Minister of Education, Science and Youth of Georgia with a proposal to develop criteria and indicators for awarding specific scores to candidates for the position of public school principals during an interview in order to ensure the justification of the decision made by the commission, as well as to ensure that information about the above criteria is available to the candidates.⁸⁷³ It is noteworthy that the Ministry of Education, Science and Youth of Georgia implemented the proposal of the Public Defender of Georgia.⁸⁷⁴

⁸⁷⁰ Proposal No. 2024/7767 of the Public Defender of Georgia, 28.12.2024. Available at <<https://www.ombudsman.ge/res/docs/2025021914544841830.pdf>> [11.03.2025].

⁸⁷¹ Recommendation No. 2024/4096 of the Public Defender of Georgia, 27.08.2024.

⁸⁷² On establishing the procedure for holding a public school principal selection competition, Order No. 36/N of the Minister of Education, Science and Youth of Georgia of February 15, 2024.

⁸⁷³ Proposal No. 04-3/2696 of the Public Defender of Georgia, 18.03.2024.

⁸⁷⁴ Letter NMES 9 24 0000390051 of the Ministry of Education, Science and Youth of Georgia of 03.04.2024.

As a result of considering applications/complaints, the Public Defender's Office also identified facts of unjustified restrictions on the labour rights of employees (including an employed convict) by the Ministry of Education and Culture of the Autonomous Republic of Abkhazia, Telavi City Hall, LEPL National Agency of Public Registry, JSC Georgian Railway, LLC ILI Group and the NNLE Marneuli Municipality Association, and addressed them with relevant recommendations⁸⁷⁵ to restore the constitutional rights of the applicants. Unfortunately, the recommendations of the Public Defender of Georgia have been rejected.

Recommendations

To the LEPL Labour Inspection Service:

- Conduct annual scheduled inspections in the territories of the penitentiary institutions of the Special Penitentiary Service to verify the protection of labour rights of persons engaged in prison labour or employed in private enterprises in the same territories.

⁸⁷⁵Recommendations of the Public Defender of Georgia: 24.01.2024 - N04-5/966, 21.08.2024 - N2024/3953, 20.12.2024 - N2024/7462, 21.08.2024 - N2024/3954, 09.09.2024 - N2024/4355 and 05.07.2024 - N2024/2544.

20. The Right to Social Security

The right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realize their Covenant rights.⁸⁷⁶

Social security plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion.⁸⁷⁷ Article 9 of the International Covenant on Economic, Social and Cultural Rights states that “The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”⁸⁷⁸ The right to social security is a prerequisite for a number of rights set forth in the Covenant. However, despite its importance, the full realization of the right requires the implementation of various measures, including the obligation of the State to take measures to combat poverty and social exclusion and to provide supporting social services.⁸⁷⁹

The main instrument of social protection in Georgia is the social assistance system, which aims to provide population with fair, targeted and effective assistance.⁸⁸⁰ To achieve this goal, the country has the Targeted Social Assistance Programme.

The Public Defender’s Office of Georgia has been assessing the effectiveness of the existing social protection system in the country and the challenges of the Targeted Social Assistance Programme from the rights perspective for years and has been referring to considerable challenges of the programme. Among them, the Public Defender believes that in order to provide population with fair, targeted and effective assistance, it is necessary to periodically assess the effectiveness of the Targeted Social Assistance Programme on the basis of household surveys and to take appropriate measures on the basis of the relevant results.⁸⁸¹ Registration of socially vulnerable families in the unified database using an updated methodology remains a challenge.

In addition, in recent years, the Public Defender has been examining the challenges of access to adequate food for the needy population in the regions of Georgia and the capital in the context of the right to social security.

20.1. Targeted Social Assistance

The Targeted Social Assistance Programme is a large-scale measure that serves to eliminate poverty and inequality in the country. The Public Defender’s Office, based on the results of the applications studied, annually analyzes the shortcomings identified in the Targeted Social Assistance Programme in practice. As a result of considering applications this year, the Office has not identified any new systemic problems. However, the Public Defender has been pointing out the shortcomings of the Targeted Social Assistance

⁸⁷⁶ UN General Comment on the Right to Social Security, para. 1, available at: <https://digitallibrary.un.org/record/618890?ln=en&v=pdf> [26.01.2025].

⁸⁷⁷ Ibid. para.3.

⁸⁷⁸ International Covenant on Economic, Social and Cultural Rights, 16/12/1966.

⁸⁷⁹ International Covenant on Economic, Social and Cultural Rights, Article 11.

⁸⁸⁰ Law of Georgia on Social Assistance, 29/12/2006, Article 1.

⁸⁸¹ Public Defender’s 2023 Report on the Situation of Human Rights and Freedoms in Georgia, p. 193; Public Defender’s 2022 Report on the Situation of Human Rights and Freedoms in Georgia, p. 186; Public Defender’s 2019 Report on the Situation of Human Rights and Freedoms in Georgia, p. 222.

Programme, such as ineffective administrative procedures, for years.⁸⁸² In particular, the delay in the process of appointing assistance. It takes up to 3 months for a family to get enrolled in the programme and to receive the allowance.⁸⁸³ This issue further aggravates the situation of beneficiaries, as in addition to the allowance, beneficiaries of targeted social assistance are provided with additional benefits (for example, soup kitchen, medicines, student grants, firewood, utility bill subsidies) and services (for example, transportation subsidies), which are linked to the appointment of allowance.

In 2022, a new test methodology was approved for assessing the socio-economic status of households. According to the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, work is underway on a new draft methodology for assessing the socio-economic status of families. In 2023, work was carried out on revising the criteria of the existing formula and modeling it according to various parameters so that the system could better see the needs and avoid inclusion of unnecessary cases.

According to the information received from the LEPL Social Service Agency,⁸⁸⁴ the methodology of variables has been updated, which means that the methodology is more consistent with modern socio-economic factors. In addition, according to the agency, the updated methodology ensures the identification and enrollment of vulnerable families in the programme. However, at this stage, assessment of the socio-economic status of families with the new methodology is still in a test mode. Therefore, the Public Defender once again calls on the Social Service Agency, based on the analysis of existing information, to timely update the current methodology document in such a way as to eliminate errors as much as possible and to make it possible to identify vulnerable families in need.

20.2. The right to adequate food/access to the soup kitchen programme

By the Resolution of the Parliament of Georgia on the 2022 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia was instructed to “develop recommendations in order to establish the minimum standard of the soup kitchen service, taking into account the issues related to the management of this service, calories of the menu, food quality, safety, sanitary and hygienic requirements, arrangement and equipment of food facilities and compliance with hygiene standards, and other issues”.⁸⁸⁵ According to the Ministry,⁸⁸⁶ it is exploring the regulatory acts of the municipalities regarding the minimum sanitary and hygienic requirements for soup kitchens. After this process is completed, the development of recommendations regarding minimum hygiene standards will begin with the involvement of the relevant services of the municipalities. However, it should be noted that the Public Defender's recommendation indicated the need for the development of a document on unified minimum standards for soup kitchen services, where compliance with sanitary and hygienic norms was just one of

⁸⁸² Public Defender's 2020 Report on the Situation of Human Rights and Freedoms in Georgia, p. 236.

⁸⁸³ “A poor family can receive social assistance from the month following the month when it is assigned the rating scores (when counting months, the month following the assignment of the rating scores is considered the first month)”. Article 5 of Decree No. 145 of the Government of Georgia on Social Assistance, 28/07/2006.

⁸⁸⁴ Letter No. SSA 3 25 00128831 of the Social Service Agency, 25.02.2025.

⁸⁸⁵ Resolution of the Parliament of Georgia on the 2022 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 01/11/2023.

⁸⁸⁶ Information is available at: <<https://bit.ly/3CAHOJP>> [11.02.2025] Recommendation H4.

the components. Accordingly, this recommendation of the Public Defender remains unchanged in this parliamentary report.

Regarding the right to adequate food, by the Resolution of the Parliament of Georgia on the 2023 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, the Parliament of Georgia endorsed the recommendation of the Public Defender of Georgia issued to the municipalities - "To study the needs of persons residing in the territory of the relevant municipality, collect appropriate statistical data and, taking into account this information, mobilize funds in the municipality to ensure access to food, as necessary". The Public Defender assessed the implementation of this recommendation in the municipalities of Tbilisi, Batumi, Kutaisi, Telavi and Zugdidi. Unfortunately, the Office was not provided with complete information. However, according to the documentation received, it should be noted that the menus for 2024 and 2025 are the same in Tbilisi, Batumi and Telavi municipalities, meaning that the menus of soup kitchens have not been renewed. One of the main challenges of the monitoring conducted by the Public Defender's Office in about 60 soup kitchens in 2022 also concerned the menus. In particular, it was found out that the nutritional needs of the beneficiaries had not been considered. The ration mainly depended on the amount of money allocated from the budget. Accordingly, the energy value of the meal, the age, health status or religious beliefs of the beneficiaries were not considered during the preparation of the menu.⁸⁸⁷

Recommendations

To the Government of Georgia and the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia:

- By the end of 2025, on the basis of the relevant research and with the aim of improving the socio-economic situation of the population, ensure the approval and implementation of a new methodology for assessing the socio-economic situation of the families;
- Develop recommendations to establish the minimum standard for the soup kitchen service, considering the issues related to the management of this service, amount of calories, food quality, safety, sanitary and hygienic requirements, arrangement and equipment of food facilities and compliance with hygiene standards, and other issues.

To the local governments:

- Ensure that menus are prepared and changed according to the season, considering the required daily amount of calories and the energy value of the dinner
- Develop a document for monitoring soup kitchens in the municipalities, including food quality and amount of calories.

⁸⁸⁷ Implementation of the Soup Kitchen Programme in Georgia, 2022. Available: < <https://bit.ly/3GcsZhG> > [28.02.2025].

21. Right to Adequate Housing

21.1. Introduction

Systemic problems related to the right to adequate housing remained a challenge during the reporting period.⁸⁸⁸ Despite some minor improvements in certain areas, the country still does not have unified vision regarding steps to prevent homelessness; the causes of homelessness and its extent have not been studied; and there is no unified database on homeless persons. Despite the proposals and recommendations issued over the years, the framework legislation facilitating the realization of the right to adequate housing and the legislative definition of a homeless person have not yet been developed. The majority of municipalities have not approved procedures for registering a homeless person/family,⁸⁸⁹ and where they exist, the concept of a homeless person is not uniform. The Constitutional Court has not yet made a decision on the admissibility of the constitutional complaint relating to the issue.⁸⁹⁰ In some municipalities, registering as homeless takes a long time, and the satisfaction rate is sharply low. It is also worth noting that the National Human Rights Strategy 2022–2030 does not address issues related to the realization of the right to adequate housing.

The situation of social housing remains critical; the environment is clearly inadequate and living in some of the facilities poses a threat to life and/or health. It is also noteworthy that legislation still does not provide for minimum standards for arranging social housing for homeless persons. Municipal budgets finance programmes for persons in need of adequate housing, which mainly imply provision of rent, rehabilitation of damaged houses, one-time assistance, or in some cases, purchase/construction of houses. It is also worth noting that the criteria for participation in the programmes are not uniform and vary sharply between municipalities.

Against the background of these challenges, the initiative of the Government of Georgia to approve a targeted state programme for the accommodation of homeless/large families living in difficult housing conditions should be positively assessed. Although the initiative concerns only a specific social group and is fragmentary, such initiatives are very important in the difficult path of satisfying persons in need of adequate housing. It is noteworthy that the Public Defender's Office was also involved in the activities of the commission studying the issues of accommodation of homeless/large families living in difficult housing conditions.⁸⁹¹ The Public Defender's Office will continue to monitor this process and expresses its readiness to be involved in the activities of the commission in 2025.

⁸⁸⁸ See the 2019, 2020, 2021, 2022 and 2023 Reports of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, Chapter: The Right to Adequate Housing. Available at: < <https://shorturl.at/ygLv0> > [12.03.2025].

⁸⁸⁹ According to the available information, 27 municipalities have approved such a rule.

⁸⁹⁰ See the constitutional lawsuit of the Public Defender of Georgia of July 29, 2021, Public Defender of Georgia v. Parliament of Georgia, Tbilisi City Assembly and Others. Available at: < <https://shorturl.at/F0aDL> > [12.03.2025], the session on the admissibility of the lawsuit was held on May 29, 2023.

⁸⁹¹ According to the information provided, as of February 21, 2025, the Commission Studying the Issues of Accommodation of Homeless/Large Families in Difficult Housing Conditions discussed the accommodation issues of 824 families, of which a positive decision was made in relation to 570 families, and a negative decision was made in relation to 254 families. In addition, 205 families have presented houses, of which 106 houses have already been purchased. In relation to the houses presented by the remaining families, measures provided for by legislation related to the signing of real estate purchase

With regard to international mechanisms relating to the right to adequate housing, Article 31 of the European Social Charter (the right to housing) is worth noting, and it is critically important for Georgia to undertake the obligation of its protection and fulfillment. It is also important to ratify the 2008 Optional Protocol on Economic, Social and Cultural Rights, so that a complaint can be filed with the UN Committee on Social, Economic and Cultural Rights.⁸⁹²

21.2. Housing programmes and the situation in social housing facilities

21.2.1. Programmes at the municipal level

The situation in municipalities regarding the realization of the right to adequate housing has not changed significantly compared to the previous reporting year. In this regard, it is worth noting that in most cases, the optimal way to meet the need for adequate housing is still considered to be the provision of a rental programme. The criteria for participation in the programme are related to the damage to the dwelling (as a result of a natural disaster or accident), dilapidation, being a recipient of social assistance or loss of property. The criteria are sometimes not spelled out, are open and may be related to the general needs of homeless persons. In addition, in some cases the criteria vary between municipalities.⁸⁹³ There are municipalities where such a programme is not included in the budget at all.⁸⁹⁴ According to the Public Defender, the need to provide adequate housing cannot arise only as a result of a natural disaster and/or accident. Such programmes should consider the socio-economic situation of persons in need of housing. As for the amounts of rent, they vary from GEL 150 to GEL 500 between municipalities. For example, GEL 500 is not enough in the Tbilisi municipality, which further complicates the possibility of providing beneficiaries with housing.⁸⁹⁵ It is worth noting that some municipalities have programmes for partial rehabilitation of residential buildings (mainly roof rehabilitation) or construction of new houses.⁸⁹⁶ As a

agreements are being carried out (letter IDP 3 25 00200362 of the IDPs, Eco-migrants and Livelihood Agency of February 21, 2025).

⁸⁹² International mechanisms relating to adequate housing are detailed in the 2022 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 242, available at < <https://shorturl.at/oqJUr> > [12.03.2025].

⁸⁹³ For example, in Lentekhi and Akhmeta municipalities, enrollment in the rental programme is related to the fact of being affected by a natural disaster; in Signaghi, homelessness and difficult economic situation must be accompanied by the status of a victim of violence, person with disability, and/or breadwinner, or living with a minor; in Tbilisi Municipality, enrollment in the rental programme is related to the ownership/possession of dilapidated space.

⁸⁹⁴ For example, no rental programme is provided in Batumi, Rustavi, Kutaisi or Khulo municipalities.

⁸⁹⁵ According to the rules for implementing the Sub-programme on Providing Compensation for Ruined Houses, which is provided for in the 2025 budget of the Tbilisi municipality, the amount of compensation issued by the Gamgeoba is GEL 500 (five hundred).

⁸⁹⁶ Programmes for the rehabilitation of damaged houses or the construction/purchase of new houses are provided in the municipalities of Samtredia, Tskaltubo, Zugdidi and Terjola, in the case of Borjomi municipality, these measures are implemented from the reserve fund, Mestia and Gori municipalities provide cottage-type housing to families registered as homeless/socially vulnerable families left homeless.

rule, the number of persons/families who have applied to the City Hall for registration as homeless increases every year in the municipalities.

It is also worth noting that the majority of municipalities still have not approved a homeless registration rule,⁸⁹⁷ and in some municipalities where such a rule has been developed, homeless registration/housing provision takes a long time and there are so-called waiting lists.⁸⁹⁸ In the case of Tbilisi municipality, by the decision of the City Hall, in order to quickly and effectively resolve the issue of providing housing for families with homeless status, additional spaces owned by the municipality will be allocated, which had been transferred to the City Hall from development companies within the framework of various projects. The Office requested detailed information about this issue⁸⁹⁹, from which we learn that as of December 2024, 125 homeless families had already received residential apartments with the right to use them.⁹⁰⁰

21.2.2. Social housing and similar institutions in the country

The situation of social housing remains difficult. Despite the recommendations issued, no significant steps have been taken to provide alternative housing for people living in social housing in the municipalities of Gori, Kutaisi and Ozurgeti, and no significant progress has been observed in this direction. The Public Defender has been specifically noting for several years that the environment in these facilities is clearly unsatisfactory, and living there is dangerous for life/health.⁹⁰¹ Additionally, it is worth noting that in addition to the social housing facilities of Tbilisi, Gori, Ozurgeti and Kutaisi, social housing operates in the municipalities of Martvili (1 facility), Zugdidi (1 facility), Tkibuli (1 facility), Bolnisi (3 facilities), Rustavi (2 facilities), Adigeni (1 facility), Sagarejo (1 facility). In addition, night shelters are available in some municipalities (for example, Tbilisi, Batumi, Akhaltsikhe municipalities). And in some municipalities,⁹⁰² there are buildings and structures that are illegally occupied by socially vulnerable persons, are used for housing and actually serve as social housing.

In addition, the situation in social housing located on 12 Mukhadze St. in Orkhevi, Tbilisi, is hazardous. As noted in the 2023 report, the Tbilisi City Government made a decision to provide families living in the housing with rents and subsequently transfer the right to use the residential spaces to them. The Public Defender positively assessed this initiative. Currently, according to the information we have, out of 73

⁸⁹⁷ As of February 12, 2025, 27 municipalities had developed the rules for registration as homeless. These are: Batumi, Ozurgeti, Lanchkhuti, Chokhatauri, Kutaisi, Bagdati, Samtredia, Kharagauli, Vani, Zugdidi, Martvili, Senaki, Mestia, Ambrolauri, Gori, Bolnisi, Dmanisi, Rustavi, Tetrtskaro, Dusheti, Kazbegi, Adigeni, Borjomi, Gurjaani, Signaghi, Sagarejo and Tbilisi municipalities.

⁸⁹⁸ In this regard, the Batumi municipality is noteworthy, where homeless families registered in 2023 are still on the waiting list. In Kutaisi, 132 families living in the municipality are waiting to be provided with temporary housing; out of 375 families registered in Rustavi, 64 families are using municipal services, and the provision of new families depends on the free spaces in social housing. As for the Tbilisi municipality, 2,341 families applied to the City Hall for registration as homeless in 2023, and 1,151 families in 2024. Applications of 929 families are currently being considered (including applications registered 2023).

⁸⁹⁹ Letter No. 2024/6603 of the Public Defender's Office of November 22, 2024.

⁹⁰⁰ Letter No. 15-01243402538 of the Tbilisi City Hall of December 5, 2024.

⁹⁰¹ See the Public Defender's 2021, 2022 and 2023 Reports on the Situation of Human Rights and Freedoms in Georgia, available at: < <https://shorturl.at/MACp8> > [12.03.2025].

⁹⁰² E.g., the municipalities of Kobuleti, Kutaisi and Poti.

families registered in the housing, 53 families had been provided with rents by January 2025, after they presented the required documents. As explained, the families remaining in the housing were offered to join the rental programme and were provided with information about the dilapidated condition of the building, but despite this, they still do not leave the housing.⁹⁰³ The Public Defender indicates that the Orkhevi social housing building is dilapidated and its use is unacceptable,⁹⁰⁴ therefore, it is critically important that all residents vacate the housing. To this end, additional efforts are needed, including intensive negotiations with beneficiaries, providing risk-related information in a form that they understand, and taking effective and practical steps to enroll them in the rental programme.

Proposal:

To the Parliament of Georgia:

- Adopt framework legislation in line with international standards in order to ensure the realization of the right to adequate housing, develop a legislative definition of the concept of a homeless person based on international standards and best practices.

Recommendations

To the Government of Georgia:

- Develop minimum standards for the arrangement of social housing in line with the best international practice.

To the City Halls of Gori, Kutaisi and Ozurgeti municipalities:

- Provide people living in social housing with alternative housing that is appropriate for a dignified life.

To the Tbilisi City Hall and Samgori Gamgeoba (district administration):

- Make relevant efforts, including by conducting intensive negotiations, with the involvement of specialists, with people living in social housing on 12 Mukhadze Street in Orkhevi regarding vacating the building and joining the rental programme.

⁹⁰³ Letter No. 37-0125031623 of the Samgori Gamgeoba of the Tbilisi City Hall of January 31, 2025.

⁹⁰⁴ Letter No. 37-01233132970 of the Samgori Gamgeoba of the Tbilisi City Hall of November 9, 2023 and relevant expert conclusions.

22. Rights of Persons with Disabilities

In 2024, the situation regarding the protection of the rights of persons with disabilities in the country has not improved, and in some areas, a deterioration is observed.

Accessibility to the physical environment, services, information, and communication, as well as access to websites and applications, remains a challenge. There is also a lack of individual support within state programs for assistive devices and digital technologies. To this day, a national accessibility plan has not been approved. There are no standards to ensure access to information and communication for persons with disabilities, which hinders the proper realization of their other rights.

Despite the activities carried out, promoting the competitiveness of persons with disabilities and their employment in the open labor market remains a systemic issue. There are still gaps in the provision of inclusive education. Identification and proper referral of children with disabilities who are left out of education to appropriate services continues to be a challenge.

Timely implementation of the biopsychosocial model for determining the status of disability has been delayed. The existing assessment system, based on the medical model, fails to recognize the individual needs of persons and leaves them beyond the state's attention.

A challenge remains the lack of initiatives promoting independent living for persons with disabilities, as well as access to necessary habilitation/rehabilitation services, which is due to problems related to the geographical coverage of services, insufficient funding, and/or the availability of qualified specialists. There are still no required rehabilitation programs for adult persons with disabilities, including those with autism.

In addition to the delayed start of the personal assistant service,⁹⁰⁵ municipalities did not consider the participation of persons with disabilities and their representative organizations when outlining this service program.⁹⁰⁶ Individuals with the relevant needs still do not have information about the launch of the program and the procedures for joining it. It is also noteworthy that persons with disabilities under the age of 18 are still not considered a target group for this state program.

During the reporting period, the situation in inpatient psychiatric institutions has deteriorated. The infrastructure, therapeutic conditions, and sanitation-hygiene standards of the clinics do not meet national and international standards, which in many cases makes it impossible to treat patients in conditions that respect their dignity.

The implementation of the 2022-2024 action plan of the Mental Health Protection Strategy for 2022-2030 is progressing with shortcomings.

⁹⁰⁵ According to Article 37 (5, "b) of the Georgian Law on the Rights of Persons with Disabilities, this service was supposed to be launched starting January 1, 2025.

⁹⁰⁶ According to the information received from the municipalities of the cities of Tbilisi, Kutaisi, Batumi, Rustavi, and Poti, it is unclear in what form persons with disabilities and their organizations were involved in the program development process.

During the reporting period, several challenges have emerged in the realization of the right of persons with disabilities to participate in public and political life. The effective functioning of consultative mechanisms on disability issues at both central and local levels has been deteriorated.

Furthermore, during the 2024 parliamentary elections, shortcomings were identified in the voting process.

22.1. Participation of persons with disabilities in public and political life

The inclusion of persons with disabilities in the decision-making process is a crucial obligation of the state,⁹⁰⁷ the proper fulfillment of which is directly linked to the adequate implementation of the Convention on the Rights of Persons with Disabilities.

During the reporting period, several challenges⁹⁰⁸ emerged in the realization of the right of persons with disabilities to participate in public and political life, which requires timely action from the state. The Public Defender emphasizes that the main message of the Convention on the Rights of Persons with Disabilities is "Nothing about us without us," which inherently implies the necessity of the participation of persons with disabilities in processes. This principle is also reflected in the state's general obligations and has obligated state parties to make decisions in close cooperation with representative organizations of persons with disabilities.⁹⁰⁹ The Ombudsman urges the responsible state structures to ensure that the initiative to abolish the mandatory participation of non-governmental organizations in the decision-making process does not harm the participation of representative organizations of persons with disabilities in the decision-making process. Ignoring this obligation would, in fact, exclude the possibility of proper implementation of the Convention.

The activities carried out by the mechanisms at both central and local levels to ensure the participation of persons with disabilities in the implementation process of the Convention have been delayed. According to information received from the Tbilisi City Hall, no meetings of the council working on disability issues were held in 2024.⁹¹⁰ As of February 2025, the mandate of the members of the advisory body has not been extended, nor have new members been elected. According to the Tbilisi City Hall, the reorganization of the council is planned for 2025.⁹¹¹

⁹⁰⁷ The Convention on the Rights of Persons with Disabilities, Article 4(3); Article 33(3); available at: <https://bit.ly/2USRwB9>.

⁹⁰⁸ Among them, after the adoption of the Georgian Law on "Transparency of Foreign Influence," some organizations of persons with disabilities were unable to continue their activities in the usual manner, which negatively affected their involvement in the decision-making process. A large number of organizations refused to register in accordance with the law, which hinders their further work due to the risk of penalties provided by the same law.

⁹⁰⁹ The United Nations Convention on the Rights of Persons with Disabilities, Article 4(3): In the development and implementation of legislation and strategies for the implementation of the Convention, as well as in the decision-making process on other issues related to persons with disabilities, State Parties shall closely cooperate and actively involve persons with disabilities through their representative organizations. The Committee on the Rights of Persons with Disabilities considers the participation of persons with disabilities in the decision-making process through their representative organizations and, in General Comment No. 7, emphasizes that State Parties must give special importance to the views expressed by persons with disabilities through their representative organizations and ensure that these views are prioritized in the decision-making process.

⁹¹⁰ Correspondence of the Tbilisi City Municipality №15-0125028418 - 28/01/2025.

⁹¹¹ Correspondence of the Tbilisi City Municipality №15-01250361789 – 05.02.2025.

In 2024, no meeting of the Interagency Committee on the Implementation of the Convention on the Rights of Persons with Disabilities of the Government of Georgia was held.⁹¹² According to available information, some persons with disabilities and organizations of persons with disabilities have left the advisory board of the consultative body.⁹¹³

During the reporting period, a challenge emerged in the activities of the interagency committee regarding the registration/differentiation of representative organizations of persons with disabilities.⁹¹⁴ As is known, the UN Committee on the Rights of Persons with Disabilities distinguishes between organizations of persons with disabilities and organizations for persons with disabilities, which provide various services to these individuals and/or advocate on their behalf. The Committee emphasizes that, when discussing issues related to persons with disabilities, State Parties should prioritize the views of their representative organizations.⁹¹⁵ In light of this, according to the regulations of the Interagency Committee of the Government of Georgia,⁹¹⁶ it has been determined that 51% of the members of the consultative council of the committee should be representatives of organizations for persons with disabilities and persons with disabilities themselves,⁹¹⁷ while 49% should be occupied by other organizations.⁹¹⁸ Despite this, the interagency committee does not maintain information on whether the organizations that are members of the consultative council are representative organizations of persons with disabilities or other entities.⁹¹⁹ As a result, it is not possible to assess whether the proportion defined by the regulations is maintained in the composition of the consultative council, particularly in terms of the participation of representative organizations of persons with disabilities in the decision-making process. Processing this information is also crucial for assessing the implementation of the recommendations of the UN Committee on the Rights of Persons with Disabilities concerning Georgia.⁹²⁰

⁹¹² Only one meeting was held within the framework of the consultative council of the interagency committee, specifically with the members of the thematic working group on inclusive education (source: letter from the Administration of the Government of Georgia GOV 7 25 00003344 - 10/02/2025).

⁹¹³ The statement of the members of the consultative council of the committee, including disability activists and organizations, can be found at the following link: <https://bit.ly/3EKZH9m> In December 2024, some of the organizations that are members of the consultative council addressed the Department of Human Rights with a request to revoke their status. Source: Letter from the Administration of the Government of Georgia, GOV 7 25 00003344 – (10/02/2025).

⁹¹⁴ Case of the Office of the Public Defender of Georgia №457/2024.

⁹¹⁵ The United Nations Convention on the Rights of Persons with Disabilities, General Comment No. 7 (2018), Participation of Persons with Disabilities, including children, in the implementation and monitoring of the Convention through representative organizations, pp. 5-6, Paragraphs 13-14, is available at: <https://bit.ly/3XvEWVV>.

⁹¹⁶ The Decree of the Government of Georgia № 552 (2021) on the establishment of the interagency coordinating committee for the implementation of the Convention on the Rights of Persons with Disabilities and the approval of its regulations, Article 4, available at: <https://bit.ly/4jXqRKe>.

⁹¹⁷ An organization in which more than half of its members, as well as those in leadership and representative bodies, are persons with disabilities.

⁹¹⁸ An organization with special claimant status, an organization working on the rights of persons with disabilities, an organization providing services for persons with disabilities, and an international organization working on the rights of persons with disabilities operating in Georgia.

⁹¹⁹ Correspondence of the Administration of the Government of Georgia: GOV 5 24 00013045 - 02/05/2024; Letter GOV 6 24 00017240 - 19/06/2024.

⁹²⁰ The UN Committee on the Rights of Persons with Disabilities recommends that Georgia prioritize the inclusion and consultations of representative organizations of persons with disabilities in consultative bodies and mechanisms, as well as give due importance to their views. Committee on the Rights of Persons with Disabilities Concluding observations on the initial report of Georgia, 2023, p. 3, paragraph 10.

22.2. 2024 Parliamentary elections

The participation of persons with disabilities in elections and the realization of active/passive voting rights is an important leverage for their involvement in political life. The fact that no statistics are collected on persons with disabilities participating in elections in the country makes it difficult to assess the situation in this regard.

During the 2024 parliamentary elections, it became evident that the process of participating in elections remains obstructed or inaccessible for some persons with disabilities. Specifically, for blind individuals, there is a problem with independently using the voting ballot frame/form provided by the electoral administration, which was directly observed by the Public Defender during the voting process at one of the polling stations. It also was detected that members of the precinct election commission lacked adequate knowledge for communication with blind persons. They were unable to explain the voting procedure to the voter or answer their questions.⁹²¹ Additionally, blind individuals faced difficulties in independently signing the voter registration slip. The significant size discrepancy between the signature area on the designated signature frame and the registration slip made it necessary to involve a third party in the process.

Participation in the 2024 parliamentary elections was also problematic for persons with psychosocial needs. Despite the informational training sessions⁹²² conducted based on the training module developed by the Central Election Commission,⁹²³ the majority of individuals residing in state care institutions were unable to exercise their passive voting rights. Out of the 769 individuals receiving services through the "Community Organizations Service Subprogram" for persons with disabilities and the older persons, only 76 persons with disabilities and older persons participated in the 2024 elections. It is noteworthy that of those who were unable to participate in the elections, 172 individuals are not included in the unified voter list at all,⁹²⁴ which constitutes a restriction of their passive voting rights. Other obstructive factors include the registration addresses of individuals in state care, which do not match with their actual place of residence. In most cases, the administration of the institutions and supporting individuals have not taken the necessary steps to register these persons at their actual addresses.

From the state care institutions where primarily support recipients are registered, only a few individuals participated in the elections, which again highlights the existing heightened stigma towards them and the inadequate fulfillment of the supporters' obligations. The Public Defender's monitoring also revealed that

⁹²¹ Information available at: <https://bit.ly/433cXjU>.

⁹²² Letter from the Central Election Commission (CEC) of Georgia №07/25 - 20/01/2025. "In 2024, trainers from the CEC and the Center for Electoral Systems Development, Reforms, and Training re-trained 14 representatives/staff members from 8 non-governmental organizations working on issues related to the rights of support recipients through an informational training session. These individuals, in turn, provided information about the possibility of independently participating in elections to approximately 170 beneficiaries through this module. Additionally, in cooperation with the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, and with the support of the International Foundation for Electoral Systems (IFES), the CEC held a training and informational session for individuals and staff living in the Dusheti Residential Facility for Persons with Disabilities. The session was attended by 110 individuals".

⁹²³ For information on the activities implemented by the CEC to ensure accessibility in elections, see the section on the status of implementation of the 2024–2026 Action Plan for the Protection of Human Rights in Georgia in the relevant report.

⁹²⁴ Letter of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking SCA 8 24 01370455 (25 Decembet 2024).

a large number of beneficiaries in state care are not informed about their right to participate in elections.⁹²⁵

Against the backdrop of existing challenges, persons with psychosocial needs are unable to exercise their legal capacity and remain excluded from political life.⁹²⁶

It is also noteworthy in terms of the inclusion of persons with disabilities in political life that, by the Central Election Commission's decree of December 17, 2024, the Department of Strategic Planning and Reporting was abolished. This department was responsible for coordinating the group working on issues related to persons with disabilities, which included persons with disabilities and representatives of their organizations. According to the Central Election Commission,⁹²⁷ the group has not been dissolved, and its head has been appointed as the head of the CEC apparatus/legal department. Additionally, new members have been assigned from various structural units of the CEC apparatus.

One of the important components of participation in political and public life for persons with disabilities is the realization of freedom of expression. However, several factors (systemic problems related to access to the physical environment, information, and communication) create significant barriers to the exercise of this right. It is important that the state considered the individual needs of persons with all types of disabilities in any planned or implemented response measures toward participants in protests or actions, ensuring equal conditions for peaceful expression of their opinions. During the reporting period, the Office of the Public Defender became aware of an incident during a gathering in which a deaf person was physically assaulted, which the Public Defender addressed in his statement.⁹²⁸

22.3. Mental health

Despite the annual increase in the budget for mental health programs in the country, systemic problems in the field remain unresolved, and in some cases, the situation has worsened.

The issue of a shortage of number of inpatient beds remains a critical problem in psychiatric inpatient facilities.⁹²⁹ In most institutions, the therapeutic, infrastructural, and sanitary-hygienic conditions do not meet national or international standards, making it impossible to treat patients in a manner that respects their dignity. The extremely overcrowded wards do not allow for the protection of personal space, the infrastructure is mostly in need of repair, and the sanitation facilities are largely worn out, non-functional, and often inadequate. Challenges remain in providing comprehensive treatment for both mental and physical health, ensuring proper nutrition for individuals in psychiatric inpatient facilities, providing

⁹²⁵ The visit of the National Prevention Mechanism to the Senaki shelter, Bediani, and the "Life" clinic.

⁹²⁶ None of the beneficiaries from the Dzevri boarding house, the beneficiaries of the Senaki shelter participated in the elections. Out of the 35 beneficiaries from the Bediani boarding house only two individuals participated in the elections. The exception is the Kedelis community service, where all beneficiaries participated in the elections.

⁹²⁷ Correspondence of the Central Election Commission of Georgia №08/75 - 28/01/2025 and N08/189 – 20.03.2025.

⁹²⁸ Statement of the Public Defender. Information available at: <https://bit.ly/4b6tDZA>.

⁹²⁹ At the end of 2024, 20 beds were added to the psychiatric bed capacity. Source: Correspondence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia. MOH 2 25 00181988 - 18 February 2025.

psychosocial rehabilitation, as well as protecting confidentiality and patients' personal space.⁹³⁰ A challenge is the identification and prevention of instances of violence by staff against patients, access to justice for patients,⁹³¹ as well as the lack and quality of rehabilitation services for individuals with mental health issues.⁹³² There is still a noticeable lack of human and financial resources in the mental health sector. To date, the standards for outpatient psychiatric services have not been approved, and the volume and quality of the provided services are not adequately monitored.

22.4. The 2022-2030 Mental Health Protection Strategy and the Action Plan for 2022-2024

Similar to previous years,⁹³³ the implementation process of the 2022-2030 Mental Health Protection Strategy faced significant delays. The interim assessment of the tasks outlined in the strategy, as of 2024, is practically impossible because the information specified by the relevant indicators, in most cases, is not being collected. The collection of part of this information is planned to begin in 2025-2026.⁹³⁴ The analysis of the implementation of the 2022-2024 Action Plan of the strategy⁹³⁵ shows that, during the reporting period, the development of the mental health sector proceeded without following the plan. Among other things, no activities outlined in the document were carried out to ensure the well-being of children and adolescents' mental health, provide support, or promote the well-being of their families.⁹³⁶ Among other things, no centers or consulting services for children's and adolescents' mental health were established, the needs of children with autism spectrum disorders were not assessed, and the care system was not expanded. Additionally, preventive programs for child and adolescent addiction were not implemented, and crisis departments with 3-4 beds for children and adolescents were not created in general profile hospitals.

The activities carried out in 2024 aimed at protecting the rights of individuals with mental health issues and reducing stigma have failed to ensure the completion of the tasks outlined in the action plan.⁹³⁷ During the reporting period, the component of peer support has not been integrated in mental health services, nor was a plan for anti-stigma measures developed, and an instrument for measuring societal stigma toward individuals with mental health issues was not created.

In order to provide quality mental health services as close as possible to residential areas (in the community) and to implement a telepsychiatry system, only part of the activities planned for 2024 have

⁹³⁰ The visits of the Public Defender of Georgia to psychiatric inpatient facilities. For detailed information, please refer to <https://bit.ly/4b6tDZA> <https://bit.ly/4hzVDax> <https://bit.ly/4bdToav> <https://bit.ly/4b9F82l> <https://bit.ly/4b2YR3T>

⁹³¹ The mandatory, accessible, simple, and confidential internal and external procedures for submitting complaints/appeals in psychiatric institutions have still not been approved.

⁹³² Correspondence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia MOH 1 25 00043043 – 17 January 2025.

⁹³³ The Public Defender of Georgia's 2022 Parliamentary Report, pages 254-255; The Public Defender of Georgia's 2023 Parliamentary Report, pages 265-266.

⁹³⁴ Information is only available for one indicator: the share of government expenditure on mental health services in the state healthcare program budget. In 2024 - 2.8%.

⁹³⁵ Correspondence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia MOH 2 25 00181988 - 18 February 2025.

⁹³⁶ The licensing requirements for psychiatric inpatient facilities approved by the Georgian Government's Decree №385 of 2010 have been reviewed and refined. A review of the standards for rehabilitation services for individuals with mental health issues is also planned.

⁹³⁷ 24 individuals employed in mental health services have undergone retraining regarding rights issues.

been initiated, and the efforts made so far are insufficient to achieve this goal.⁹³⁸ At this stage, the telepsychiatry and teleconsultation system has not been implemented. Additionally, the deinstitutionalization plan for the mental health sector has still not been developed.

No effective steps have been taken to integrate individuals with substance use disorders into the mental health system, and this task remains unfulfilled for 2024.⁹³⁹ Activities have practically not been implemented in the area of human resources development within the mental health system.⁹⁴⁰ Among other things, no standard training course for psychiatric nurses and their assistants has been developed, and there has been no regulation of the professions of clinical psychologists and social workers, nor have they undergone standardized training.⁹⁴¹

Certain activities have been carried out solely for monitoring purposes related to the social rehabilitation and child care state programs, aiming at the regulation, management, and control of the mental health system.⁹⁴² In addition, a monitoring group for the protection of patients' rights and the evaluation of service quality in the mental health sector has not been established, and the mechanism for purchasing medications has not been improved.

22.5. The status of the implementation of the 2024-2026 Action Plan for the Protection of Human Rights in Georgia

The 2024–2026 Action Plan for the Protection of Human Rights in Georgia⁹⁴³ includes the implementation of certain measures by the responsible state agencies to protect the rights of persons with disabilities.

The Office of the Public Defender assessed the implementation of the aforementioned document as of 2024.⁹⁴⁴ The monitoring revealed that some of the activities outlined in the action plan have been implemented, however, a number of measures could not be completed on time.

⁹³⁸ The process of reviewing and refining the standards for crisis intervention and psychosocial intervention services has begun. However, work on the day center - club model has not started due to issues with securing donor assistance.

⁹³⁹ A meeting of narcologists and psychiatrists was held in November 2024. With the involvement of the Parliament's Health Care and Social Affairs Committee, the establishment of a working group is planned.

⁹⁴⁰ An amendment has been made to the Georgian Government's Decree №385 of 2010, which stipulates that it is mandatory for all doctors and nurses in psychiatric service-providing institutions to participate in the continuous medical education system in the field of managing psychiatric conditions, as well as to accumulate 20 continuing education points annually.

⁹⁴¹ Correspondence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia MOH 2 25 00181988 - 18 February 2025.

⁹⁴² As of April 1, 2024, the Monitoring and Evaluation Department of the Care Agency was transformed into the Monitoring and Inspection Department. The staff headcount was increased, and 10 non-staff members were added to the monitoring group. Source: Correspondence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia MOH 2 25 00181988 – 18 February 2025.

⁹⁴³ Decree of the Government of Georgia №528 of 28 December 2023. Document available at: <<https://www.matsne.gov.ge/ka/document/view/6053557?publication=0>> [last visited on 19.02.2025].

⁹⁴⁴ We requested information from the following agencies: the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia; the State Services Development Agency of the Ministry of Justice of Georgia; Georgian Railway JSC; the National Agency for Crime Prevention, Non-Custodial Sentences Enforcement, and Probation under the Ministry of Justice of Georgia; the Justice House under the Ministry of Justice of Georgia; the Georgian Training Center of Justice under the Ministry of Justice of Georgia; the Georgian Innovation and Technology Agency under

Despite efforts to ensure inclusive education, including strengthening inclusive education, transitioning the inclusive education component into the Office of Resource Officers, and conducting training on the rights of persons with disabilities for staff at preschool and general education institutions, challenges remain in developing mechanisms to identify the needs of individuals with additional needs at the vocational education level and in implementing assessment mechanisms for these individuals in all public vocational education institutions.

In order to protect right to health of persons with disabilities,⁹⁴⁵ work was underway during the reporting period to improve the production of statistics on cases of patient deaths in psychiatric institutions. Certain steps were taken towards implementing the model of multidisciplinary clinics for mental health services, strengthening inpatient psychiatric services/psychosocial rehabilitation components, and developing standards for institutional care services. However, these activities were not completed within the established timeframe. The Ministry has not provided a comprehensive response regarding the completion of other activities planned for 2024.⁹⁴⁶

In order to promote the independent participation of persons with disabilities in elections and ensure an equal electoral environment for them,⁹⁴⁷ information about the electoral processes of the Georgian Parliament, dated October 26, 2024, was made accessible to individuals with various types of disabilities.⁹⁴⁸ At the same time, in order to support the independent participation of persons receiving support in elections, a guide in an easily read format was prepared for them for the first time in 2024. A novelty was also the development of an informational and educational module about the needs of persons receiving legal support.⁹⁴⁹ In addition, according to the Central Election Commission, in order to promote the independent participation of voters with disabilities in elections, members of the precinct election commissions underwent re-training. Despite the activities carried out, several shortcomings were identified in practice regarding the participation of persons with disabilities in the elections.⁹⁵⁰

the Ministry of Economy and Sustainable Development of Georgia; the National Bureau of Enforcement under the Ministry of Justice of Georgia; the Ministry of Education, Science, Culture, and Sport of Georgia; the Legal Aid Service JSC; the Agency for Professional Skills Development; and the Central Election Commission of Georgia.

⁹⁴⁵ Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia of 19 February 2025 - MOH 8 25 00188202.

⁹⁴⁶ Specifically, the focus was on adapting medical institutions for persons with disabilities and the retraining of doctors and nurses in institutions providing maternity/antenatal services.

⁹⁴⁷ Letter №07/25 of the Central Election Commission of Georgia, 20 January 2025 №07/25.

⁹⁴⁸ Information was made accessible to blind/visually challenged, deaf/hearing-difficulties, and persons receiving support. All video materials prepared as part of the informational campaign and all briefings conducted by the CEC were made available to deaf individuals in Georgian Sign Language. For blind and visually challenged voters, information about elections was also posted on the CEC's adapted website in an accessible format. Additionally, all informational flyers and posters prepared by the CEC contained QR codes, through which information was made accessible to deaf and persons with hearing difficulties in sign language and audio format.

⁹⁴⁹ According to this module, representatives of non-governmental organizations were retrained, and in turn, they provided information about the possibility of independent participation in elections to nearly 170 beneficiaries. A training session was also held with 110 beneficiaries of Dusheti boarding house.

⁹⁵⁰ See the section on the participation of persons with disabilities in public and political life.

In accordance with the plan, certain measures were implemented by the responsible agencies to raise awareness on the respect for the rights/dignity of persons with disabilities and to retrain relevant individuals,⁹⁵¹ to integrate minors aged 10 to 18 with challenging behaviors into referral programs and to develop technological solutions tailored to the needs of persons with disabilities.

22.6. Determining the disability status

According to the UN Convention on the Rights of Persons with Disabilities, based on the social model, defining the status of a person with a disability is a necessary prerequisite for meeting their individual needs. In contrast, the medical model of assessment currently in place in the country fails to recognize relevant needs and leaves many individuals outside the state's attention.

It is noteworthy that since 2023, measures related to the implementation of the bio-psychosocial model for determining the status of persons with disabilities have been underway in the country.⁹⁵² However, the analysis of the action plan created for this purpose shows that the process is delayed. A significant portion of the activities outlined in the action document began late, and their completion within the planned timelines is not achievable.⁹⁵³ Several activities that were supposed to be completed in 2023-2024 have not yet started.⁹⁵⁴

The Public Defender specifically emphasizes the necessity of a timely transition to the social model of assessment. Additionally, he points out the need to address the difficulties associated with the current process of granting status under the existing rules.

⁹⁵¹ The State Services Development Agency's "Georgian Justice Training Center" created a basic training module on equality and inclusion, and over 50 training sessions were held across Georgia, with more than 500 participants. As part of a joint project with the United Nations Development Programme (UNDP) and the Justice House, 80 frontline employees of the Justice House completed a sign language course in 2024. The State Legal Aid Service carried out the planned activity of holding meetings with persons with disabilities, as well as placing a document on frequently asked questions in the application.

⁹⁵² The Order №94/მ of the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia of March 9, 2023, on the approval of the action plan for the measures to be implemented in relation to the introduction of the bio-psychosocial model for determining the status of disability.

⁹⁵³ The development and implementation of the social model for determining the status of disability largely depends on the support of donor and international organizations. In 2024, the implementation of a partner organization's project began in the second half of the year, which, in turn, caused the postponement of other activities. Source: Letters of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia MOH 3 24 01068255 – 8 October 2024; MOH 7 25 0009427829 January 2025.

⁹⁵⁴ Among other things, work on developing and approving the plan for the informational campaign related to the bio-psychosocial model has not been completed; the needs and resources of medical institutions responsible for determining disability status have not been analyzed, nor have the criteria for starting a person's assessment and the periodicity of status verification been defined. The minimum number and composition of specialists for multidisciplinary teams in institutions responsible for determining disability status have not been specified, nor have the workload for each specialist and the optimization plan for the team been outlined. Additionally, no guidelines for the multidisciplinary team's activities, job descriptions for specialists, or required qualifications have been developed. A preparatory certification course program for multidisciplinary team specialists has not been created, nor has its accreditation been carried out. Measures have not been taken to improve the geographic accessibility of the status determination process. The piloting and approval of the child's participation procedure, guidelines, and questionnaire have not been conducted, nor has an instrument for self-assessment for adults been selected. No actions have been taken to establish a professional supervision service within the state system. Source: Letters of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia: MOH 3 24 01068255 – 8 October 2024; MOH 7 25 0009427829 - January 2025.

In addition to the fact that some citizens face certain barriers when determining their status,⁹⁵⁵ during the reporting period, a differing approach to recognizing the existing status of a person's disability was also revealed. This, in turn, represents an obstacle for some citizens in the process of realizing other rights.⁹⁵⁶ Specifically, this concerns an issue arising when applying to the State Pension Agency due to the unified pension payment assignment based on the disability status. The problem emerges when requesting to exit from the funded pension scheme.⁹⁵⁷

For this purpose, the individual must present a document confirming their disability status,⁹⁵⁸ issued by the relevant medical institution, even though these individuals have been granted status indefinitely by the bureaus operating before 2007. Citizens with such issues, in order to exit the scheme, are forced to undergo re-assessment, which requires additional resources (time, financial costs) or they are compelled to forgo the realization of a legally guaranteed right. It is also worth noting that the document issued by the bureaus serves as sufficient grounds for the assignment of the social package for them. In this case, there is a different approach in the country regarding the recognition of the document confirming a person's disability status.

In this regard, it is important to consider that the UN Committee on the Rights of Persons with Disabilities calls on Georgia to ensure that the process of establishing the disability assessment system does not create an excessive burden on persons with disabilities.⁹⁵⁹ Accordingly, it is crucial that persons with disabilities, whose status was determined by the bureaus before 2007 and who wish to exit the funded pension scheme, should not be required to go through the status determination procedure again. They should have the right to confirm the existence of their status through other legal means. One such method, according to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia,⁹⁶⁰ is the submission of information regarding receipt of the social package.⁹⁶¹

22.7. The situation in community services

Despite the state-declared deinstitutionalization policy, a certain number of persons with disabilities still live in large residential institutions.⁹⁶² The housing services provided for these individuals, in turn, fail to

⁹⁵⁵ 2023 Parliamentary Report of the Public Defender of Georgia. p. 264.

⁹⁵⁶ Case of the Office of the Public Defender of Georgia №2159/2024 (05.06.2024) and the case №2777/24 (15.03.2024).

⁹⁵⁷ The Law of Georgia on "Funded Pension," Article 33. The document available at: <https://bit.ly/41wxjAD>.

⁹⁵⁸ According to Article 2 (y) of the Law of Georgia on "Funded Pension," disability is a condition defined by the Law of Georgia on Medical-Social Expertise, which is confirmed by an excerpt from the medical-social expertise act issued by the relevant medical institution authorized to determine disability status.

⁹⁵⁹ Committee on the Rights of Persons with Disabilities Concluding observations on the initial report of Georgia, 2023. p. 2. Paragraph 8 (b). Available at <https://docs.un.org/en/CRPD/C/GEO/CO/1>

⁹⁶⁰ Letter MOH 02400376981 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia of April 2, 2024..

⁹⁶¹ Such a document can be issued by the State Services Development Agency, which is the authority responsible for administering the mentioned financial disbursement in the country.

⁹⁶² According to the Public Defender of Georgia's 2023 Parliamentary Report, a recommendation has been issued regarding the timely implementation of activities outlined in the 2023-2030 Strategy for the Independent Living and Deinstitutionalization of Persons with Disabilities and the 2023-2025 Action Plan, p 276. Document available at: bit.ly/4hmgUnc last visited on [20.03.2025]. The recommendation was reflected in the Parliament's resolution, "On the State of Human Rights and Freedoms in Georgia in 2023" concerning the Public Defender's report. The timely and effective implementation of this recommendation and the deinstitutionalization process is crucial.

ensure the creation of a family-like environment and the respect for their personal autonomy. The geographical coverage of small family-type services for persons with disabilities is insufficient. At the systemic level, adequate efforts are not being made to increase the involvement of the supportive social circle of service users.⁹⁶³

In 2024, visits conducted by the Public Defender's Office within the subprogram⁹⁶⁴ for providing services in community-based organizations⁹⁶⁵ for persons with disabilities revealed that, with a few rare exceptions, the services provided by these 19 institutions do not ensure social inclusion, individual development, or preparation for independent living for persons with disabilities. In some cases, the location of the institutions does not allow for proper integration into the community. In most of the inspected institutions, the daily routine characteristic of institutional settings does not respect individual autonomy or meet the differentiated needs of the residents.⁹⁶⁶ In some psychiatric residences, a medical approach is still evident.⁹⁶⁷

⁹⁶³ Positive practice in this regard has been identified in the institution, the Non-Entrepreneurial (Non-Commercial) Legal Entity "Marika - For a Dignified Life," where a separate strategy for communication with relatives is outlined. The strategy clearly defines how and in what form assistants should communicate with the beneficiaries' family members. Additionally, positive practice was observed in the service of the Non-Entrepreneurial (Non-Commercial) Legal Entity "Kheli Khels" (Dusheti) in this regard.

⁹⁶⁴ The subprogram includes components for providing community-based services for older persons and persons with disabilities, as well as ensuring small family-type services to promote independent living for persons with disabilities.

⁹⁶⁵ Monitoring was conducted in the following institutions: Non-Entrepreneurial (Non-Commercial) Legal Entity "Sighnaghi Region Socially Disadvantaged Therapy Association", Clinic "Life", Non-Entrepreneurial (Non-Commercial) Legal Entity "Kheli Khels" (Dusheti), Non-Entrepreneurial (Non-Commercial) Legal Entity "Marika - For a Dignified Life" (Dusheti), Tbilisi Mental Health Center, Non-Entrepreneurial (Non-Commercial) Legal Entity "Kheli Khels" (Tbilisi Branch 2), Community Organization "Thea's House" (Tskaltubo), Non-Entrepreneurial (Non-Commercial) Legal Entity "Imereti" (Tskaltubo, Village Maghlaki), Non-Entrepreneurial (Non-Commercial) Legal Entity "Our Big Family" (Tskaltubo, Banodja), Non-Entrepreneurial (Non-Commercial) Legal Entity "Live with Us" (Tskaltubo, Kvitiri), Non-Entrepreneurial (Non-Commercial) Legal Entity "Charitable Association Temi", Non-Entrepreneurial (Non-Commercial) Legal Entity "Brotsliani Charitable House", Non-Entrepreneurial (Non-Commercial) Legal Entity "Generations' Hearth", Non-Entrepreneurial (Non-Commercial) Legal Entity "Carefree Old Age", Non-Entrepreneurial (Non-Commercial) Legal Entity "Kare", Non-Entrepreneurial (Non-Commercial) Legal Entity "Marika - For a Dignified Life" (Zugdidi), Non-Entrepreneurial (Non-Commercial) Legal Entity Charitable Foundation "Barbare" (Ureki), Non-Entrepreneurial (Non-Commercial) Legal Entity "Adapt - Center for Equality and Development" (Ozurgeti).

⁹⁶⁶ In this regard, a positive example of practice is the service provided by Non-Entrepreneurial (Non-Commercial) Legal Entity "Kheli Khelis" (Dusheti, Mtsvitura Street № 45) and Non-Entrepreneurial (Non-Commercial) Legal Entity "Marika - For a Dignified Life," where beneficiaries have a flexible routine and the opportunity to plan their daily activities according to their own preferences.

⁹⁶⁷ For example, in the community housing of the Tbilisi Mental Health Center, rooms were referred to as wards, and residents were called patients. Recently, there have been fewer instances of complicated/crisis cases and the need for hospitalization or the use of physical or chemical restraints in such types of housing. This indicates the necessity for the development of community-based psychiatric services and the decongestion of inpatient facilities, especially for patients who have been staying in institutions for extended periods due to social reasons.

It is worth noting that in the residences, the documents required by the standard are mostly available on-site; however, in some cases, the journals are either empty⁹⁶⁸ or are filled out in a fragmented manner. Specifically, information regarding the interventions, activities, and outcomes carried out in each specific case is not fully documented.⁹⁶⁹ In some cases, the journals are not functionally separated correctly. The practice of managing beneficiaries' personal files is problematic.⁹⁷⁰ Residents are not adequately involved in the development of individual development plans, and the process of creating them is formal.⁹⁷¹ Service users are not adequately informed about their rights⁹⁷² and almost never make use of anonymous feedback mechanisms.

It is noteworthy that the confidentiality standards are not adequately upheld in institutions for persons with disabilities.⁹⁷³ Despite the fact that the obligation to protect confidentiality is generally outlined in contracts for employees, they do not have comprehensive knowledge on this matter.⁹⁷⁴

In the inspected institutions, there is a noticeable shortage of staff and functional overload. This is particularly evident in places where the staff is designated as legal supporters to the residents themselves.⁹⁷⁵ In the regions, there is a problem with finding qualified staff and a shortage of key

⁹⁶⁸ This refers to the logs for actions taken in response to the expression of opinions, actions taken in response to instances of violence, and records of accidents. In some cases, no entries could be found in the log, despite the fact that relevant incidents were identified through interviews.

⁹⁶⁹ In most cases, it is indicated that an individual interview was conducted; however, it is unclear who was involved or what the outcome was.

⁹⁷⁰ In some cases, there is no document confirming the recognition of the individual as a person receiving support, nor are the details of a relative/contact person provided.

⁹⁷¹ Individual development plans are template-based, and although all goals are marked as completed, they are transferred to the next six-month plan.

⁹⁷² An exception is the Non-Entrepreneurial (Non-Commercial) Legal Entity "Sighnaghi Region Socially Disadvantaged Therapy Association," which has made significant efforts to strengthen both the staff and residents. The providing organization actively collaborated with donor organizations and embassies, which positively impacted the well-being of the beneficiaries. According to representatives of the community organization, the obligations set out by the Law of Georgia on "Transparency of Foreign Influence" pose a threat to the continuation of this support, as well as to the overall continuity of the service's functioning.

⁹⁷³ In some institutions, there are no written forms regarding the dissemination of confidential information for staff and beneficiaries. There are instances where beneficiaries' medical needs and conditions are discussed in the presence of everyone. Even in institutions where a consent form is available, the form is general and does not specify details such as the specific materials (to which the consent applies), the date of completion, the duration of its validity, or other important details. It is also unclear whether consent is granted for the duration of the stay in the service or for specific activities.

⁹⁷⁴ In some cases, verbal consent is obtained from beneficiaries when photo or video materials of specific activities are published; however, this is not documented.

⁹⁷⁵ Due to the responsibilities assigned to the supporters, in some cases, they have difficulty fulfilling the primary obligations outlined in their contracts and are forced to work overtime. This, ultimately, leads to professional burnout and negatively impacts the quality of the service.

personnel, such as caregivers,⁹⁷⁶ psychologists, and social workers.⁹⁷⁷ The employment of male caregivers remains a problem. Efforts aimed at enhancing the psychosocial,⁹⁷⁸ vocational orientation, and employment support services,⁹⁷⁹ as well as strengthening the skills necessary for independent living, are still insufficient, especially when considering the interests of the residents.⁹⁸⁰ There is a need to strengthen efforts to integrate persons with disabilities placed in services into political,⁹⁸¹ sports, and cultural life.⁹⁸²

In some services, beneficiaries are employed in social enterprises⁹⁸³ operating within the institution or perform household tasks without remuneration. Sometimes, a tendency for uneven distribution of labor is observed, with relatively higher-functioning residents being burdened more with tasks such as cleaning common areas, preparing food, and taking care of other beneficiaries.⁹⁸⁴ Under the current regulations and financing model, the issue of mobilizing resources for staff retraining remains a significant challenge.⁹⁸⁵ The need for staff training is observed in areas such as the rights of persons with disabilities,⁹⁸⁶ positive behavior management, verbal de-escalation techniques, providing first aid,

⁹⁷⁶ For example, this trend was observed in the institution Non-Entrepreneurial (Non-Commercial) Legal Entity "Brotslani Charitable House," where the ratio of caregivers to the number of residents and their needs (the institution houses wheelchair users, as well as individuals with intellectual disabilities who require more intensive care) is insufficient.

⁹⁷⁷ This is often linked to staff shortages in the regions and insufficient financial resources. For example, in the community of "Kedeli," a psychologist was previously employed, but by the time of the visit, this position was no longer filled. The need for a social worker and a psychologist was also identified in the Non-Entrepreneurial (Non-Commercial) Legal Entity "Charitable Association Temi".

⁹⁷⁸ For example, in the service of the Non-Entrepreneurial (Non-Commercial) Legal Entity "Brotslani Charitable House," there was no space or resources necessary for rehabilitation and/or supporting beneficiaries' independent living. During the visit, the television in the common room was broken.

⁹⁷⁹ It should be positively assessed that in the service "Kheli Khelis" (Tbilisi, Avchala, 1 Mukhiani Military Settlement), one resident attends the professional college "Mermisi" and studies textile work. They independently go to the college every day, and one resident plans to engage in vocational education. Additionally, a resident of the service "Marika - For a Dignified Life" in Dusheti was employed at a hospital.

⁹⁸⁰ The residents express a desire to engage in activities such as music, painting, or other creative pursuits.

⁹⁸¹ For more information, see the section - Participation of Persons with Disabilities in Public and Political Life.

⁹⁸² During the monitoring process, a problem was identified regarding the full inclusion of wheelchair-user beneficiaries in external activities of the institution. In some cases, the reasons cited include non-adapted transportation and infrastructure.

⁹⁸³ For example, in the organization Non-Entrepreneurial (Non-Commercial) Legal Entity "Sighnaghi Region Socially Disadvantaged Therapy Association," there is a farm, a bakery, and a woodworking workshop.

⁹⁸⁴ Such practice was observed, for example, in the community housing of the Tbilisi Mental Health Center.

⁹⁸⁵ According to the representatives of community services, training was mainly carried out with the support of donor organizations. However, the enactment of the "Transparency of Foreign Influence" law in Georgia poses a threat under the current conditions of limited resources.

⁹⁸⁶ Since the group of persons with disabilities is not homogeneous, it is important to cover various target groups and areas (including issues related to sexual and reproductive health). There is also a need for training on issues related to mental health.

prevention of excessive alcohol consumption,⁹⁸⁷ the scope of the support institution, and its practical implementation.⁹⁸⁸

A problem exists in the current residential services regarding the care of somatic medical needs of persons with disabilities. Since the subprogram does not cover all costs, beneficiaries are required to mobilize funds from their social package for medications or necessary procedures in the case of chronic illnesses and dental problems.

A problem exists regarding the Care Agency's provision of adequate informational support to service providers based on positive collaboration (including in terms of properly maintaining documentation), frequent external monitoring, and providing detailed feedback.

Recommendations

To the Government of Georgia:

- To ensure the recording of information about representative organizations of persons with disabilities that are included in the Advisory Council of the Interagency Coordinating Committee for the implementation of the Convention on the Rights of Persons with Disabilities.
- To ensure the holding of meetings of the Interagency Committee for the implementation of the Convention on the Rights of Persons with Disabilities at the frequency specified by regulations.

To the Minister of Internal Affairs of Georgia:

- To ensure the realization of the right of persons with disabilities to peacefully express their opinions; in any planned or implemented response measures toward participants in protests or actions, take into account the individual needs of persons with all types of disabilities, and protect their physical safety. This includes:
 - ensuring that any warning messages regarding the dispersal of protests are disseminated in a form accessible to persons with disabilities;
 - During the dispersal of gatherings and demonstrations or the detention of participants, responsible individuals should ensure that, when confiscating items from detainees, no assistive devices used by persons with disabilities used for their independent mobility and/or communication are removed.

⁹⁸⁷ There have been instances where the management of situations has been performed using disproportionately restrictive measures. For example, in one residence, a beneficiary consumed alcohol while leaving the premises, which led to a restriction on their ability to leave for one month. The institution was unable to provide an alternative to the restrictive measure.

⁹⁸⁸ This issue is particularly relevant in institutions where staff designated as legal supporters are required, among other tasks, to assist beneficiaries in managing the social package funds credited to their bank cards. Supporters need informational empowerment regarding the extent and intensity to which they should be involved in decision-making in sensitive areas. They also need guidance on their role in situations where there is a conflict between the beneficiary's desires and interests. Supporters are also unclear about their role in decision-making in reproductive matters and in the process of family life planning.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia:

- To modify the rehabilitation services for individuals with mental health problems in such a way that it becomes possible to significantly increase both the number of psychosocial rehabilitation centers and the number of beneficiaries involved in the services.
- To ensure the activation of psychiatric departments in multidisciplinary hospitals in the process of addressing the shortage of psychiatric inpatient beds.
- To ensure the timely development of the new action plan for the subsequent years of the Mental Health Protection Strategy for 2022-2030; the new plan should reflect the activities outlined in the 2022-2024 action document that were not implemented.
- To ensure the adaptation of medical institutions participating in the "Maternal and Child Health" state program for persons with disabilities.
- To ensure the retraining of 100% of doctors and nurses in institutions providing maternity/antenatal services, taking into account the specific needs of persons with disabilities.
- To ensure the update of the "Unified Technical Regulation for Child Care" and the completion of the procedures for integrating the school-institution care standards.
- To ensure the implementation of the activities outlined in the 2023-2025 action plan for the introduction of the bio-psychosocial model for determining disability status, within the established deadlines, with the active involvement of persons with disabilities.
- To ensure the creation of flexible procedures for exiting the funded pension scheme for persons with disabilities whose status was determined indefinitely by the bureaus operating before 2007.

To the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking:

- To take the necessary measures to ensure the participation of persons with disabilities under state care in the 2025 elections. This includes:
 - Oversee the elimination of the shortcomings that led to the violation of the voting rights of persons with disabilities under state care during the 2024 parliamentary elections.
 - To ensure the effective monitoring of the fulfillment of obligations by supporters in order to facilitate the realization of the passive electoral rights of persons receiving legal support.
- To ensure the provision of adequate informational support to community organization service providers with a focus on a collaborative approach.
- To ensure that external monitoring is conducted at least once a year and provide detailed feedback to community organization service providers. In addition, oversee the adherence to the detailed documentation procedures as defined by the current standards by service providers (particularly the written recording of actions taken in response to instances of violence and the maintenance of accident logs), as well as the proper functioning of the anonymous feedback mechanism.
- To facilitate the social inclusion, individual development, and preparation for independent living of persons residing in housing services, as well as strengthen efforts in the areas of their

psychosocial rehabilitation, participation in vocational/higher education programs, and support for employment in the labor market.

- To ensure the development of detailed consent forms regarding the disclosure of confidential information for both staff and beneficiaries of housing services. Provide consultation and supervision on this matter for service providers.
- To facilitate working with residents of housing services for persons with disabilities through an individualized approach, including providing the necessary consultation regarding the development of individual development plans.
- Facilitate the inclusion of relevant specialists (particularly caregivers, psychologists, social workers, and therapists) in housing services for persons with disabilities and prevent professional burnout among employed staff to increase the effectiveness of the service.
- To ensure the retraining of staff employed in housing services for persons with disabilities on the rights of persons with disabilities, positive behavior management, verbal de-escalation techniques, providing first aid, preventing excessive alcohol consumption, protecting the confidentiality of information, the scope of the support institution, and its practical implementation.
- To ensure the raising of awareness among users of housing services of persons with disabilities regarding their rights and the mechanisms for protecting those rights.

To the Central Election Commission of Georgia:

- To ensure the continuous training of precinct election commission members regarding services accessible to persons with disabilities.
- To ensure the possibility for blind persons to independently exercise their passive electoral rights in the 2025 elections.
- To ensure the establishment of specific guarantees for the functioning of the Council working on issues related to persons with disabilities at the Central Election Commission, and coordination that will allow the group working on disability issues to continue its effective work.

To the Training Center of Justice, to the Minister of Education, Science, Culture, and Sport of Georgia:

- To ensure the conduct of training on the rights of persons with disabilities (5 training sessions) for the administration and teachers of public schools (with the participation of at least 50 individuals).

To the Professional Skills Agency:

- To ensure the implementation of a needs assessment system for groups with additional needs at the vocational education level.

To the Tbilisi City Hall:

- To ensure the effective functioning of the Advisory Council on issues related to persons with disabilities under the Mayor of Tbilisi. This includes:

- Renew the composition of the Council within the shortest possible timeframe;
- Ensure that the Council is primarily composed of representative organizations of persons with disabilities and persons with disabilities themselves.
- Ensure the holding of Council meetings at the frequency specified in the regulations.

23.Children's Rights

23.1. Introduction

In 2024, the protection of children's rights in Georgia continued to face numerous challenges. However, it is worth noting that the previously rising trend of school dropout rates, which had been steadily increasing in recent years, has shown a decline. Despite this progress, the overall statistics for school dropouts and suspension of student status remain high and, as in previous years, are primarily linked to children leaving the country with their families.

The protection of children from violence remained one of the key challenges during the reporting year. Strengthening violence prevention efforts is critically important and requires, on the one hand, raising awareness among children and the general public, and on the other, fostering trust in responsive institutions and adopting child-centered approaches. These elements are essential for ensuring timely and effective measures to incidents of violence. In addition, the timely identification of cases of violence, the implementation of coordinated, interdisciplinary approaches, and the execution of appropriate responses continue to pose significant challenges—further highlighting the urgent need for systemic improvements.

In 2024, the lack of child rehabilitation services and qualified specialists remained a persistent challenge. Notably, during the year, the care agency employed 278 social workers and 30 psychologists.⁹⁸⁹ Although this figure represents an increase compared to previous years, the social worker positions have remained unfilled⁹⁹⁰ and, as a result, the current capacity still falls short of meeting existing needs.

In 2024, significant challenges were identified regarding the realization of children's freedom of expression and their right to peaceful assembly, as well as ensuring their protection from violence and guaranteeing their safety in the course of such activities. These challenges are largely rooted in low levels of awareness about children's rights and freedoms, as well as persistent stereotypes and existing practices.⁹⁹¹

989 Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 1 25 00228023 - 28/02/2025.

⁹⁹⁰ According to 2024 data, the State Care Agency had 299 authorized staff positions for social workers. Of these, 278 positions were actually filled, with 10 social workers employed under labor contracts. The agency also had 28 authorized positions for psychologists, while 30 psychologists were employed in practice, 7 of whom were contracted under labor agreements. It is also noteworthy that, as of 2023, the guardianship and care authority had 283 approved positions for social workers, with 255 filled at the time. Among them, 15 were employed under labor contracts. That same year, the State Care Agency had 20 authorized positions for psychologists, with 19 psychologists actually employed, 5 of whom were on labor contracts. For further details, see the Public Defender of Georgia's report "On the Situation of Human Rights and Freedoms in Georgia, 2023", pp. 278–279. The report is available at: < <https://bit.ly/3EXd88x> > [last visited on: 26/02/2025].

⁹⁹¹ See Public Defender's Statements: Statement of May 11, 2024: < <https://bit.ly/4bK4N2g> > [last visited on: 20/02/2025] and Statement of December 3, 2024: < <https://bit.ly/4kCIY8J> > [last visited on: 20/02/2025]. It is important to emphasize that children must be recognized as full rights-holders and treated as such. On the one hand, they should not be restricted

23.2. Right to education

23.2.1. Early and pre-school education

In 2024, a total of 137,474 children were enrolled in 1,713 early childhood and preschool education institutions.⁹⁹² Despite the Georgian government's 2023 initiative to launch the construction of 330 new kindergartens and rehabilitate 555 existing ones—a step that received a positive assessment from the Public Defender⁹⁹³—official statistics show that the number of preschool institutions increased by only five in the 2024/2025 academic year⁹⁹⁴. Consequently, challenges related to access to early childhood education remain pressing, particularly in terms of geographic distribution, infrastructure, and physical accessibility. As in previous years, ensuring full access to preschool education for children from ethnic minority communities continues to pose a significant challenge.⁹⁹⁵

Taking into account local needs, the pilot introduction of an alternative preschool education model in the municipalities of Dmanisi and Oni is a welcome development at this stage. However, it is equally essential to implement appropriate measures across all municipalities to ensure access to early and preschool education in line with national legislation and established standards.⁹⁹⁶

23.2.2. General education

Across the country, there are 2,086 public and 206 private schools in operation, nine of which offer boarding services. According to data from the 2024–2025 academic year, the total number of students enrolled amounts to 640,499.⁹⁹⁷

In 2024, a total of 10,800 students had their student status either suspended or terminated,⁹⁹⁸ which is 2,601 fewer than in 2023. Of these, 7,599 students had their status suspended, while 3,201 had their status

in exercising their right to freedom of expression; on the other hand, educational institutions must be safeguarded from interference by third parties that could disrupt the learning process.

⁹⁹² National Statistics Office of Georgia, information available at: < <https://shorturl.at/7o3De> > [last visited on: 28/02/2025].

⁹⁹³ See the Public Defender of Georgia's report "On the Situation of Human Rights and Freedoms in Georgia, 2022", p. 263. The report is available at: <https://shorturl.at/OF9xa> > [last visited on: 28/02/2025]; Also see the Public Defender of Georgia's report "On the Situation of Human Rights and Freedoms in Georgia, 2023", p. 279. The report is available at the following link: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025].

⁹⁹⁴ Number of Preschool Educational Institutions by Year: 2021/2022 – 1 648; 2022/2023 – 1 668; 2023/2024 – 1 708; 2024/2025 – 1 713;

⁹⁹⁵ For information regarding access to early and preschool education for children belonging to national minorities, see the section on Access to Education within the chapter on Protection of National Minorities and Civic Integration in the present report.

⁹⁹⁶ Information available at: < <https://shorturl.at/sVyGn> > [last visited on: 26/02/2025].

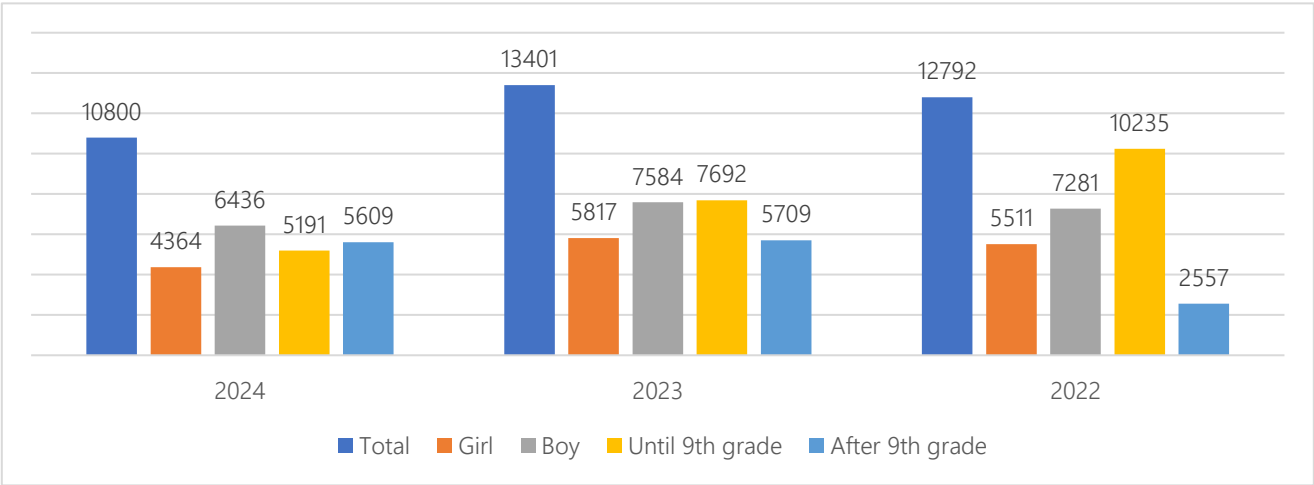
⁹⁹⁷ Correspondence of the Ministry of Education, Science and Youth of Georgia MES 8 25 0000141479, 12/02/2025.

⁹⁹⁸ According to Article 9 (1), of Order №04/6 on Approving the Rule for Student Enrollment and Suspension of Student Status in General Education Institutions, issued on January 11, 2017, by the Minister of Education and Science of Georgia, the grounds for suspending a student's status at the primary, basic, and secondary levels are as follows: 1) Absence for 45 consecutive school days; 2) The student's departure abroad, as declared in a written statement by the parent/legal representative; 3) Inability to meet the required level of achievement defined by the national curriculum after 12 years of schooling, combined with non-payment of the amount corresponding to the standard voucher; 4) A written request for suspension of status submitted by the minor student's parent/legal representative or by the student, if of legal age. A possible ground for the termination of a student's status may be the existence of financial debt to a private school, as

terminated.⁹⁹⁹ Among the total, 1,976 were foreign nationals, and 2 were stateless individuals.¹⁰⁰⁰ According to the data, the most common reasons for suspension of student status were: “departure abroad with family”, “request by a parent/legal representative”, “continuation of studies at a vocational college”, and “exceeding the permitted number of consecutive absences”. Regionally, the highest numbers of suspended or terminated student statuses in 2024 were recorded in Tbilisi (4,170), followed by the regions of Kvemo Kartli (1,979) and Adjara (1,273).¹⁰⁰¹

Despite the fact that the Public Defender has, for years, emphasized the need to improve and refine the unified statistics on the suspension and termination of student status, the Ministry of Education, Science and Youth reports that work is still ongoing to enhance the statistical tracking of status suspension requests. This includes efforts to revise internal regulations and to refine practices based on analysis of current trends.¹⁰⁰²

Table № 1: Statistics on Suspension/Termination of Student Status¹⁰⁰³



stipulated by the Law on General Education. It is also noteworthy that, according to statistics from the Ministry of Education, in some cases, reasons such as illness, death, marriage, commencement of employment, a parent’s written request, or continuation of studies at a vocational college may serve as grounds for either suspension or termination of student status. Additionally, termination may also result from completion of the educational level or formal expulsion from school.

⁹⁹⁹ Correspondence of the Ministry of Education, Science and Youth of Georgia MES 5 25 0000216680, 28/02/2025.

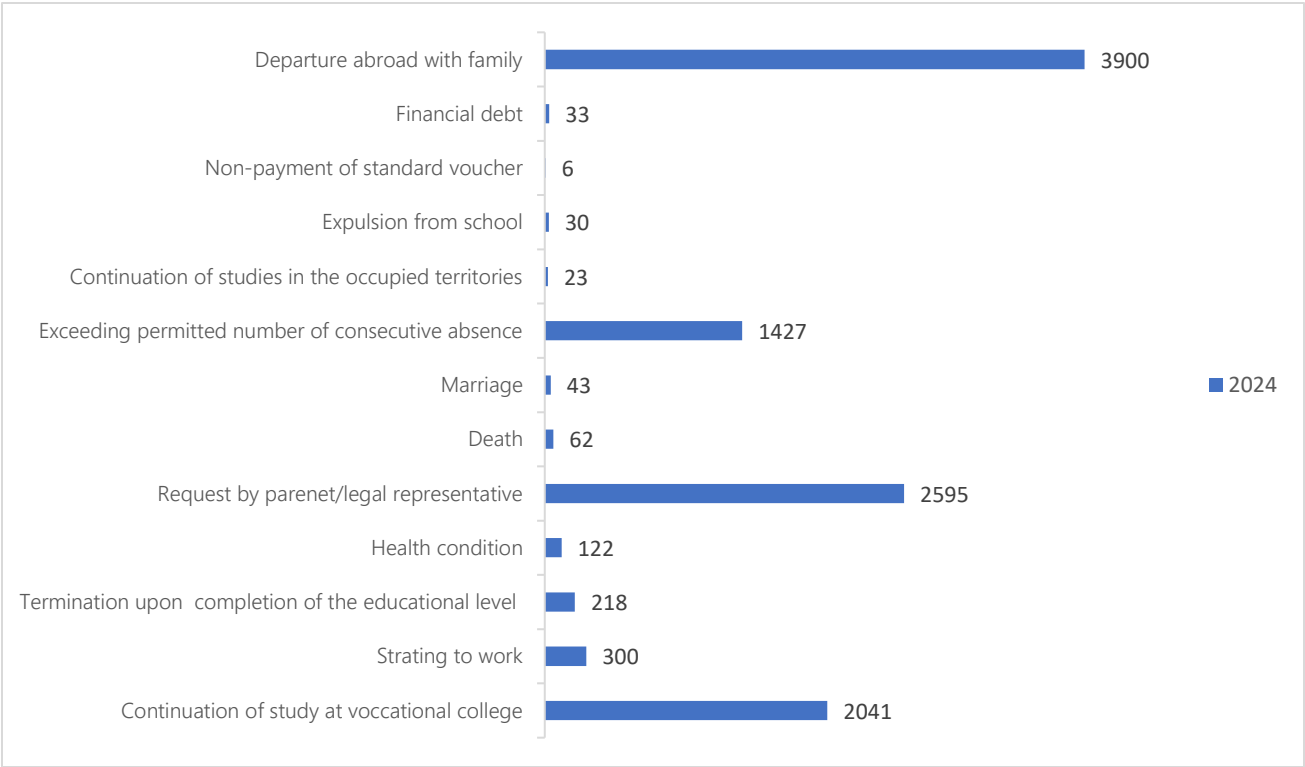
¹⁰⁰⁰ Ibid. In addition, according to statistics of the Ministry of Education, the citizenship status of 3 students is unknown, while in 13 cases, this information is not specified in the available data.

¹⁰⁰¹ Ibid.

¹⁰⁰² Correspondence of the Ministry of Education, Science and Youth of Georgia MES 8 25 0000141479, 12/02/2025.

¹⁰⁰³ Ibid. Also see the Public Defender of Georgia’s report “On the Situation of Human Rights and Freedoms in Georgia, 2023”, p. 281. The report is available at: < <https://bit.ly/3EXdB8x> [last visited on: 26/02/2025].

Table №2: Grounds for Suspension/Termination of Student Status¹⁰⁰⁴



It is worth noting positively that, during the reporting period, the Educational and Scientific Infrastructure Development Agency undertook significant efforts under various projects. In 2024, it carried out full rehabilitation of 94 schools and partial rehabilitation of approximately 200 schools. Additionally, construction works for 3 schools were completed, and design and construction activities were launched for 11 general education institutions.¹⁰⁰⁵

Despite the approval of the *School Nutrition Program* in 2023,¹⁰⁰⁶ regrettably, no tangible progress was observed in this area during 2024.¹⁰⁰⁷

¹⁰⁰⁴ Ibid.

¹⁰⁰⁵ Correspondence of the Ministry of Education, Science and Youth of Georgia MES 8 25 0000141479, 12/02/2025.

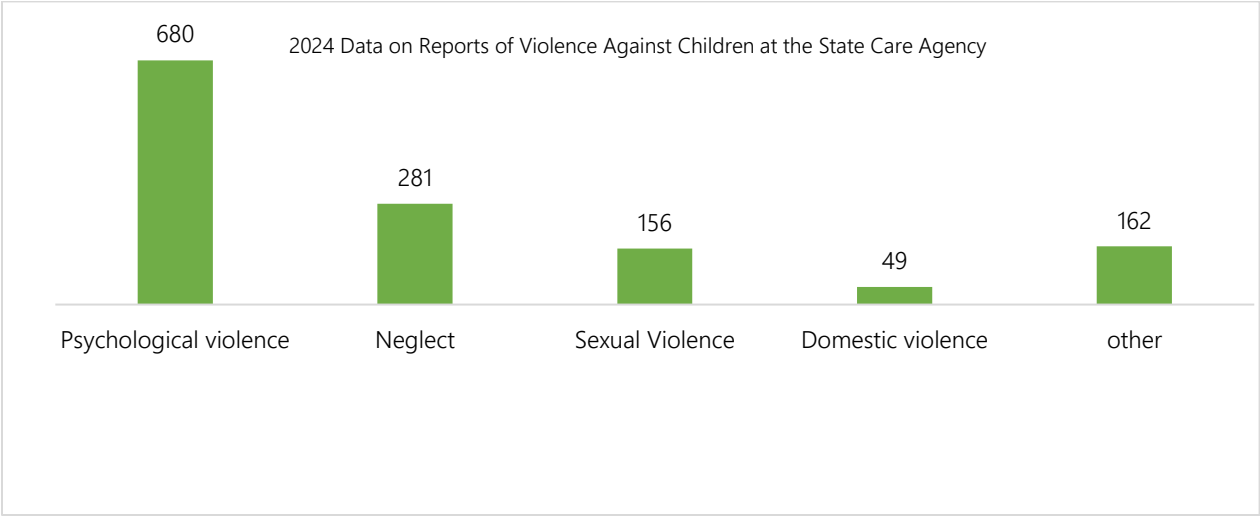
¹⁰⁰⁶ See the Public Defender of Georgia's report "On the Situation of Human Rights and Freedoms in Georgia, 2023", p. 283. The report is available at: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025].

¹⁰⁰⁷ The Public Defender of Georgia has issued a recommendation on this matter. See the report "On the Situation of Human Rights and Freedoms in Georgia, 2023", p. 295. The report is available at: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025]. This is reflected in the Resolution of the Parliament of Georgia "On the Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2023", p. 35. The resolution is available at: < <https://shorturl.at/R8w8i> > [last visited on: 20/03/2025].

23.3. Protection of children from violence

The production of comprehensive and detailed statistics on violence against children remains an ongoing challenge year after year. The absence of such data continues to hinder evidence-based assessment of the scope and scale of the issue nationwide.¹⁰⁰⁸ Despite years of recommendations issued by the Public Defender’s Office, this challenge has not only remained unaddressed but has in fact deteriorated—statistical data have become even more generalized. At present, it is impossible to determine how many investigations were launched by the Ministry of Internal Affairs of Georgia into possible offenses involving violence against children, including domestic violence, rape, and other related crimes.¹⁰⁰⁹

Table № 3¹⁰¹⁰



It is also important to highlight the reported cases of various forms of violence against children in schools, including physical, emotional, and intellectual punishment. Unfortunately, the records of the Child Rights Department reveal that responses to such incidents are often delayed by several months, and in some cases, even more than a year.¹⁰¹¹ This points not only to the ineffectiveness of existing protection mechanisms but also to the failure to ensure children’s proper access to their right to protection.

¹⁰⁰⁸ Correspondence of the Ministry of Internal Affairs of Georgia: MIA 5 25 00326273, 05/02/2025.

¹⁰⁰⁹ Registered Crime Statistics, 2024 — Ministry of Internal Affairs of Georgia. The information is available at: < <https://bit.ly/4iDk2w0> > [last visited on 20.03.25]; Domestic Violence Statistics (2024) — Ministry of Internal Affairs of Georgia. The information is available at: < <https://bit.ly/4iGRCBm> > [last visited on 20.03.25]; Also see the Public Defender of Georgia’s report “On the Situation of Human Rights and Freedoms in Georgia, 2023”, p. 295. The report is available at: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025]; Also see the special report on “Administration of Justice in Cases of Sexual Violence and Sexual Exploitation Against Children”, 2021, p. 94. The report is available at: < <https://bit.ly/4bhqKoZ> > [last visited on: 26/02/2025].

¹⁰¹⁰ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 1 25 00228023, 28/02/2025.

¹⁰¹¹ Pending cases: №2443/2024, №2612/2024, №6095/2024, №7619/2024, №8683/2024, №6510/2024, №2230/24, №2881/2024, №3777/24. The cases referenced serve as examples and do not encompass full scope of cases and matters currently under review by the department; however, they clearly illustrate the systemic issue of delays in the response process.

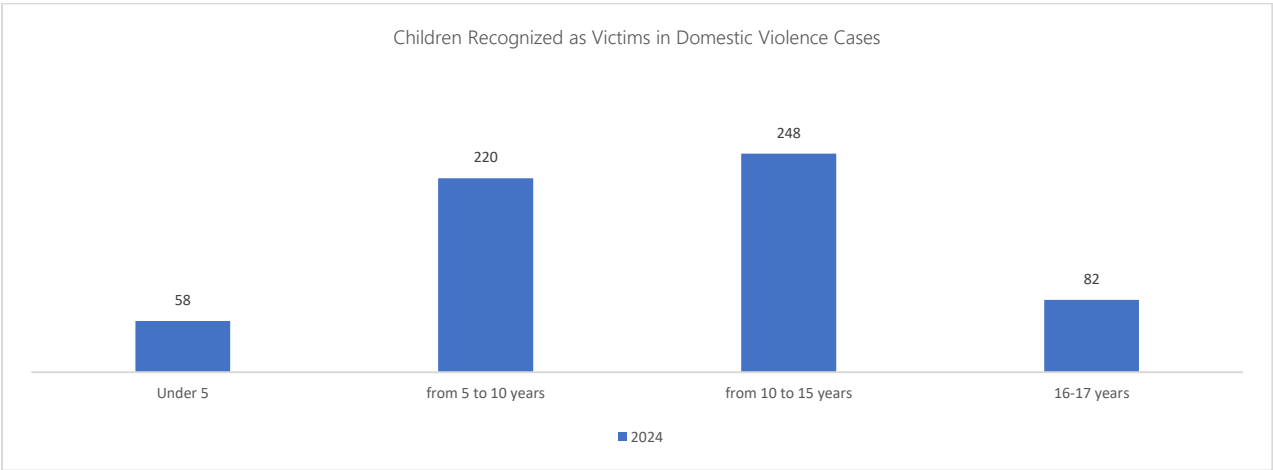
Moreover, during disciplinary proceedings, several critical issues remain unresolved, including ensuring children’s informed participation, guaranteeing confidentiality, protecting them from stigmatization, creating an emotionally safe environment, and effectively upholding the rights of children.

23.3.1. Domestic violence

In the fight against domestic violence crimes involving children, numerous challenges persist in the country—both in terms of identifying such cases and ensuring timely and effective responses. Low levels of awareness among both children and adults continue to be a significant and ongoing issue. Despite multiple recommendations by the Public Defender,¹⁰¹² the shortage of support and rehabilitation services focused on children and families, along with the absence of programs promoting positive parenting and behavior correction, further exacerbates the situation and negatively impacts the protection and well-being of children.

In 2024, criminal prosecution was initiated against 2,172 individuals, and 608 children were officially recognized as victims of domestic violence.¹⁰¹³ However, this data reflects only those cases in which criminal proceedings were initiated. Due to shortcomings in data collection at the Ministry of Internal Affairs of Georgia, it is currently impossible to determine how many instances of domestic violence against children were referred to law enforcement agencies or how many resulted in the initiation of investigations. Additionally, it remains unclear how many restraining orders were issued specifically for the protection of children in domestic violence cases. Currently, the only publicly available data are those cases for which the Prosecutor General’s Office of Georgia compiles statistics.

Table № 4



¹⁰¹² See the Public Defender of Georgia’s report “On the Situation of Human Rights and Freedoms in Georgia, 2022”, p. 276. The report is available at: <<https://shorturl.at/OF9xa>> [last visited on: 28/02/2025]. Also see the Public Defender’s special report on “Administration of Justice in Cases Concerning the Child’s Relationship with Both Parents”, 2023, pp. 37–40. The report is available at: <<https://shorturl.at/vlfft>> [last visited on: 28/02/2025].

¹⁰¹³ Correspondence of the General Prosecutor’s Office: №13/6671, 06/02/2025.

In 2024, 155 convictions were issued in domestic violence cases involving children, and 19 protective orders were issued on the grounds of violence against children.¹⁰¹⁴ It is also noteworthy that, according to the State Care Agency, in 2024, a total of 297 children were separated from their biological families due to domestic violence, neglect, or psychological abuse.¹⁰¹⁵ The outcomes of case proceedings continue to indicate a lack—or, in some cases, a complete absence—of child-focused, immediate response and long-term support mechanisms in the country. Particularly concerning are cases involving a child's relationship with both parents, where psychological abuse and manipulation by parents are prevalent. Due to ineffective and delayed interventions by state authorities, the enforcement of decisions in such cases is often prolonged for years, creating a real risk of continued violence against the child.¹⁰¹⁶

23.3.2. Sexual violence

The steps taken by the Special Investigation Service to protect children's sexual freedom and inviolability are commendable—particularly efforts to tighten existing policies, introduce monitoring mechanisms, and strengthen prevention and support measures for children.¹⁰¹⁷ It is essential that these initiatives are implemented in a timely and effective manner to bring about practical and sustainable improvements in child protection.

Despite the above-mentioned efforts, as in previous years, the country still lacks services aimed at the long-term rehabilitation of children who have experienced sexual violence and the support of their families. Despite numerous recommendations issued by the Public Defender over the years,¹⁰¹⁸ the vast majority of institutions still lack child-friendly spaces, and the number of specialists working with children who have experienced violence remains insufficient to meet actual needs.¹⁰¹⁹ Furthermore, as of the present stage, only one facility operates nationwide to support child rehabilitation and to conduct investigative or procedural actions in a child-friendly environment—the *Psychosocial Service Center for*

¹⁰¹⁴ Correspondence of the Supreme Court of Georgia № 3-51-25, 27/02/2025.

¹⁰¹⁵ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 1 25 00228023, 28/02/2025.

¹⁰¹⁶ Cases reviewed by the Public Defender of Georgia: №7075/2024, №7510/2024, №1654/2024, №1395/2024, №2324/24. ¹⁰¹⁶ The assessment is based on trends identified through the examination of specific cases, which clearly point to systemic shortcomings in the response process. While these cases do not represent an exhaustive list, they sufficiently reflect a pattern of inadequate responses—particularly in cases involving psychological violence—which reflects the lack of child-focused, timely, and effective interventions.

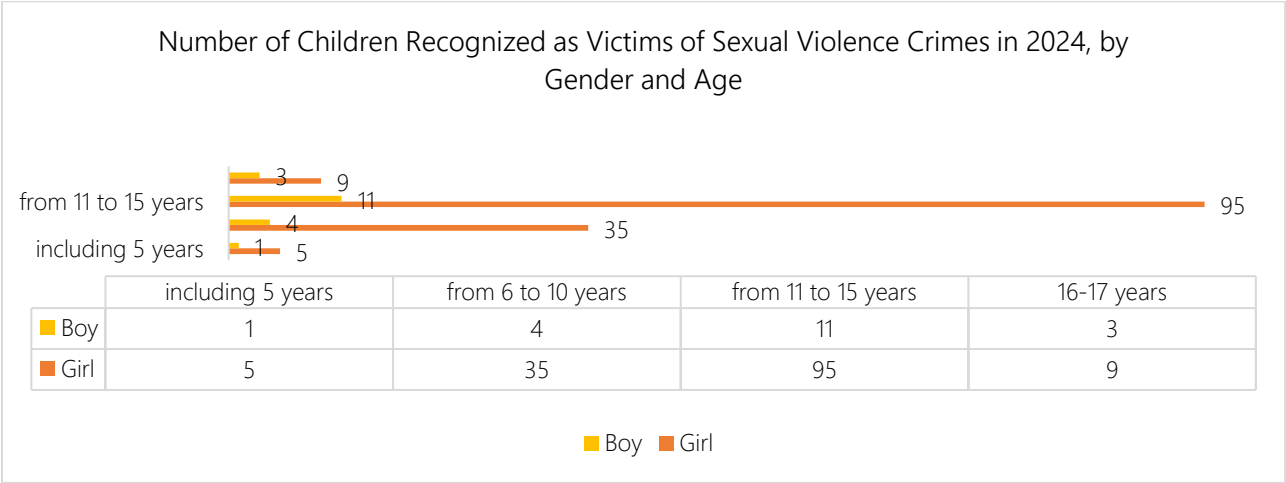
¹⁰¹⁷ Information regarding the establishment of a special department by the Special Investigation Service, the initiation of a registry of convicted offenders and monitoring mechanisms, the commencement of legislative amendment processes, and the organization of preventive meetings can be found at the following links: < <https://rb.gy/b2hdus> >; < <https://rb.gy/nnwo3u> >; < <https://rb.gy/s8pa8s> >; < <https://rb.gy/1oe2yi> >, [last visited on: 27/03/2025].

¹⁰¹⁸ See the Public Defender of Georgia's report "On the Situation of Human Rights and Freedoms in Georgia, 2023", p. 293. The report is available at: < <https://bit.ly/3EXdB8x> [last visited on: 26/02/2025]; Also see the special report "Administration of Justice in Cases of Sexual Violence and Sexual Exploitation Against Children", 2021, p. 97. The report is available at: <https://shorturl.at/yOeqO> [last visited on: 28/02/2025], Also see the Public Defender's special report "Administration of Justice in Cases Concerning the Child's Relationship with Both Parents", 2023, p. 45. The report is available at: < <https://shorturl.at/vlfft> > [last visited on: 28/02/2025].

¹⁰¹⁹ It is worth noting that the Integrated Service Center for Child Victims of Sexual Violence employs only 3 psychologists and 2 social workers. Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 1 25 00228023, 28/02/2025.

Child Victims of Violence located in Tbilisi. In 2024, a total of 114 minors were referred to this center.¹⁰²⁰ Clearly, this is insufficient to ensure the geographical accessibility of rehabilitation services and to meet the essential requirement of guaranteeing a child-friendly environment within the justice process. Furthermore, in cases requiring forensic medical examinations of children who have experienced sexual violence, such services remain accessible only in Tbilisi. This not only contradicts the principles of a child-centered approach in the administration of justice significantly increases the risk of additional traumatization for the children involved.

Table № 5¹⁰²¹



Despite numerous proposals by the Public Defender,¹⁰²² national legislation on sexual violence against children remains substantially inconsistent with international standards. The qualification of crimes such as rape and other acts of a sexual nature still requires, as a prerequisite, the presence of violence, threats of violence, or the exploitation of a helpless condition. A statutory minimum age below which act of sexual penetration against a child is automatically classified as rape has not yet been established. Moreover, due to the ambiguous nature of the legal framework and existing practice, video or audio recordings of a child’s interview conducted under protocol are still not admissible as evidence, and a written transcript of the interview remains mandatory. As a result, during interviews at the *Psychosocial Service Center for Child Victims of Violence*, multiple individuals continue to be present, and children are further burdened by having to remain for extended periods while the written transcript is prepared.

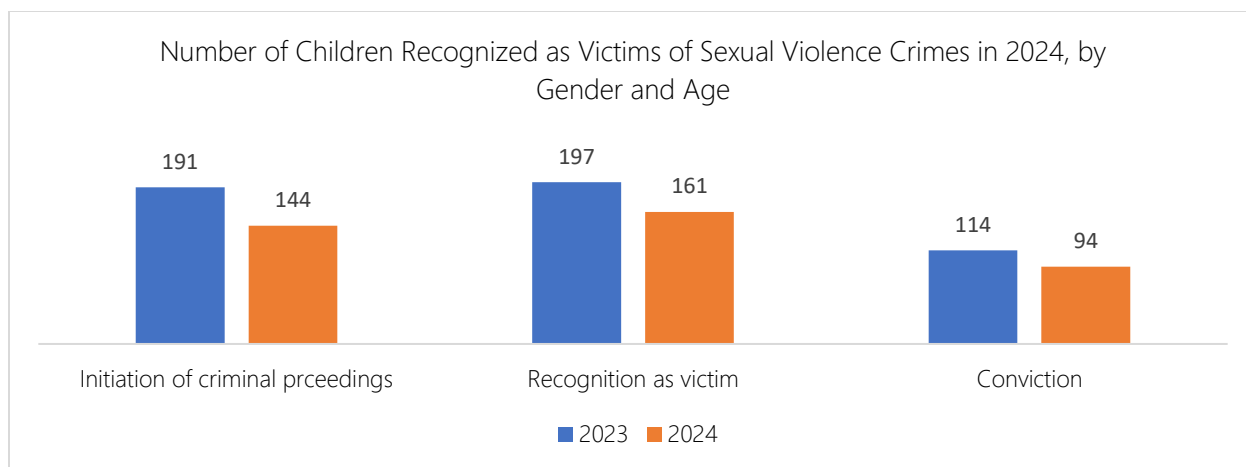
Table № 6¹⁰²³

¹⁰²⁰ Ibid.

¹⁰²¹ Correspondence of the General Prosecutor’s Office: №13/6671, 06/02/2025.

¹⁰²² Parliamentary Report of the Public Defender of Georgia, “On the Situation of Human Rights and Freedoms in Georgia, 2022”, Tbilisi, 2023, p. 276. The information is available at: < <https://bit.ly/43qTwBO> > [last visited on: 28/02/2025], Also see the special report “Administration of Justice in Cases of Sexual Violence and Sexual Exploitation Against Children”, 2021, p. 94. The report is available at: < <https://bit.ly/4bhqKoZ> > [last visited on: 26/02/2025].

¹⁰²³ Correspondences of the General Prosecutor’s Office of Georgia: №13/6671 - 06/02/2025, №13/5033 – 26/01/2024; Also, correspondence of the Supreme Court of Justice №3-51-25 - 27/02/2025.



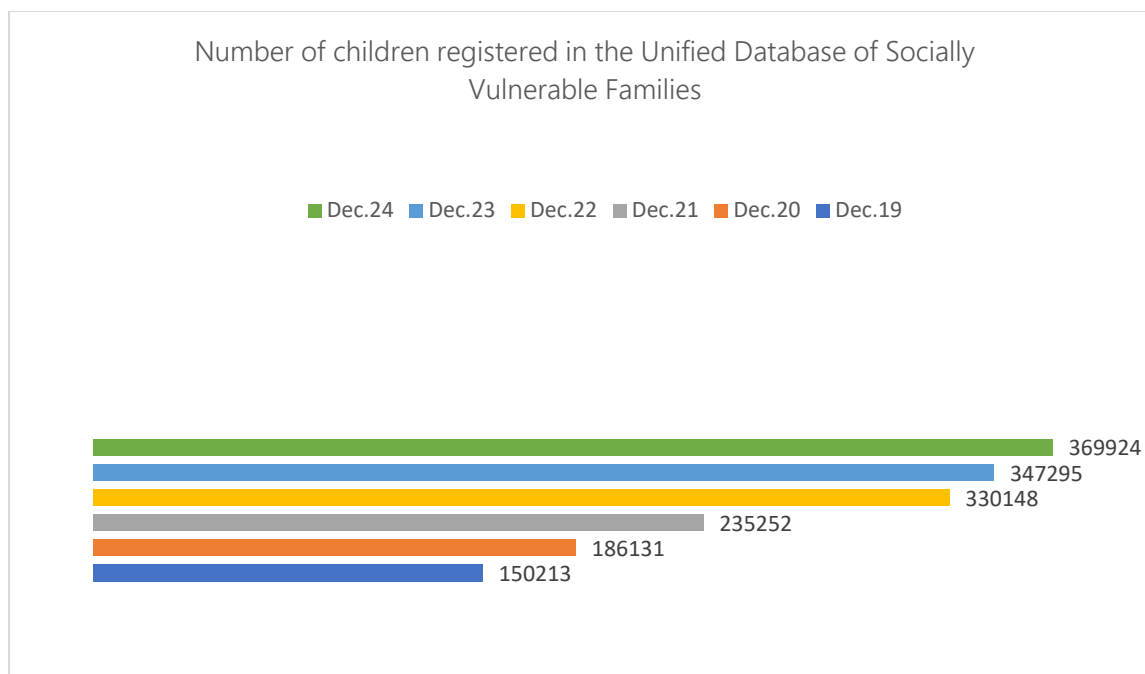
23.4. Child poverty

A significant portion of the cases reviewed by the Public Defender’s Office in 2024 concerning alleged violations of children’s rights once again related to poverty and the severe socio-economic conditions faced by children and families with children. Notably, 369,924 children under the age of 18 are registered in the Unified Database of Socially Vulnerable Families, of whom 270,712 receive subsistence allowance.¹⁰²⁴

Table № 7¹⁰²⁵

¹⁰²⁴ Correspondences of the LEPL Social Service Agency №SSA 2 25 00096025 - 30/01/2025 and №SSA 2 25 00137902 - 06/02/2025.

¹⁰²⁵ See also the Public Defender of Georgia’s report “On the Situation of Human Rights and Freedoms in Georgia, 2023”, p. 279. The report is available at: < <https://bit.ly/3EXdB8x> [last visited on: 26/02/2025].



It is noteworthy that the number of children registered in the *Unified Database of Socially Vulnerable Families* increased by 6.51% compared to the previous year. Additionally, the number of families with at least one child reached 125,743. In 2024, a total of 34,758 children under the age of 18 were registered in the database for the first time. The number of newly registered families with at least one child stands at 20,368.¹⁰²⁶

Additionally, 4,161 families with children were enrolled in the state subprogram for families in crisis situations.¹⁰²⁷

Furthermore, the reviewed cases continue to demonstrate that, in addition to central programs, families are often involved in various social support initiatives at the municipal level. Despite these forms of assistance, the Public Defender's Office has once again confirmed that the existing central and municipal targeted social protection programs in the country fail to adequately meet the needs of children and their families living in severe socio-economic conditions. This shortfall places children's well-being, health, development, and even their lives at risk. In addition, despite the Public Defender's recommendations, challenges remain in developing the skills of parents and caregivers, introducing mechanisms to support families in achieving independent living, and ensuring the effective implementation of social work.¹⁰²⁸

¹⁰²⁶ Correspondences of the LEPL Social Service Agency №SSA 2 25 00096025 - 30/01/2025 and №SSA 2 25 00137902 - 06/02/2025.

¹⁰²⁷ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking, NSCA 6 25 00240529 - 05/03/2025.

¹⁰²⁸ The Public Defender has issued a recommendation stating that, at the municipal level, it is essential to establish a standardized system that ensures the timely identification of families with children living in poverty, the assessment of their

23.5. The Rights of Children Living in the State and Alternative Care

In 2024, a total of 33 small family-type homes were operating in Georgia, 4 of which were specialized.¹⁰²⁹ Additionally, the Tbilisi Children's Home is operating, along with a care center under the jurisdiction of the self-governing city¹⁰³⁰ and an institution administered by the Patriarchate of Georgia.

According to 2024 data, 1,558 children were in state care in Georgia,¹⁰³¹ including 1,272 minors placed under the foster care program. Over the course of the year, 222 children were placed in the state care system, of whom 151 entered foster care. Some children returned to their biological families upon reaching adulthood: 62 from the foster care subprogram and 40 from small family-type homes. Additionally, 17 beneficiaries enrolled in support services for young people aged 18 to 21. In total, 514 children benefited from the reintegration subprogram, while 9 children who had previously exited through reintegration were returned to state care.¹⁰³² Notably, 54 minors were declared legally eligible for adoption..

According to information received from the agency, the primary reason for separating children from their families is violence and neglect (97.31%), with other circumstances accounting for 2.69%.¹⁰³³ According to the Public Defender's assessment, a clear and pressing need remains to expand services focused on strengthening and supporting families in order to prevent unnecessary separation of children from biological families. Despite the fact that the Public Defender has highlighted this challenge and issued relevant recommendations for years,¹⁰³⁴ the current services and level of specialist involvement still fail to provide parents with the necessary support to overcome conditions that, if addressed properly, could have prevented the separation of children from their families.

needs, and the provision of appropriate local support programs. Additionally, clear criteria must be defined for evaluating the effectiveness of such efforts. These issues are reflected in the Resolution of the Parliament of Georgia "On the Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2023".

See the Report Public Defender of Georgia, "On the Situation of Human Rights and Freedoms in Georgia, 2023", pp. 295–296. Available at: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025]. This issue is reflected in the Resolution of the Parliament of Georgia "On the Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2023", p. 40, available at: < <https://shorturl.at/R8w8i> > [last visited on: 20/03/2025].

¹⁰²⁹ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking, №SCA 6 25 00240529 - 05/03/2025.

¹⁰³⁰ This facility is a small family-type home under the jurisdiction of the self-governing city's municipality.

¹⁰³¹ Among them, 30 minors were admitted to a shelter for homeless children. Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 6 25 00240529 - 05/03/2025.

¹⁰³² Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 6 25 00240529 - 05/03/2025.

¹⁰³³ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking, №SCA 1 25 00228023 - 28/02/2025.

¹⁰³⁴ The Report of the Public Defender of Georgia, "On the Situation of Human Rights and Freedoms in Georgia, 2022", pp. 276, 278. Available at: < <https://shorturl.at/OF9xa> > [last visited on: 28/02/2025]. Also see the Public Defender's special report on "Administration of Justice in Cases Concerning the Child's Relationship with Both Parents", 2023, p. 45. The report is available at: < <https://shorturl.at/vlfft> > [last visited on: 28/02/2025].

23.5.1. The rights of children living in small family-type homes

In 2024, the protection of the rights of children living in small family-type homes remained a significant challenge. Problems were identified in ensuring a safe environment tailored to the individual needs of each child, as well as in providing access to quality support and rehabilitation services.

The results of the Public Defender's monitoring and evaluation have revealed¹⁰³⁵ that a particularly acute issue is the lack—or, in some cases, complete absence—of appropriate, integrated, and evidence-based services for children with behavioral difficulties and mental health challenges, especially when considering geographic inaccessibility.

In small family-type homes, the prevention, management, and treatment of addiction remains a particularly pressing challenge. Given the absence of quality and accessible programs in this area, the state fails to adequately safeguard the health and well-being of children.

Professional burnout among caregivers is a systemic problem, resulting in high staff turnover. Additionally, service provider organizations face significant difficulties in attracting new, qualified personnel, which negatively affects the quality of care and services provided.

It should be noted that children still lack sufficient information about their rights and available protection mechanisms. Therefore, to create a safe, supportive, and development-oriented environment within these institutions, it is essential to implement holistic and sustainable measures.

23.5.2. The rights of children living in the Ninotsminda boarding institution for children deprived of parental care

In 2024, eight minors resided at the boarding institution,¹⁰³⁶ seven of whom were enrolled in public school, while one was preparing to continue studies at the higher education level.¹⁰³⁷

According to the children themselves, they feel safe within the institution. Nevertheless, there is a clear need for psychological support, which is not provided on a continuous basis. The children report that in recent years, their basic needs have been met, they have more opportunities for leisure, access to personal space,¹⁰³⁸ and that the process of preparing them for independent living has been strengthened. However, it is important to emphasize that the physical environment of the institution still fails to provide the conditions of a family-like setting.

It is noteworthy that, following the review of a complaint submitted on behalf of 57 children, the UN Committee on the Rights of the Child identified numerous serious violations in connection with the Ninotsminda boarding institution. The Committee instructed the Government of Georgia to issue a formal

¹⁰³⁵ The Child Rights Department of the Public Defender's Office conducted monitoring in 24 small family-type homes, including 8 institutions where the monitoring was carried out jointly with the National Preventive Mechanism.

¹⁰³⁶ In 2024, the Public Defender's Office continued to monitor the human rights situation of children living in institutional care.

¹⁰³⁷ Children also receive additional teaching in electronic format; however, depending on individual needs, some require further engagement.

¹⁰³⁸ Nevertheless, the need to protect and ensure personal privacy remains apparent.

apology to the beneficiaries, provide compensation, ensure rehabilitation and reassessment, and conduct an effective investigation into the incidents of violence.¹⁰³⁹

The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, the State Care Agency, the non-governmental organization *Partnership for Human Rights*, and the service provider were all involved in the procedures for granting compensation to the children. Within this process, the responsibility of the guardianship and care authority was to ensure that psychologists and social workers met with the children in advance to assess their emotional condition and explain the ongoing procedures. After this could the NGO's lawyers speak with the children to inform them about the compensation process, determine representation, and proceed with the necessary legal actions.

According to the plan set by the guardianship and care authority, psychologists and social workers were required to meet with the children in advance to assess their emotional condition and explain the ongoing processes. After this had the lawyers from the non-governmental organization the possibility to speak with the children regarding the compensation procedures, determine legal representation, and initiate further legal actions.¹⁰⁴⁰

23.5.3. The rights of beneficiaries in state shelters for mothers and children

As of 2024, under the *Subprogram for Providing Shelters for Mothers and Children*, there were 7 shelters operating across the country. These shelters served 71 mothers and 118 children, while 66 individuals were newly admitted during the reporting period.¹⁰⁴¹

Among the key challenges associated with the subprogram is the need to adequately provide beneficiaries with personal items tailored to their individual needs. It is also noteworthy that the service still does not sufficiently ensure long-term support for biological families or adequate preparation for independent living. The ongoing shortage of additional human resources, particularly caregivers, remains a significant issue—greater availability would offer mothers more flexible and expanded opportunities for education and employment. Another critical challenge is the need to strengthen parenting skills among the mothers benefiting from the service.

23.5.4. The rights of children living and/or working on the streets

As in previous years, the human rights situation of children living and/or working on the streets remains associated with numerous serious and persistent problems.

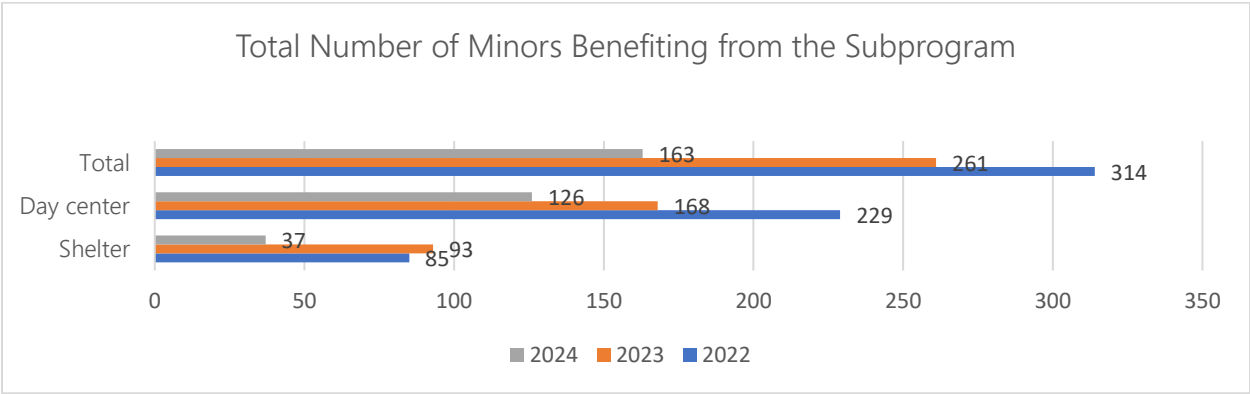
¹⁰³⁹ United Nations. Committee on the Rights of the Child. (2024). *Decision adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Communication Nº 144/2021*. CRC/C/96/D/144/2021. Available at: < <https://bit.ly/4blkZ9R> > [last visited on: 27/02/25].

¹⁰⁴⁰ At this stage, the Public Defender's Office continues to assess how effectively, comprehensively, and in a child-friendly manner the overall process has been initiated and is being carried out.

¹⁰⁴¹ Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking NºSCA 6 25 00240529 - 05/03/2025.

In 2024, a total of 163 minors were enrolled under the *Subprogram for Providing Shelter to Homeless Children*, with 126 benefiting from day center services and 37 from 24-hour shelter services. During the reporting year, 54 children were newly enrolled in the program, and 2 beneficiaries were placed into state care. Additionally, the Child Helpline “111” received 76 reports concerning children living and/or working on the streets, while mobile outreach teams established contact with 412 children.¹⁰⁴²

Table № 8¹⁰⁴³



Under the *Subprogram for Providing Shelter to Homeless Children*, a total of 5 day centers and 4 24-hour shelters are operating in Tbilisi, Rustavi, and Kutaisi. Notably, despite the concerning trend of a decrease in the number of day centers and shelters, a second mobile unit was added in Kutaisi in 2024. It is particularly alarming, however, that despite the acute need in the Adjara region, a 24-hour shelter for homeless children under the subprogram has yet to be established, and not even day center is operating there anymore.

The findings of the Public Defender's assessment reveal that the resources allocated to the subprogram remain insufficient. A significant challenge continues to be the protection of both the physical safety of children and that of the staff. The need for the introduction of mental health services, as well as addiction prevention and management, has also become apparent—alongside the necessity to tailor the subprogram to the specific needs of the children it serves.

23.6 The rights of children in conflict with the law

A continuing challenge in the administration of justice is ensuring the informed participation of children in conflict with the law and the effective implementation of their legal safeguards. Despite proposals from the Public Defender,¹⁰⁴⁴ the participation of a lawyer is still not mandatory when a child is interviewed as

¹⁰⁴² Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 5 25 00224111 - 05/03/2025.

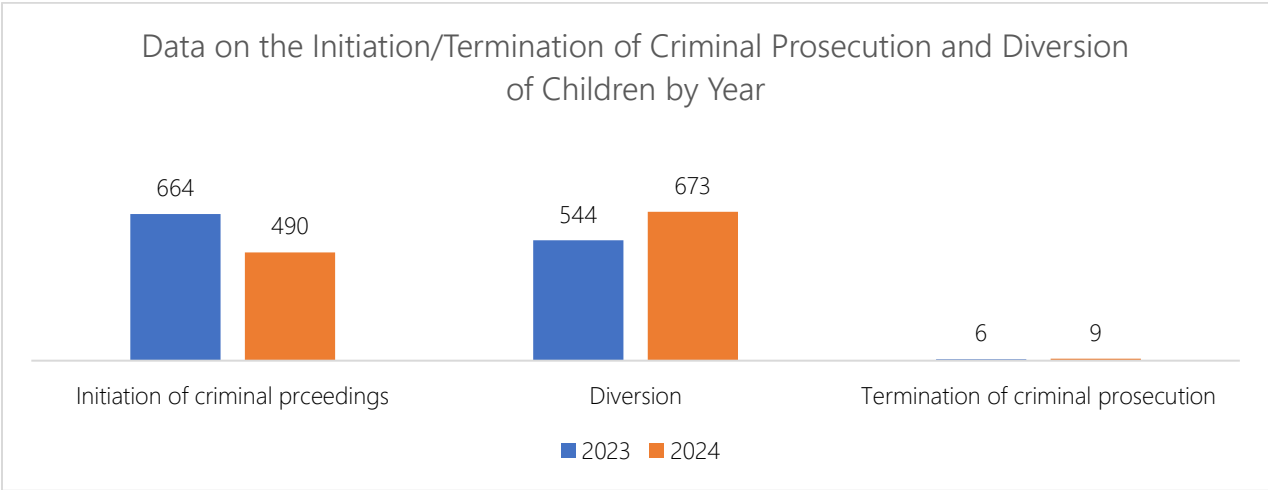
¹⁰⁴³ The report of the Public Defender of Georgia, “On the Situation of Human Rights and Freedoms in Georgia, 2023”, p. 275. Available at: < <https://bit.ly/3EXdB8x> [last visited on: 26/02/2025]; Also, Correspondence of the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking №SCA 5 25 00224111 - 05/03/2025.

¹⁰⁴⁴ The report of the Public Defender of Georgia, “On the Situation of Human Rights and Freedoms in Georgia, 2023”, p. 295. Available at: < <https://bit.ly/3EXdB8x> > [last visited on: 26/02/2025].

a witness. This creates a risk of situations in which legal counsel is involved only after the child has already undergone an initial interview as a witness and has admitted to an alleged criminal act, at which point formal charges are brought against the child.¹⁰⁴⁵

A persistent issue is the shortage—and, in some cases, complete absence—of child-friendly informational materials within state institutions regarding children's rights, protection mechanisms, and the justice process.

Table №9



The country lacks an effective crime prevention mechanism for children—one that would operate on a multidisciplinary basis and provide continuous support not only to the child but also to the family and the child’s immediate environment. This gap is further exacerbated by the shortage of services focused on family strengthening, parental support, and the development of essential caregiving skills. Additionally, a major ongoing challenge is the absence of a unified juvenile justice strategy and action plan, lack of data collection and analysis, development of evidence-based policies and the implementation of coordinated interventions.

Proposals

To the Parliament of Georgia:

- To consider legislative amendments to align the existing legal framework on sexual violence against children with international standards.

Recommendations

To the Government of Georgia:

¹⁰⁴⁵ Special Report of the Public Defender on “The Human Rights Situation of Children in Conflict with the Law”.

- To establish an interagency mechanism focused on crime prevention, which will develop an action plan for preventing offenses among children under the age of 14 as well as those who have reached the age of criminal responsibility;
- To introduce an interdisciplinary, continuous, and needs-based intervention service for children, which targets not only the child but also their family and immediate environment. This service should be available to both children under the age of 14 and those who have reached the age of criminal responsibility.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia:

- To introduce and strengthen mental health, addiction recovery, and rehabilitation services for children by establishing child-friendly, regional and community-based services, including crisis intervention, addiction management, prevention, and rehabilitation programs. These services must be accessible, confidential, culturally sensitive, and delivered by specialists adequately trained to respond to the needs of children;
- To establish a 24-hour shelter and a day center in the Adjara region under the Subprogram for Providing Shelter to Homeless Children.

To the Minister of Education, Science and Youth of Georgia:

- To ensure the training of public school administrators and teachers on children's freedom of expression and its realization, as well as on the role of educational institutions in safeguarding children's safety throughout this process.

To the Minister of Internal Affairs of Georgia:

- To maintain statistics on reports and the initiation of investigations into cases of violence against children, disaggregated by articles of the Criminal Code, as well as by the age and gender of the alleged child victims.

To the LEPL Agency For State Care and Assistance For the (Statutory) Victims of Human Trafficking:

- To increase the number of social workers and psychologists employed in the guardianship and care authority. Additionally, introduce a mechanism to prevent the turn-over of qualified professionals;
- To ensure that children residing in the Ninotsminda boarding institution are provided with living conditions that ensure a family-like environment.

24. Rights of Older Persons

Along with the rapid pace of aging in the world,¹⁰⁴⁶ the importance of protecting and realizing the rights of older persons is growing, therefore, protection of the rights of older persons has been a priority for the Public Defender's Office for years.

Given its importance, the challenges related to aging are one of the important directions on the international agenda as well, including for the United Nations. The UN is actively engaged in actualizing the issues facing the dignified and healthy aging of older persons. For years, discussions have been ongoing at the sessions of the UN Open-Ended Working Group on Ageing (OEWG)¹⁰⁴⁷ on the creation of an international mechanism with binding force to promote the rights of older persons. In this regard, the final, 14th session of the Working Group was of crucial importance. As a result of active advocacy and discussions by civil society and human rights institutions, for the first time since its establishment, in 2010, the Working Group adopted recommendations by consensus, calling on UN Member States to consider, among other options, adoption of a convention promoting the recognition and realization of the rights of older persons.¹⁰⁴⁸

The older persons' right to social security remains among the articles of the Social Charter of the Council of Europe that Georgia has not ratified.¹⁰⁴⁹

The share of the population aged 65 and over in the total population of Georgia increased from 15.6% to 16.2% in 2024 compared to the previous year.¹⁰⁵⁰ Along with this, the rate of socially vulnerable and those below the poverty line is also high.¹⁰⁵¹ Due to this, older persons belong to a particularly vulnerable group in the country.

24.1.Challenges of monitoring 24-hour care facilities for older persons

The Public Defender indicated in the 2023 parliamentary report¹⁰⁵² that there was no state supervision in private 24-hour care facilities for older persons, as a result of which, the risk of rights violations was high in such facilities. In addition, there was no legal act regulating their activities, nor was it mandatory for them to comply with the minimum standards established by the State, which leads to the care for older persons being carried out arbitrarily and within the limits of the resources available in these facilities. The situation regarding the above-mentioned challenge has not changed compared to the previous reporting period. The Public Defender's recommendation¹⁰⁵³ to the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, regarding the periodic monitoring and supervision of

¹⁰⁴⁶ United Nations Population Fund. Information available at: < <http://bit.ly/3CqIKjT> > [28.01.2025].

¹⁰⁴⁷ The mandate of the OEWG, established by the UN General Assembly, is to assess the international human rights framework for older persons, identify gaps and develop measures to fill these gaps, including the feasibility of new instruments.

¹⁰⁴⁸ Report of the 14th session of the UN Open-Ended Working Group on Ageing (OEWG). Available at: <<https://bit.ly/40ZTizF>> [28.01.2025].

¹⁰⁴⁹ European Social Charter, Article 23.

¹⁰⁵⁰ Information available on the website of the National Statistics Office of Georgia: < <https://bit.ly/44bEHmL> > [29.01.2025].

¹⁰⁵¹ Statistics of the Social Service Agency on registration of the socially vulnerable in the unified database by age as of 2024, 60+ population - 28,434, information available: <<https://bit.ly/4aKKmBw>>[03.02.2025].

¹⁰⁵² Information available: < <https://www.ombudsman.ge/res/docs/2024052911382931838.pdf> >p.234 [31.02.2025].

¹⁰⁵³ 2022 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia. p. 220 [03.01.2025].

institutions operating with the financing/co-financing of local self-governments, in coordination with the LEPL Agency for State Care and Assistance for Victims of Trafficking, has not been implemented so far.

Last year, the Public Defender's Office became aware of two facts of alleged violations of the rights of older persons in private institutions. However, in response to the Public Defender's request, we have been informed by both the Agency for State Care and Assistance for Victims of Trafficking¹⁰⁵⁴ and the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs¹⁰⁵⁵ that they were deprived of the opportunity to monitor, assess the compliance organization's activities with standards or the quality of services provided to older persons in the private institutions that are not registered as service providers within the framework of the Sub-programme for Providing Services in Community Organizations, which is part of the State Programme for Social Rehabilitation and Child Care, and where older persons receive services through personal/private financing. This fact once again proves the need for the creation of effective mechanisms for regulating and supervising private institutions for older persons.

In addition, during the reporting period, the Public Defender's Office became aware that there are so-called palliative hospices (where mainly people who are unable to take care of themselves, including older persons, are placed). The Office was informed about alleged violations of rights in one of these facilities. As a result of the examination of the issue, it was established that the State does not monitor this type of institutions. In particular, since a palliative hospice is not an institution carrying out medical and/or pharmaceutical activities, the LEPL Regulation Agency for Medical and Pharmaceutical Activities is deprived of the opportunity to inspect the above-mentioned institution within the scope of its competence.¹⁰⁵⁶ Accordingly, similar to private institutions for older persons, it is important to properly regulate/supervise these types of institutions in order to prevent, detect and respond to alleged violations of rights.

Under conditions when the results of the monitoring¹⁰⁵⁷ of state-regulated assisted living facilities and community organizations also reveal many significant shortcomings in terms of service quality and protection of rights, such monitoring is even more necessary in private institutions, as unlike the above-mentioned institutions, care services are provided in private institutions without following the established standards and are entrusted to the good faith of the personnel and administration of the institution, which creates additional risks of violation of the rights of older persons. In addition, since in Georgia, private and other types of care institutions for older persons operating without state funding accommodate highly vulnerable older persons and since there are potentially high risks of violation of their rights, there is a basis for public interest in the issue and the need to expand state mechanisms for the supervision of human rights in these institutions.¹⁰⁵⁸

¹⁰⁵⁴ Letter No. SCA 0 25 00069308, 23.01.2025.

¹⁰⁵⁵ Letter MOH 52500118107, 03.02.2025.

¹⁰⁵⁶ LEPL Regulation Agency for Medical and Pharmaceutical, letter REG 4 24 00772846, 18. 07.2024.

¹⁰⁵⁷ Report on the monitoring conducted in care facilities for older persons, 2022, Tbilisi, available at: <<https://www.ombudsman.ge/res/docs/2022112212420949871.pdf>> [13.02.2025]; Report on the monitoring conducted in the long-term care facilities for older persons in the Autonomous Republic of Adjara, Guria and Imereti, 2021, Tbilisi, available at: <<https://www.ombudsman.ge/res/docs/2022042015574993801.pdf>> [13.02.2025].

¹⁰⁵⁸ Methodology of the monitoring of residential facilities for older persons by the Public Defender's Office of Georgia. A. Dateshidze.

The Public Defender considers that the lack of regulation and monitoring system is problematic, as is the fact that the State does not collect information about these institutions, since they are not registered as service provider organizations within the framework of the State Programme for Social Rehabilitation and Child Care.¹⁰⁵⁹ Accordingly, there is no documentary data on the institutions operating without regulation, their types, services, or the number of beneficiaries placed there.¹⁰⁶⁰

24.2. Violence and abuse against older persons

- Violence and abuse in assisted living facilities

As a result of inspections conducted by the Public Defender's Office in the assisted living facilities for older persons and the study of disseminated information, cases of alleged violence and mistreatment of older people were identified in 24-hour assisted living facilities, which highlighted the need for the Public Defender's Office to assess the situation. This issue is also relevant at the international level, in particular, in 2023, the UN Independent Expert on the Enjoyment of All Human *Rights by Older Persons* prepared a report on violence against and abuse and neglect of older persons.¹⁰⁶¹ The report examines various forms of violence against older persons and discusses prevention and protection measures.

The World Health Organization (WHO) defines violence and abuse against older people as "a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person."¹⁰⁶² Abuse of older adults can be of various forms - physical, verbal, psychological/emotional, sexual and financial. Abuse can also simply reflect neglect.

Abuse is a criminal offence and is covered by the relevant provisions of the Criminal Code of Georgia.¹⁰⁶³ It should be noted that a common form of abuse is neglect in older people, which involves the failure to meet the basic needs of an older person, such as food, water, shelter, clothing, hygiene and necessary medical care, although there is no relevant regulation of neglect in older people in Georgian legislation.

One of the minimum standards for providing services to older persons in long-term care facilities is the protection of older persons from violence and discrimination. In particular, according to Standard 10 of the Minimum Standards of Services for Persons with Disabilities and the older persons in 24-hour

¹⁰⁵⁹ Letter No. SCA 5 25 00147531 of the Agency for State Care and Assistance for Victims of Trafficking, 10.02.2025.

¹⁰⁶⁰ Methodology of the monitoring of residential facilities for older persons by the Public Defender's Office of Georgia. A. Dateshidze.

¹⁰⁶¹ Available at: <<https://bit.ly/3Wlg3FS>> [30.01.2025].

¹⁰⁶² *A global response to elder abuse and neglect: building primary health care capacity to deal with the problem world-wide: main report* (Geneva: World Health Organization, 2008) <<https://bit.ly/4aNcELF>> [31.01.2025].

¹⁰⁶³ For example, Criminal Code of Georgia, Article 126, beating or other violence that caused physical pain to the victim, but did not lead to the result provided for in Article 120 of this Code; Article 126¹, domestic violence, Article 144³, humiliation or coercion of a person, placing him in an inhuman, degrading or humiliating situation, which caused severe physical, mental pain or moral suffering.

Specialized Institutions,¹⁰⁶⁴ all beneficiaries should be protected from any kind of violence (physical, psychological, sexual, economic) and coercion. In addition, they should have equal access to services.

The administration must maintain a special register to record all facts of violence, applications and measures taken in response. Beneficiaries should be provided with services based on individual needs and abilities, in which the service recipient is protected from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property status, health, or any other grounds, as well as from biased or negative attitudes or actions that may arise in the provision of services from the service provider, another beneficiary or another person. In turn, it is important for the service provider to be fully informed by the guardianship and care authority about the beneficiary's past experience of violence (if any).

As a result of analyzing and generalizing the results of the monitoring conducted by the Public Defender's Office in 2021, 2022, and 2023, it was revealed that:

- Most care facilities for older persons do not observe the Minimum Standards of Services for Persons with Disabilities and older persons in 24-hour Specialized Institutions, including the standard of violence
- Service providers fail to fulfill their obligation to protect beneficiaries from abuse. Measures to detect, assess, and respond to abuse are not properly implemented. Therefore, abuse of older persons may be covert, which makes it impossible to detect it
- The retraining of persons involved in the care process in relation to the detection and management of abuse is also a problem. Caregivers and staff, in most cases, have not received training in older people's care, or management of stress, difficult behavior or violence. As a result, they are unable to cope with the difficult and violent behavior of the beneficiaries, to make a medical or legal assessment of the facts or to properly record a case. They are mostly in the position of a "mediator", and sometimes even become victims of violence themselves.

24.2.1. Domestic violence against older persons

Domestic violence is one of the most serious and widespread forms of violence. It occurs in any country in the world and affects all strata of society. Domestic violence is characterized by a hidden and continuous character and a specific nature, as it is committed by a family member or members against another family member/s.¹⁰⁶⁵ As the UN Independent Expert on the Enjoyment of All Human Rights of Older Persons points out, in general, cases of domestic violence against older persons are frequent and, given the immeasurably high importance of the family institution, the majority of cases of violence go undetected.¹⁰⁶⁶ That is why timely detection of cases of violence against older persons, prevention of

¹⁰⁶⁴ On approval of the Minimum Standards of Services for Persons with Disabilities and older persons in Specialized 24-Hour Institutions, Order No. 01-54/n of the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia of July 23, 2014.

¹⁰⁶⁵ Website of the Ministry of Internal Affairs: < <http://bit.ly/3FWCzW5> > [04.02.2025].

¹⁰⁶⁶ Report of the United Nations Independent Expert on the Enjoyment of All Human Rights by Older Persons, "Enjoyment of All Human Rights by Older Persons", 2018. <<https://bit.ly/4hJR3Ge>> [04.02.2025].

domestic violence and rehabilitation of older victims of violence are important for the protection of these persons.

When responding to domestic violence against older persons, if necessary, a restraining order may be issued to protect the safety of the victim and prevent the recurrence of violence, violation of which provides for administrative and criminal liabilities.

According to the statistics on restraining orders issued by the Ministry of Internal Affairs of Georgia relating to domestic violence,¹⁰⁶⁷ as well as the administrative and legal mechanisms used, during 2024, 298 male and 860 female victims aged 61+ were identified, in addition, 21 female victims aged 61+ were identified according to the statistics on violence against women.

Recommendation

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

- Prepare a legislative proposal and submit it to the Government of Georgia in order to establish minimum service standards for all types of institutions (regardless of organizational, legal or ownership form) providing 24-hour services for older persons and create an effective mechanism for supervising the implementation of these standards.

¹⁰⁶⁷ Information available at: <<https://bit.ly/42G3D51>> [04.02.2025].

25. Protection of National Minorities and Civic Integration

25.1. Introduction

This chapter reviews a number of ongoing challenges in the area of the protection of national minorities and civic integration in 2024—issues that, unfortunately, have remained relevant for years. The findings presented are based, on the one hand, on the analysis of information provided to the Public Defender's Office by relevant institutions reflecting the situation as of 2024, and on the other hand, on meetings conducted in 15 municipalities¹⁰⁶⁸ across three regions, involving preschool and general education institutions, medical facilities, two penitentiary¹⁰⁶⁹ establishments, and representatives of civil society.

The analysis of the information reveals that language and informational barriers remain the primary issues that continue to hinder representatives of national minorities across various areas.

Unfortunately, unlike in 2023, the reporting period saw no increase in the number of preschool and general education institutions implementing bilingual education programs. At the same time, it should be noted that in 2024, efforts continued to update various teaching resources aimed at improving the teaching of the state language and to provide further training for bilingual education specialists. To achieve the full civic integration of representatives of national minorities, it is essential to strengthen state language instruction at both the preschool and general education levels. Additionally, it is necessary to expand the geographical reach of bilingual education, develop appropriate bilingual textbooks, and implement other related measures.

It is critically important to further promote the state language learning program that is available to all interested individuals and is administered by the Zurab Zhvania School of Public Administration (LEPL). Raising awareness among representatives of national minorities is especially vital not only in relation to employment support programs and other public services, but also in ensuring access to relevant media products.

To achieve the full civic integration of national minorities, it is also important to preserve and promote their cultural heritage.¹⁰⁷⁰ Unfortunately, the number of activities carried out specifically for the promotion of national minority cultures remains low. The condition of culturally significant buildings and structures associated with national minorities also continues to be problematic, as many of them have long required reinforcement and rehabilitation work. Among them, the Azerbaijani State Drama Theatre is particularly noteworthy, as its rehabilitation unfortunately was not carried out in 2024 either. However, on a positive note, construction work was completed on the Armenian Professional State Drama Theatre after Petros

¹⁰⁶⁸ Marneuli Municipality, Bolnisi Municipality, Gardabani Municipality, Dmanisi Municipality, Tsalka Municipality, Tetrtskaro Municipality, Rustavi Municipality, Akhalkalaki Municipality, Ninotsminda Municipality, Akhaltsikhe Municipality, Aspindza Municipality, Telavi Municipality, Sagarejo Municipality, Lagodekhi Municipality.

¹⁰⁶⁹ N^o6 Penitentiary Establishment for Imprisonment and High-Risk Incarceration; N^o8 Penitentiary Establishment for Imprisonment and Closed-Type Imprisonment.

¹⁰⁷⁰ "The Advisory Committee calls on the authorities to ensure stable, sustainable, and long-term core funding, which is essential for the development and support of the culture and identity of persons belonging to national minorities, including through the allocation of suitable premises, with particular attention to numerically small minorities". (Advisory Committee on the Framework Convention for the Protection of National Minorities – Opinion on Georgia, adopted on 7 February 2024), available at: < <https://rm.coe.int/4th-op-georgia-summary-ge/1680b08a33> >, p. 12.

Adamian in Tbilisi.¹⁰⁷¹ It is also noteworthy—and regrettable—that the Public Defender’s recommendation to develop a long-term plan aimed at preventing conflicts and strengthening intercommunity dialogue remains unfulfilled.

25.2. Integration and participation in decision-making process

25.2.1. Consultation mechanisms

It is important to highlight that the Framework Convention for the Protection of National Minorities, to which Georgia is a party alongside many other countries, obliges member states to create appropriate conditions for the effective participation of persons belonging to national minorities in the political, social, cultural, and economic life of the country. This entails the promotion of genuine equality between minority communities and the majority population.¹⁰⁷² To this end, the country must have a platform with which the government is obliged to consult on issues of critical importance to persons belonging to national minorities. It is essential that such a consultative mechanism have a clearly defined legal status and stable financial support. The obligation to cooperate with and consult this advisory body should be enshrined in legislation, and its involvement in decision-making processes should be regular and systematic.¹⁰⁷³ Consultative bodies should be established as the primary channel of dialogue between government institutions and representatives of national minorities.¹⁰⁷⁴

First and foremost, it is important to note that existing consultative mechanisms in Georgia do provide a platform where representatives of national minorities can express their concerns and interests. For example, the collaboration between the Council of Ethnic Minorities under the Public Defender of Georgia and the Office of the State Minister for Reconciliation and Civic Equality is a welcome development. At the regional level, the work of consultative (advisory) councils established under the administrations of the State Representative in Kvemo Kartli and Kakheti is also significant. These councils, through regular meetings, discuss various issues aimed at strengthening the institutional presence of ethnic minority communities, enhancing their political participation, and improving civic engagement—efforts that, in some cases, are supported by relevant advocacy initiatives.

While the above-mentioned positive practices are significant, it is important to highlight that, unfortunately, the existing consultative mechanisms in Georgia do not meet the standards set by the Advisory Committee of the European Framework Convention for the Protection of National Minorities. There is no legislative obligation for state authorities to cooperate with or consult these bodies. Moreover, their involvement in decision-making processes is not regular. As a result, the work of consultative mechanisms in Georgia lacks an institutionalized form of dialogue with the highest bodies of legislative and executive power. Therefore, concrete steps must be taken to strengthen these mechanisms and ensure their effectiveness.

¹⁰⁷¹ The process of equipping the theater’s main and small stages, as well as its halls, is currently underway (Letter No. N00004984 from the Ministry of Culture of Georgia, dated 6 February 2025).

¹⁰⁷² Explanatory Report to the Framework Convention for the Protection of National Minorities (FCNM), Strasbourg, 1995, para. 80.

¹⁰⁷³ Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), Third Monitoring Report on Georgia, 2019, para. 133.

¹⁰⁷⁴ Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note, 1999, para. 12.

The UN Committee on the Elimination of Racial Discrimination also calls on the Georgian authorities to strengthen consultative mechanisms, as outlined in its concluding observations based on the review of Georgia's combined ninth and tenth periodic reports.¹⁰⁷⁵ It is noteworthy that, in its opinion on Georgia adopted on February 7, 2024, the Advisory Committee of the Framework Convention for the Protection of National Minorities called on the authorities to clearly define the role and mandate of the Council of Ethnic Minorities under the Public Defender, as well as of local consultative councils, and to make consultation with these councils mandatory.¹⁰⁷⁶

25.2.2. Policy on promoting employment of national minorities

As in previous years, the Government of Georgia does not collect statistics on the number of representatives of national minorities employed in the public sector.¹⁰⁷⁷ While there is some practice of collecting information on the ethnic background of civil servants in municipalities densely populated by national minorities, such data is not gathered at the central level. Establishing a unified practice for collecting data on the ethnic origin of public servants nationwide—and ensuring access to reliable statistical information—is essential for assessing the level of participation of national minorities.¹⁰⁷⁸ It is noteworthy that, in its opinion on Georgia issued on February 7, 2024, the Advisory Committee of the Framework Convention for the Protection of National Minorities called on state authorities to collect disaggregated data on the socio-economic situation of persons belonging to national minorities—particularly in the area of employment—in accordance with European data protection standards.¹⁰⁷⁹

Unfortunately, as in previous years, national minorities remain either very rarely represented, and/or largely absent within central government bodies (except for the Office of the State Minister for Reconciliation and Civic Equality). This concern is also reflected in the concluding observations issued by the UN Human Rights Committee following its review of Georgia's fifth periodic report.¹⁰⁸⁰

As in previous years, the level of representation of national minorities in municipalities compactly populated by these groups remains low. Ninotsminda Municipality stands out as an exception in terms of maintaining proportional representation of national minorities.¹⁰⁸¹ Unfortunately, negative trends

¹⁰⁷⁵ UN Human Rights Committee, Concluding observations on the combined ninth and tenth periodic reports of Georgia, 13 December 2022, para. 12.

¹⁰⁷⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities – Opinion on Georgia, adopted on 7 February 2024. Available at: < <https://rm.coe.int/4th-op-georgia-summary-ge/1680b08a33> >, p. 13.

¹⁰⁷⁷ Letter № GOV 8 25 00003813 of the Administration of the Government of Georgia of February 14, 2025.

¹⁰⁷⁸ Assessment of Ethnic Minorities' Engagement in Public Service, PMC Research Center, 2022, p. 5, available at: < <https://rb.gy/z7syu8> > [last visited on 02.03.2025].

¹⁰⁷⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities – Opinion on Georgia, adopted on 7 February 2024, available at: < <https://rm.coe.int/4th-op-georgia-summary-ge/1680b08a33> >, p. 13.

¹⁰⁸⁰ UN Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, 13 September 2022, para. 51.

¹⁰⁸¹ 93% of the employees at the Ninotsminda Municipality City Hall are representatives of national minorities (Letter №122-1222503022 of the Mayor of Ninotsminda Municipality of January 30, 2025).

continue to be observed in several municipalities populated by national minorities, including Akhaltsikhe,¹⁰⁸² Bolnisi,¹⁰⁸³ and Dmanisi¹⁰⁸⁴.

With regard to the employment promotion policy for national minorities, no specific programs aimed at supporting the employment of national minorities were implemented in 2024. A state employment promotion program¹⁰⁸⁵ is in place in the country, which includes a subprogram focused on enhancing the professional qualifications of job seekers. This subprogram lists representatives of national minorities among its target beneficiaries. However, it should be noted that the subprogram does not specifically address the unique needs of national minorities. These needs include, among others, the elimination of language barriers, which directly impact the competitiveness of national minority representatives in the labor market.

While the LEPL Zurab Zhvania School of Public Administration offers representatives of national minorities the opportunity to learn the state language through its Language Teaching and Integration Program, the program does not provide the possibility to acquire professional qualifications in the state language. As a result, this limitation ultimately affects the competitiveness of national minority representatives in the labor market. To promote the employment of national minorities, it is important to take steps both to enhance the competitiveness of job seekers and to improve the dissemination of information about available employment support services. In 2024, certain activities were carried out to inform representatives of national minorities about these services; however, the number of such initiatives was insufficient, and their geographic coverage remained limited. It is commendable that employment support services at the regional service centers in Rustavi and Akhaltsikhe are available in Armenian and Azerbaijani languages. According to information provided to the Public Defender's Office, these centers employ consultants from national minority communities who, when needed, provide consultations in the beneficiaries' native languages. Services available in minority languages include assistance with registration and profiling on the web portal *worknet.gov.ge*, individual consultations, career planning, professional orientation, and the selection of appropriate training or educational courses.¹⁰⁸⁶

It is also noteworthy that internship opportunities in public service are available for beneficiaries of the Georgian language preparatory educational program (the so-called "1+4 Program"). It is a positive development that, starting in 2024, the Government of Georgia made these internships paid positions.¹⁰⁸⁷ However, unfortunately, the effectiveness of the 1+4 internship program remains limited, as the

¹⁰⁸² Only 13% of the employees at the Akhaltsikhe Municipality City Hall are representatives of national minorities (Letter №12-1225045154 from the Akhaltsikhe Municipality, dated February 14, 2025), while national minorities make up 35.2% of the municipality's population.

¹⁰⁸³ Only 14% of the employees at the Bolnisi Municipality City Hall are representatives of national minorities (Letter №106-10625051108 from the Bolnisi Municipality City Hall, dated February 20, 2025), whereas national minorities constitute 69.1% of the municipality's population.

¹⁰⁸⁴ Only 24% of the employees at the Dmanisi Municipality City Hall are representatives of national minorities (Letter №108-1082503167 from the Dmanisi Municipality City Hall, dated 31 January 2025), whereas national minorities make up 66.9% of the municipality's population.

¹⁰⁸⁵ Decree №46 of the Government of Georgia of February 27, 2024 on the Approval of the 2024 State Programme for Employment Promotion.

¹⁰⁸⁶ Letter № GOV 8 25 00003813 of the Administration of the Government of Georgia of February 14, 2025.

¹⁰⁸⁷ Ibid.

requirements for host institutions participating in the internship process are not clearly defined. Expected outcomes of the internship are also not defined for participants, and no evaluation tools have been introduced. It is also noteworthy that, according to the 2023–2024 Action Plan of the 2021–2030 Strategy for Civic Equality and Integration, one of the planned activities was a study of the outcomes of the so-called “1+4 Educational Program” and the preparation of a corresponding research report, with the fourth quarter of 2023 set as the deadline for its completion. Although research was initiated under the action plan to assess the impact and results of the preferential policies (the “1+4 Georgian Language Educational Program” and the “1+4 Internship Program”) for young people from regions densely populated by ethnic minorities—specifically regarding their employment and development opportunities¹⁰⁸⁸—the study has not yet been completed. It is important that this research, launched in 2023, be finalized in a timely and effective manner, and that a comprehensive report be produced.

25.3. Access to public services

Unfortunately, as in previous years, access to public services for representatives of national minorities continues to be hindered by obstacles such as language barriers, the insufficient presence of personnel who speak minority languages within service-providing institutions, and financial barriers. One of the most pressing challenges remains the effective dissemination of information about state programs and public services in languages understood by minority communities. Access to information about municipal programs also remains problematic, despite the fact that such programs are intended to improve beneficiaries’ health and quality of life. Similarly, access to agricultural support programs by national minorities is an ongoing issue. Specifically, due to language barriers, many minority representatives are unable to complete application forms in Georgian, which limits their ability to participate in these programs.

Out of the six municipalities with the highest concentration of national minority populations, only the websites of Dmanisi¹⁰⁸⁹ and Akhalkalaki¹⁰⁹⁰ municipalities are translated into languages understood by national minorities. As for social media platforms, information in minority languages is posted only on the official social media pages of the Akhalkalaki¹⁰⁹¹ and Ninotsminda¹⁰⁹² municipal governments.

A positive development in 2024 is the translation and publication of 35 legislative acts into the languages of national minorities by the Legislative Herald of Georgia. Out of these, 26 were translated into Abkhaz, Ossetian, Azerbaijani, and Armenian languages, while 9 were translated into Abkhaz, Ossetian, and Armenian languages.¹⁰⁹³

Language barriers also pose a significant obstacle to access to healthcare services for representatives of national minorities. In some municipalities densely populated by minorities, medical personnel employed in healthcare facilities speak minority languages (Azerbaijani or Armenian). However, as a general trend, the language barrier continues to create serious communication challenges. For example, in a healthcare

¹⁰⁸⁸ Letter № GOV 8 25 00003813 of the Administration of the Government of Georgia of February 14, 2025.

¹⁰⁸⁹ The website will be translated in Azerbaijani language.

¹⁰⁹⁰ The website will be translated in Armenian language.

¹⁰⁹¹ In Armenian (Letter №116-1162504370 of Akhalkalaki Municipality City Hall of February 12, 2025).

¹⁰⁹² In Armenian (Letter №122-1222503022 of Ninotsminda Municipality City Hall of January 30, 2025).

¹⁰⁹³ Letter №15/8-63 of the LEPL Legislative Herald of Georgia of February 18, 2025.

facility operating in Aspindza Municipality, staff reportedly resort to using security personnel to help communicate with patients from national minorities. In Telavi Municipality, representatives of the Public Defender's Office were informed that healthcare staff do not speak Azerbaijani, which makes communication with minority patients particularly difficult. The situation is relatively better in Lagodekhi Municipality. According to staff at the local healthcare facility, Azerbaijani-speaking employees, including interns and doctors, are employed there, and with at least 3–4 Azerbaijani-speaking staff members present during each shift, communication with representatives of national minorities poses fewer difficulties.

In order to ensure access to healthcare services for representatives of national minorities, it is essential not only to eliminate language barriers, but also to address challenges related to access to information about these services. Informational barriers are closely linked to language barriers, as most materials related to healthcare—including informational brochures for medical personnel and the public, as well as informational meetings and trainings—are available primarily or exclusively in the Georgian language.

According to information requested by the Public Defender's Office from several municipal governments, it appears that even in municipalities with some experience conducting informational meetings on healthcare services, challenges remain. These include the irregular nature of such meetings, limited outreach to the population, and a narrow geographic scope. A lack of awareness is evident in two main areas: first, in the general absence of information about available healthcare services, and second, in the lack of clarity regarding which healthcare services are funded by the state or by local municipalities.

25.4. Right to education

25.4.1. Early and preschool education

The Public Defender has long emphasized that bilingual education is an essential foundation for the full civic integration of national minorities. In the 2023 parliamentary report, the Public Defender welcomed the fact that, compared to 2022, the number of preschool institutions implementing a bilingual teaching model had increased by 14. However, this positive trend did not continue during the reporting period. Specifically, there was no increase in the number of preschool institutions implementing such a model. As of November 1, 2024, there are 65 public preschool institutions in Georgia composed of non-Georgian-speaking groups, but the bilingual program is implemented in only 34 of them.¹⁰⁹⁴

In 2024, meetings conducted by representatives of the Public Defender's Office in preschool institutions operating in the Kvemo Kartli and Samtskhe-Javakheti regions revealed numerous challenges in the implementation of bilingual education. Practices among preschool institutions were found to be inconsistent, which is partly due to a shortage of qualified personnel.

In the context of early and preschool education, territorial accessibility of relevant institutions also remains problematic. This is underscored by the absence of kindergartens in several villages densely populated by national minorities. For example, in Bolnisi Municipality, which includes 39 villages and towns inhabited by ethnic minorities, only one preschool institution is operational. In Tetritskaro Municipality, there are no preschool institutions in the villages populated by ethnic minorities. In Tsalka Municipality, only one

¹⁰⁹⁴ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

kindergarten and two mixed-use kindergartens operate in villages inhabited by ethnic minorities.¹⁰⁹⁵ As for the Kakheti region, during the reporting period, only 18 kindergartens were operating in ethnically populated settlements,¹⁰⁹⁶ a figure that does not correspond to the number of territorial units inhabited by national minorities in the region.

25.4.2. General education

In the 2023 parliamentary report, the Public Defender welcomed the significant increase in the number of educational institutions implementing bilingual education that year.¹⁰⁹⁷ Specifically, for the 2023–2024 academic year, 184 public schools were included in the program,¹⁰⁹⁸ compared to just 41 in the 2022–2023 academic year.¹⁰⁹⁹

However, it is noteworthy that this positive trend did not continue into the 2024–2025 academic year. During this period, only 169 public schools were participating in the bilingual education model.¹¹⁰⁰ It is also significant that, according to official statistics, there are a total of 290 non-Georgian-language schools or sectors in Georgia.¹¹⁰¹

Meetings conducted by representatives of the Public Defender’s Office in general education institutions in the Kvemo Kartli and Samtskhe-Javakheti regions revealed numerous challenges in the implementation of bilingual education. Practices vary significantly from school to school, largely due to a shortage of qualified personnel. The employment of consultant teachers and bilingual education specialists also differs across institutions. Access to bilingual textbooks for teachers and students remains a challenge, as does the development of bilingual supplementary materials and other necessary resources.

During interviews with staff from the Public Defender’s Office, both bilingual education specialists and subject teachers who co-teach bilingual lessons emphasized that it is essential for not only the specialists, but also other teachers, to have a comprehensive understanding of the essence, methodology, and specific features of bilingual education. While most teachers acknowledged that bilingual education specialists receive weekly instructional guidance and coaching on the teaching process, the subject teachers working alongside them lack any platform for feedback or to ask questions related to the educational process. In many cases, the only information subject teachers received about the purpose and importance of bilingual education was a one-time explanation from the school principal. Although bilingual education specialists collaborate with subject teachers and provide them with necessary information, for the sake of greater flexibility and effectiveness in the learning process, it is crucial that subject teachers also have thorough knowledge of both their own role and that of the bilingual education specialist. This need becomes especially evident in cases where subject teachers either do not speak Georgian at all or have difficulty communicating in it, while the bilingual education specialist does not speak the minority language.

¹⁰⁹⁵ The Letter №01/146 of February 14, 2025 of the Administration of the State Representative in the Kvemo Kartli Region.

¹⁰⁹⁶ Letter №01/101 of February 13, 2025 from the Administration of the State Representative in the Kakheti Region.

¹⁰⁹⁷ Parliamentary Report for 2023 of the Public Defender of Georgia, 311.

¹⁰⁹⁸ Letter № MED 1 24 0000210043 of the Ministry of Education, Science and Youth of Georgia of February 26, 2024.

¹⁰⁹⁹ Letter №1230000119028 of the Ministry of Education and Science of Georgia of February 3, 2023.

¹¹⁰⁰ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹⁰¹ Ibid.

As noted, schools employ varying numbers of bilingual education specialists.¹¹⁰² Specifically, as of the reporting period, 323 bilingual education specialists¹¹⁰³ were employed across the 169 schools participating in the bilingual education program. However, there are schools that, despite being part of the program, had no bilingual education specialist employed during the reporting period due to vacancies. In total, among the 169 schools involved in the bilingual education program during the reporting period, 14 had a vacant position for a bilingual education specialist.¹¹⁰⁴

In non-Georgian-language schools/sectors, in addition to the work of bilingual education specialists, the role of consultant teachers is particularly important in supporting the teaching of the Georgian language.¹¹⁰⁵ The role of a consultant teacher also includes organizing informal activities conducted in the Georgian language. In 2024, a total of 144 consultant teachers¹¹⁰⁶ were deployed across the Samtskhe-Javakheti, Kvemo Kartli, and Kakheti regions.¹¹⁰⁷ As in previous years, the number of consultant teachers assigned to the Kakheti, Kvemo Kartli, and Samtskhe-Javakheti regions does not correspond proportionally to the number of non-Georgian-language schools or sectors in those regions. For example, in 2024, consultant teachers were assigned to only 3 schools in the Kakheti region,¹¹⁰⁸ despite the fact that the region has 14 non-Georgian-language schools or sectors.¹¹⁰⁹ As for Samtskhe-Javakheti, consultant teachers were assigned to only 33 schools in the region,¹¹¹⁰ whereas there are a total of 108

¹¹⁰² The duties and responsibilities of a bilingual education specialist include: participating in the revision process of relevant subject standards (from a bilingual perspective); developing subject-specific resources in accordance with the requirements of the standards; and identifying subject concepts, topics, assignments, activities, exercises, supporting resources (such as texts, videos, illustrations, etc.), and assessment tools for each teaching unit (Letter № MES 1 24 0000081209, of LEPL National Center for Teacher Professional Development of January 29, 2024)..

¹¹⁰³ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹⁰⁴ For example, such cases include: Talaveri Village Public School №2 in Bolnisi Municipality (Azerbaijani-language school); Bazaklo Village Public School in Dmanisi Municipality (Azerbaijani-language); Kizilajlo Village Public School in Dmanisi Municipality (Azerbaijani-language); Arsarvani Village Public School in Tsalka Municipality (Azerbaijani-language); Public School №4 in Marneuli (Russian-language); Kirovakani Village Public School in Akhalkalaki Municipality (Armenian-language); Olaverdi Village Public School in Akhalkalaki Municipality (Armenian-language), and others. (Source: Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025).

¹¹⁰⁵ The duties and responsibilities of a consultant teacher include the following: teaching a subject specified by the National Curriculum; supporting non-formal education (such as creating subject-focused clubs in schools, conducting additional lessons, implementing educational and cognitive projects, planning various activities, and organizing events); assisting local teachers and contributing to their professional development, among other tasks. (Source: Letter № MES 1 24 0000081209 of the the LEPL National Center for Teacher Professional Development of January 29, 2024).

¹¹⁰⁶ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025. .

¹¹⁰⁷ The deployment of consultant teachers is carried out within the framework of the LEPL National Center for Teacher Professional Development's subprogram Support for Non-Georgian Language Schools. The aim of this subprogram is to support the professional development of teachers and the teaching-learning process in non-Georgian language schools located in regions compactly populated by national minorities. It also seeks to enhance the professional development of teachers in non-Georgian language preschool institutions and support the educational process through the strengthening of the state language, while improving non-formal learning practices at the school level. (Letter № MES 1 24 0000081209 of the LEPL National Center for Teacher Professional Development of January 29, 2024).

¹¹⁰⁸ Letter № MES 9 25 0000145610 of the LEPL National Center for Teacher Professional Development of February 13, 2025.

¹¹⁰⁹ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹¹⁰ Letter № MES 9 25 0000145610 of the LEPL National Center for Teacher Professional Development of February 13, 2025..

non-Georgian-language schools or sectors operating there.¹¹¹¹ In Kvemo Kartli, consultant teachers were assigned to 89 schools,¹¹¹² while the region has a total of 138 non-Georgian-language schools or sectors.¹¹¹³ It should be noted that, against the backdrop of a shortage of bilingual education specialists in schools (such as cases where only one specialist is employed) the role of consultant teachers becomes particularly important. A key challenge, however, is the limited availability of educational resources accessible to consultant teachers.

It is noteworthy that the bilingual education approach is currently being implemented at the primary level across five subjects (Mathematics, Natural Sciences, Me and Society, Visual Arts, and Our Georgia). According to information provided to the Public Defender's Office by the Ministry of Education and Science of Georgia, educational resources for these subjects were updated in 2024, and a methodological guide as well as assessment rubrics were developed.¹¹¹⁴ However, a significant challenge remains the lack of accessibility to bilingual textbooks—including bilingual teacher guidebooks—for all five subjects in schools participating in the bilingual education program.

Additionally, during meetings held in general education institutions in the Kvemo Kartli and Samtskhe-Javakheti regions, representatives of the Public Defender's Office identified significant challenges in the context of bilingual education, particularly in terms of access to quality education. Bilingual education specialists expressed critical views regarding the developed textbooks, with many teachers emphasizing the need to simplify the content. They also noted that within the bilingual teaching model—where instructional time is shared between subject teachers and bilingual education specialists—the complexity of the materials often prevents them from completing the national curriculum within the academic year. According to the teachers, this negatively affects students' overall mastery of the subject.

In the context of general education, it is also important to note that, as in previous years, significant challenges persist in 2024 regarding the development, publication, and use of textbooks for native language and literature instruction in Georgia's Armenian-, Azerbaijani-, and Russian-language schools. Textbooks for Azerbaijani language and literature are provided as donations from Azerbaijan, while textbooks for Armenian language and literature are received from Armenia.

In addition to the importance of providing schools with textbooks published in Georgia, it is also noteworthy that Armenian language and literature textbooks are, in some cases, outdated and were published several years ago. While the Azerbaijani language and literature textbooks are not considered outdated, teachers report difficulties using them due to differences between the Azerbaijani and Georgian education systems. Specifically, the first-grade textbook does not begin with the alphabet, since, unlike in Georgia, students in Azerbaijan undergo a preparatory stage before entering the first grade. As for Russian language and literature textbooks, the use of outdated books published years ago in Moscow presents a particularly serious challenge. In some cases, as noted by teachers of the subject, they are using Russian language textbooks designed for teaching it as a second foreign language.

¹¹¹¹ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹¹² Letter № MES 9 25 0000145610 of the LEPL National Center for Teacher Professional Development of February 13, 2025.

¹¹¹³ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹¹⁴ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

25.4.3. Teaching of native languages for small ethnic groups

The teaching of native languages for small ethnic minority groups has been in place since 2015. However, the development of officially approved school textbooks for the languages of small ethnic minorities (such as Ossetian, Chechen, Khundz/Avar, Udi, Assyrian, and Kurdish/Kurmanji) along with the training of qualified teachers for these languages, continues to be a systemic challenge, as in previous years.

25.4.4. Teaching of state language

In its concluding observations on Georgia's fifth periodic report, the UN Human Rights Committee, among other issues, emphasized the importance of strengthening Georgian language instruction—particularly for minority groups that lack access to language learning opportunities or reside in remote rural areas.¹¹¹⁵

It is noteworthy that the LEPL Zurab Zhvania School of Public Administration implements a Georgian Language Teaching and Integration Program. Language instruction is available both at 12 regional centers located across four regions¹¹¹⁶ and through mobile groups based¹¹¹⁷ on place of residence, as well as in online/remote formats.¹¹¹⁸

It is a positive development that, compared to 2023, mobile groups were extended to 36 new locations in 2024.¹¹¹⁹ However, the geographic coverage of these mobile groups still does not fully include all territorial units densely populated by national minorities. In 2024, as in 2023, the state language was not taught via mobile groups in Telavi¹¹²⁰ and Tetrtskaro¹¹²¹ municipalities. In other municipalities, mobile groups were deployed to only a few villages with compact minority populations.

While mobile groups are formed based on demand from beneficiaries, expanding their geographic coverage requires active and widespread dissemination of information to the public about the work of the LEPL Zurab Zhvania School of Public Administration. The fact that residents of some municipalities and villages densely populated by national minorities have not expressed interest in learning the state language through mobile groups may be due to a lack of adequate information. Although the LEPL Zurab Zhvania School of Public Administration undertakes certain activities to promote its state language

¹¹¹⁵ UN Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, 13 September 2022, para. 51.

¹¹¹⁶ The regional centers are located in Akhalkalaki, Bolnisi, Gardabani, Lambalo, Dmanisi, Tsalka, Marneuli, Ninotsminda, Lagodekhi, Akhmeta, Akhaltsikhe, and Kutaisi (letter № MES 8 25 0000131614 of the LEPL Zurab Zhvania School of Public Administration of February 11, 2025).

¹¹¹⁷ Mobile groups are established in specific geographic areas based on beneficiary demand. To form a mobile group, a minimum of five participants is required. If the number of beneficiaries is lower, the school takes into account geographic accessibility — specifically, whether it is feasible to serve them through the nearest regional training center or an existing mobile group. If this is not possible, a mobile group may be formed with a minimum of three participants. (Letter N MES 8 25 0000131614 of the LEPL Zurab Zhvania School of Public Administration of February 11, 2025).

¹¹¹⁸ Letter N MES 8 25 0000131614 of the LEPL Zurab Zhvania School of Public Administration of February 11, 2025.

¹¹¹⁹ Ibid.

¹¹²⁰ The population of Telavi Municipality is 38,721, of which 12.8% are Azerbaijani. (National Statistics Office of Georgia, Main Results of the 2014 General Population Census of Georgia, pp. 149–150).

¹¹²¹ The population of Tetrtskaro Municipality is 21,127, of which 7.3% are Azerbaijani and another 7.3% are Armenian. (National Statistics Office of Georgia, Main Results of the 2014 General Population Census of Georgia, pp. 333–334).

teaching program, data from 2024¹¹²² indicates that both the number of these outreach activities and their geographic scope remain limited.

Moreover, visits conducted by the Public Defender's Office in 2024 to the Kvemo Kartli, Samtskhe-Javakheti, and Kakheti regions revealed that, as in the previous reporting period, parts of the population in municipalities and villages densely populated by national minorities remain unaware of the activities and available opportunities offered by the LEPL Zurab Zhvania School of Public Administration. In cases where some residents were familiar with the School's regional centers, it became clear that they were not informed about the possibility of learning the state language through mobile groups.

25.4.5. Higher education

In 2024, according to the results of the Unified National Examinations, a total of 1,483 applicants were admitted to Georgian language preparatory educational programs based on tests administered in Armenian, Azerbaijani, and Ossetian languages.¹¹²³ Of these, 423 applicants were admitted based on the Armenian-language test, 1,055 through the Azerbaijani-language test, and 5 through the Ossetian-language test. Out of the total 1,483 admitted students, 26% received a state study grant—a figure that marks a significant increase compared to 2023.¹¹²⁴ It is a welcome development that in 2024, funding for students admitted to the Georgian Language Preparatory Program based on Azerbaijani- and Armenian-language general skills tests was doubled—an improvement the Public Defender had been recommending for years. As a result of this positive change, the number of funded students increased. It is essential that the practice of allocating and increasing financial support for these students be maintained in the coming academic years.

In connection with the Georgian Language Preparatory Program, it should also be noted that, as in 2023, meetings held by staff of the Public Defender's Office in the Kvemo Kartli and Samtskhe-Javakheti regions in 2024 once again revealed that a portion of the population holds incorrect information about the admission criteria for the program. Although it is neither required nor mandatory for applicants to have graduated from an Azerbaijani- or Armenian-language school/sector to be admitted to the Georgian Language Preparatory Program, some community members mistakenly believe that students who attend Georgian-language schools or sectors are ineligible to apply for the program.¹¹²⁵ This highlights the need to intensify awareness-raising efforts about the program within both the Azerbaijani- and Armenian-speaking communities.

25.5. Access to media

In 2024, as in previous years, the Public Broadcaster continues to provide simultaneous translation of the main news program, Moambe at 21:00, on Channel One into Azerbaijani and Armenian, which is accessible via television.¹¹²⁶ In addition, the Public Broadcaster produces four daily news bulletins in

¹¹²² Letter N MES 8 25 0000131614 of the LEPL Zurab Zhvania School of Public Administration of February 11, 2025.

¹¹²³ Letter № MES 2 25 0000149 of the Ministry of Education, Science and Youth of Georgia of February 13, 2025.

¹¹²⁴ In 2023, only 12% of 1,628 university applicants received a state study grant. (Parliamentary Report of the Public Defender of Georgia, 2023, Tbilisi, 2024, p. 317).

¹¹²⁵ This issue is highlighted in the thematic inquiry report of the Education and Science Committee of the Parliament of Georgia - "Study on Access to Quality Education for Ethnic Minorities", 2022, p. 55.

¹¹²⁶ The 21:00 edition of Moambe is available with simultaneous translation in Azerbaijani and Armenian, making it possible to watch the live broadcast through set-top boxes or televisions equipped with a language selection function.

Azerbaijani and Armenian, which are available on the Channel One website. These news programs are also provided free of charge to regional television stations in the Kvemo Kartli and Samtskhe-Javakheti regions.

Despite the steps taken by the Public Broadcaster to inform the public about media products produced for national minorities, their promotion remains a significant challenge. Media accessibility is crucial for the civic integration of national minorities and for their participation in decision-making processes, as media plays a key role in disseminating information about current events in the country. Therefore, ensuring the availability of accurate media content in languages understood by national minorities—and maximizing awareness about these resources—is critically important for their active and effective engagement in public life. It is essential that efforts in this area be continuous and systematic.

It should also be noted that, as revealed during working meetings conducted by representatives of the Public Defender's Office in the Kvemo Kartli and Samtskhe-Javakheti regions, some members of the population are either entirely unaware of or only partially informed about the services and programming offered by the Public Broadcaster. Therefore, it is important that the Public Broadcaster actively promote its main news and analytical programming in minority languages across all territorial units densely populated by national minorities. This includes informing the public on how to access the 21:00 Moambe news program with simultaneous translation, as well as what types of informational and analytical broadcasts are available on the broadcaster's website. In parallel, it is essential that the Public Broadcaster continue its cooperation with regional television stations, which involves providing them with programming free of charge. Alongside this, targeted efforts must be made to promote the availability of these services through regional broadcasters. The public should be fully informed about what types of television content from the Public Broadcaster are being shared with regional channels at no cost.

25.6. The human rights situation of prisoners belonging to national minorities

Prisoners who do not have sufficient command of the Georgian language are placed in an especially vulnerable position upon entering a penitentiary establishment. Information obtained by the Public Defender's Office from penitentiary establishments reveals that many inmates do not speak Georgian as their native language and lack even basic proficiency in the official language.¹¹²⁷ This language barrier prevents them from fully accessing the services available in penitentiary establishments. Specifically, it hinders their ability to receive information about their rights and obligations, complaint mechanisms, disciplinary procedures, access to medical care, and participation in rehabilitation activities, among other things.

¹¹²⁷ As of December 31, 2024, Penitentiary Establishment №2 housed 171 defendants/inmates whose native language is not Georgian. Of these, only 48 had a communicative level of proficiency in Georgian (Letter №36570/01 of the Penitentiary Establishment №2 of February 10, 2025). In Penitentiary Establishment №14, a total of 89 inmates did not have Georgian as their native language, and only 26 of them could speak Georgian at a communicative level (Letter №33706/01 of the Penitentiary Establishment №14 of February 6, 2025). In Penitentiary Establishment №15, there were 140 inmates whose native language was not Georgian; among them, 30 had a communicative level of proficiency in Georgian (Letter №36874/01 of the Penitentiary Establishment №15 dated February 10, 2025). Penitentiary Establishment №17 housed 428 inmates whose native language was not Georgian, of whom 305 had at least a communicative level of Georgian language proficiency (Letter №33810/01 of the Penitentiary Establishment №17, dated February 6, 2025), and so forth.

It is noteworthy that penitentiary establishments do not employ full-time interpreters on staff. However, under a contract signed by the Special Penitentiary Service with an external company, interpreters for various languages are made available to penitentiary establishments upon request.¹¹²⁸ The Penitentiary Code defines the circumstances under which a prisoner may request interpretation services. For example, a defendant/convicted person who does not know the official language of Georgia or does not understand the language of the legal proceedings has the right to use the services of an interpreter free of charge¹¹²⁹ when submitting a complaint, among other instances.¹¹³⁰ Additionally, the possibility of requesting interpreter services is outlined in the internal regulations of penitentiary establishments.¹¹³¹ Visits conducted by staff of the Public Defender's Office to penitentiary establishments reveal that inmates are generally unaware of the details regarding their right to access interpreter services.

It is noteworthy that in penitentiary establishments (such as on cell block floors and in telephone conversation rooms) information regarding prisoners' rights and obligations, as well as hotline numbers for various institutions¹¹³² operating in the country, is displayed in multiple languages, including Armenian and Azerbaijani. While it is important that such information is displayed for prisoners in this manner, it is equally essential that it also be provided to them in the form of printed brochures. Unfortunately, this information is not available in brochure form in all penitentiary establishments. Even in Penitentiary Establishment No. 8—where administrators presented a brochure outlining prisoners' rights and obligations in 10 different languages—it was neither available in the facility's library nor possessed by the inmates who were interviewed.¹¹³³

Beyond information on prisoners' rights and obligations, some penitentiary establishments also provide access to other documents translated into multiple languages. For example, in Penitentiary Establishment No. 2, materials available in Azerbaijani include the shop menu, rules on staff conduct toward prisoners, disciplinary procedures, and more.¹¹³⁴ In Penitentiary Establishment №8, brochures on Prisoner Rehabilitation and Resocialization Services have been developed and printed. These materials, which cover rehabilitation, resocialization, and medical services, are available not only in Georgian but also in five other languages, including Azerbaijani and Armenian.¹¹³⁵ A similar brochure is also available in

¹¹²⁸ Letter №36570/01 dated February 10, 2025, from Penitentiary Establishment №2.

¹¹²⁹ Article 103 (4) of the Penitentiary Code of Georgia.

¹¹³⁰ Upon admission to the facility, a defendant/inmate must immediately be provided in writing, and in a language they understand, with information on their rights and obligations, the rules of conduct by staff towards them, procedures for receiving information and submitting complaints, the grounds and types of disciplinary liability, the rules of disciplinary proceedings, as well as any other applicable requirements (Article 47 (5), and Article 55 (2) of the Penitentiary Code of Georgia). A defendant/inmate accused of committing a disciplinary violation is entitled to free interpretation services if they do not understand the language of the proceedings (Article 73 of the Penitentiary Code of Georgia), among other rights.

¹¹³¹ For example, Article 34.1 of the Statute of Penitentiary Establishment №2 stipulates that, in cases where an individual does not know the official language of Georgia, they are entitled to the services of an interpreter.

¹¹³² The Special Investigation Service, the Public Defender of Georgia, and the General Inspectorate of the Ministry of Justice of Georgia.

¹¹³³ Follow-up Report of the National Preventive Mechanism of the Public Defender's Office of Georgia on the visit to Penitentiary Establishment №8, 2024, p. 23..

¹¹³⁴ Letter №36570/01 of the Penitentiary Establishment №2 of February 10, 2025.

¹¹³⁵ Letter №36660/01 of the Penitentiary Establishment №8 of February 10, 2025.

Penitentiary Establishment №15.¹¹³⁶ Unfortunately, such examples remain the exception, and in most penitentiary establishments, the above-mentioned information is not available to prisoners in this format. Additionally, it should be noted that, according to penitentiary institutions, accused/convicted individuals who do not speak Georgian receive information about rehabilitation activities only orally—through a social worker, with the assistance of an interpreter.¹¹³⁷ However, monitoring conducted by the Public Defender’s Office revealed that some prisoners either have no information at all about available rehabilitation activities or possess only incomplete and limited knowledge on the subject.

One of the most important ways to overcome language and related informational barriers for prisoners is the promotion of Georgian language courses. In 2024, six inmates at Penitentiary Establishment №2 completed a Georgian language course.¹¹³⁸ It is also noteworthy that, as of February 2025, a Georgian language course is currently underway at Penitentiary Establishment №16, with 13 inmates participating in the program.¹¹³⁹ In other penitentiary establishments, no Georgian language courses were conducted during the reporting period. While participation in such programs is based on the identified needs and expressed interest of the inmate,¹¹⁴⁰ it is essential that information about Georgian language courses be periodically provided in a language understandable to the prisoners. This should be done both individually and through general outreach methods, such as posting information on cell block walls, producing and distributing brochures, and similar means.

In addition to the above, in order to protect the human rights of prisoners belonging to national minorities, it is essential that each penitentiary establishment have a developed plan for the prevention of interethnic conflicts.

Recommendations

To the Government of Georgia:

- For the 2025–2026 academic year, to increase the funding allocated for state study grants for students admitted based solely on the results of the Azerbaijani- and Armenian-language general skills tests, as well as the Ossetian-language test, in the Unified National Examinations;
- To implement activities tailored to the specific needs of job seekers from national minority groups in order to enhance their competitiveness in the labor market;
- At the level of the executive branch, to establish an effective, institutionalized consultative mechanism for national minorities, with a clearly defined legal status, sustainable financial support, and a legally mandated obligation for consultation as outlined in legislation;

¹¹³⁶ Letter №36874/01 of the Penitentiary Establishment №15 of February 10, 2025.

¹¹³⁷ Letter №36548/01 of the Penitentiary Establishment №5 of February 10, 2025; Letter №37053/01 of the Penitentiary Establishment №3 of February 10, 2025; 8) Letter №33706/01 of the Penitentiary Establishment №14 of February 6, 2025.

¹¹³⁸ Letter №36570/01 of the Penitentiary Establishment №2 of February 10, 2025.

¹¹³⁹ Letter №40811/30 of the Penitentiary Establishment №16 of February 13, 2025.

¹¹⁴⁰ Letter №39770/27 of the Penitentiary Establishment №12 of February 12, 2025.

- To adopt a legal act that establishes the obligation of the executive branch to consult with the Council of Ethnic Minorities under the Public Defender of Georgia when making decisions that may affect the protection of national minority rights and their civic integration;
- To develop a long-term plan to prevent interethnic conflicts and strengthen dialogue between communities in municipalities with a history of conflict;
- To collect statistics on the number of national minority representatives employed in the public service, ensuring that the methodology for data collection is based on the principles of self-identification, voluntariness, and anonymity.

To the Minister of Education, Science, and Youth of Georgia:

- To expand the coverage of preschool bilingual education programs in all territorial units densely populated by national minorities;
- In schools where instruction is conducted in the languages of national minorities, to introduce a bilingual teaching model; to develop the necessary school textbooks for bilingual education; and to train/retrain bilingual teachers;
- To undertake effective measures to develop, publish, and ensure the use of locally produced textbooks for native language and literature instruction in Armenian-, Azerbaijani-, and Russian-language schools in Georgia;
- To ensure the development and publication of school textbooks for the languages of numerically small national minorities (Ossetian, Chechen, Khunz/Avar, Udi, Assyrian, and Kurdish/Kurmanji), as well as the retraining of teachers for these languages;
- To implement student and pupil exchange programs within the country in order to promote bilingual education programs;

To the Minister of Culture of Georgia:

- In cooperation with local self-government bodies, to support the operation, restoration, and implementation of cultural activities in cultural houses/centers in municipalities and villages of regions densely populated by national minorities;
- To ensure the documentation and inventory of cultural heritage sites related to national minorities and initiate the conservation and/or restoration of these sites.

To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia:

- In all territorial units densely populated by national minorities, to ensure regular and comprehensive information dissemination about each health care service available in the country by conducting informational meetings in languages understandable to national minorities, with the maximum involvement of medical personnel;
- In all territorial units densely populated by national minorities, to ensure regular promotion of information—through informational meetings conducted in languages understandable to national minorities and with the maximum involvement of minority representatives—regarding

the Universal Healthcare Program, vaccination (including routine immunizations and the HPV vaccine), and the State Program for the Early Detection and Screening of Diseases.

To the Zurab Zhvania School of Public Administration:

- To ensure the promotion of the state language instruction program in all territorial units densely populated by national minorities and expand the geographic scope of the program's implementation, including the activities of mobile teaching groups.

To the National Center for Teacher Professional Development:

- To increase both the geographic coverage of the Center's activities and the number of teachers retrained through its programs in all territorial units densely populated by national minorities.

To the Public Broadcaster:

- In all territorial units densely populated by national minorities, to strengthen the promotion of main informational and analytical broadcasts in minority languages to expand audience reach;
- In all territorial units densely populated by national minorities, to facilitate access to media products prepared by the Public Broadcaster (including those produced in ethnic minority languages) through all available means of transmission, and ensure the promotion of this activity.

To the State Minister for Reconciliation and Civic Equality:

- To clearly define the requirements for host institutions participating in the 1+4 internship program, as well as the expected outcomes for program participants; to introduce evaluation tools and implement activities aimed at developing the skills of young people.

To the Directors of Penitentiary Institutions:

- To ensure that information about Georgian language courses is provided to inmates from national minorities in a language they understand (Armenian or Azerbaijani), both individually—by distributing brochures prepared in Armenian or Azerbaijani—and publicly, by posting such information in these languages on the walls of residential units within the penitentiary facility;
- To translate into Armenian and Azerbaijani the following materials: rules governing staff conduct toward inmates, procedures for accessing information and submitting complaints, grounds and types of disciplinary liability, procedures for disciplinary proceedings, as well as information on rehabilitation, resocialization, and medical services. The translated materials should be placed in the prison libraries and displayed on the floors of prison buildings, near recreational areas, meeting spaces, and telephone rooms;
- To prepare brochures in Armenian and Azerbaijani languages containing the following information: rules for the treatment of inmates by staff, procedures for accessing information and submitting complaints, grounds and types of disciplinary liability, disciplinary procedures, rights and responsibilities of inmates, as well as information on rehabilitation, resocialization, and medical services. These brochures should be distributed to all inmates for whom Armenian or Azerbaijani is a primary language of communication and who do not speak/adequately understand the Georgian language;

- To develop a long-term plan to prevent interethnic conflicts among inmates.

To the Minister of Education, Science, and Youth of Georgia, and to the municipalities of Sagarejo, Lagodekhi, Telavi, Gardabani, Marneuli, Bolnisi, Dmanisi, Tsalka, Tetritskaro, Akhaltsikhe, Akhalkalaki, and Ninotsminda:

- To ensure access to early childhood education and school readiness programs in all territorial units densely populated by national minorities.

To the municipalities of Sagarejo, Lagodekhi, Telavi, Gardabani, Marneuli, Bolnisi, Dmanisi, Tsalka, Tetritskaro, Akhaltsikhe, Akhalkalaki, and Ninotsminda:

- In order to enhance the quality of teaching and operational effectiveness in early childhood education institutions, to ensure the retraining of educators, including non-Georgian-speaking teachers, and the development and delivery of educational resources;
- To ensure that the information posted on the municipalities' official websites and social media pages is accessible in the native languages of national minorities;
- To ensure that normative acts adopted by municipalities that are of public interest (including local social and healthcare programs) are accessible in the native languages of the national minorities residing in their respective territories.

26. The Rights Situation of Internally Displaced Persons

As of the end of 2024, 299,172 internally displaced persons and 96,130 displaced families were registered in Georgia. Of these, 48,640 families have been provided with long-term resettlement,¹¹⁴¹ while 43,792 families have filled out applications for housing provision within the framework of various long-term resettlement programmes.¹¹⁴² Administrative promises to provide housing at the earliest opportunity have been given to 385 families.¹¹⁴³ The number of long-term resettlement decreased slightly in the reporting year,¹¹⁴⁴ and it is also noteworthy that no facility posing a danger to life or health was closed in 2024. In addition, the deadline for large-scale resettlement of IDPs, which was planned to be completed by the end of 2025, has been postponed to 2026 in Tbilisi, Zugdidi, Rustavi and Borjomi. The amount of rents provided for internally displaced families has not changed - GEL 300. The delay in making a decision within the framework of the so-called rural housing programme remains a challenge.

26.1. Resettlement of IDPs

In the reporting period, a total of 2,022 families¹¹⁴⁵ were resettled within the framework of various long-term resettlement programmes, and 1,176 families were provided with rents.¹¹⁴⁶ The Public Defender of Georgia referred to the insufficiency of the amount of money allocated for rent - GEL 300 - in the previous parliamentary report,¹¹⁴⁷ although the situation remains unchanged even after a year. According to the LEPL *IDPs, Eco-Migrants and Livelihood Agency*¹¹⁴⁸ and the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia,¹¹⁴⁹ the issue is being considered and a draft amendment to the relevant normative act has been prepared. Considering that the number of families seeking long-term resettlement is still high and the need to increase this GEL 300 limit is still significant, it is important to approve the relevant amendments and increase the established limit within a tight timeframe.

¹¹⁴¹ Letter No. IDP 2 25 00076289 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency*, January 24, 2025.

¹¹⁴² According to the letter No. IDP 7 25 00057311 of the *IDPs, Eco-Migrants and Livelihood Agency* of January 21, 2025, 35,347 families have applied for resettlement in newly constructed and/or rehabilitated buildings, and 8,445 families have applied for housing provision within the framework of the so-called rural housing programme.

¹¹⁴³ Letter No. IDP 2 25 00033457 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency*, January 16, 2025.

¹¹⁴⁴ In 2024, 2,022 families were provided with housing, and in 2023, 2,278 families were resettled on a long-term basis. See the 2023 Parliamentary Report of the Public Defender of Georgia, p. 255.

¹¹⁴⁵ According to letter No. IDP 7 25 00120400 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of February 4, 2025, 262 families, who had received administrative promises, were resettled in newly constructed and/or rehabilitated buildings; 1,358 families were granted consent to purchase housing within the framework of the private house purchase programme; 49 families were provided with housing space within the framework of administrative promises; 2 families were resettled in individual residential houses built on state-owned land plots in the village of Dzevera, Gori municipality, within the framework of the project Economic Participation, Housing and Social Infrastructure for IDPs and Host Communities, funded by the German KfW Development Bank and implemented by the Danish Refugee Council (DRC), and the housing space in fair use were legalized (transferred to ownership) to 351 families (in former compact resettlement facilities).

¹¹⁴⁶ Letter No. IDP 7 25 00029934 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency*, January 16, 2025.

¹¹⁴⁷ 2023 Parliamentary Report of the Public Defender of Georgia, p. 255.

¹¹⁴⁸ Letter No. IDP 4 25 00035484 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency*, January 16, 2025.

¹¹⁴⁹ Letter No. MOH 1 25 00043043 of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, January 17, 2025.

Back in 2023, the LEPL *IDPs, Eco-Migrants and Livelihood Agency* announced that it was planning to ensure long-term resettlement of IDPs in newly constructed and/or rehabilitated buildings in several cities of Georgia (Tbilisi, Zugdidi, Kutaisi, Rustavi and Borjomi) by 2025.¹¹⁵⁰ For this purpose, the Agency started receiving applications from the end of 2023, and a total of 35,347 families submitted requests.¹¹⁵¹ However, according to the information¹¹⁵² provided to the Public Defender's Office by the LEPL *IDPs, Eco-Migrants and Livelihood Agency*, the long-term resettlement of IDPs in newly constructed and/or rehabilitated buildings will be ensured in 2025 only in Kutaisi.¹¹⁵³ In the remaining cities, the long-term resettlement process will be implemented in 2026. We find different information on the official website of the *IDPs, Eco-Migrants and Livelihood Agency*. According to this information, long-term resettlement of IDPs will be implemented in Tbilisi, Zugdidi, Kutaisi, Rustavi and Borjomi in 2025.¹¹⁵⁴ The families who had filled out applications for housing back in 2023 expected that their issue would be considered in 2025. On the one hand, in a situation when the long-term resettlement process is already protracted, it is important for the Agency to use all opportunities to complete construction on time, while at the same time it is important to inform displaced families about ongoing construction and the reasons hindering its completion or the estimated completion dates.

At the long-term resettlement stage, the delay in making the final decision on resettlement within the framework of the so-called rural housing programme has remained a challenge for years. As indicated in the information¹¹⁵⁵ provided by the *IDPs, Eco-Migrants and Livelihood Agency*, in 2024, within the framework of the resettlement programme, the Commission for IDP Issues considered resettlement applications submitted in 2022-2024 (a total of 1,358 houses were purchased), which means that it sometimes takes 2 years to make a final decision after the submission of the application. The delay in the process creates additional problems when an IDP family has found a house for purchase, but the owner may sell it before the final decision is made.

26.2. Resettlement of IDPs from the facilities posing an increased threat to life or health

In the parliamentary reports of previous years, the Public Defender of Georgia negatively assessed the slow pace and small number of closure of facilities posing an increased threat to life or health,¹¹⁵⁶ however, the data of the reporting year is particularly problematic, as no such facility was closed and no family living in such a facility was resettled.¹¹⁵⁷ Thus, as of the end of 2024, the number of buildings posing an

¹¹⁵⁰ Available at: <<https://moh.gov.ge/viewnews.php?lang=1&uid=202312250904554743980745>> [11.03.2025].

¹¹⁵¹ Letter No. IDP 0 25 00084530 of the *IDPs, Eco-Migrants and Livelihood Agency* of January 28, 2025.

¹¹⁵² According to letter No. IDP 4 25 00035484 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of January 16, 2025, it is planned to ensure long-term resettlement of internally displaced persons, based on applications and points assigned to them, in newly-built residential buildings in Kutaisi in 2025; in Tbilisi, 2-6 Tvalchrelidze St., the construction completion deadline is 15.04.2026; in Zugdidi, the construction completion deadline is 12.02.2026; in Rustavi, the construction completion deadline is 11.02.2026; in Borjomi, the construction completion deadline is 03.10.2025.

¹¹⁵³ Letter No. IDP 4 25 00035484 of the *IDPs, Eco-Migrants and Livelihood Agency* of January 16, 2025.

¹¹⁵⁴ Available at: <https://idp.moh.gov.ge/news.php?lang=1&id=202410221317077313090091>> and <<https://idp.moh.gov.ge/news.php?lang=1&id=202408291412168835082501>> [11.03.2025].

¹¹⁵⁵ Letter No. IDP 9 25 00202537 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of February 21, 2025.

¹¹⁵⁶ In 2022, 8 facilities posing a danger to life or health were closed. See the 2022 Parliamentary Report of the Public Defender of Georgia, p. 233. In 2023, 4 such facilities were closed. See the 2023 Parliamentary Report of the Public Defender of Georgia, p. 256.

¹¹⁵⁷ Letter No. IDP 7 25 00120400 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of January 4, 2025,.

increased threat to life and health remained unchanged. In particular, in 2024 there remained 29 such facilities and a total of 491 families lived in them. The situation is further aggravated by the fact that during 2024, no displaced family was provided with rent due to living in the above-mentioned facilities.¹¹⁵⁸ Although the LEPL *IDPs, Eco-Migrants and Livelihood Agency* had decided to close all the facilities posing an increased threat to life and health by the end of 2025,¹¹⁵⁹ under the circumstances when no such facility was closed in the reporting year and most of the planned construction projects will not be completed in 2025, the timely implementation of the Agency's decision is questionable.

Recommendations

To the *IDPs, Eco-Migrants and Livelihood Agency*:

- Ensure that internally displaced families are quarterly informed about the ongoing construction processes in Tbilisi, Zugdidi, Kutaisi, Rustavi and Borjomi, by updating information on the relevant website or in another form;
- Use all levers to complete construction works in Tbilisi, Zugdidi, Rustavi and Borjomi on time and to ensure long-term resettlement of IDPs;
- In case of urgent need, provide safe housing to the IDPs living in the facilities posing an increased threat to life or health.

¹¹⁵⁸ Letter No. IDP 7 25 00029934 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of January 16, 2025,.

¹¹⁵⁹ Letter IDP 4 24 00108961 of the LEPL *IDPs, Eco-Migrants and Livelihood Agency* of January 30, 2024.

27. The Rights Situation of Eco-migrants

As of the end of 2024, the number of eco-migrant families registered in the database of the LEPL IDPs, *Eco-Migrants and Livelihood Agency* significantly increased - their number amounts to 12,058.¹¹⁶⁰ 4,489 of the families have been provided with housing.¹¹⁶¹

It is welcome that the total number of families provided with safe housing increased in the reporting year. However, given that geological processes are dynamic, the number of families in need of both resettlement and preventive measures is increasing from year to year. In addition, the implementation of preventive measures by municipalities at the local level is still inconsistent, which ultimately increases the urgent need for resettlement of families. Unfortunately, the limit of funds provided for the purchase of houses for each affected family was not increased in 2024, nor was the process of transferring housing into private ownership of eco-migrants resettled in 2004-2012 completed.¹¹⁶²

27.1. Resettlement of eco-migrants

In 2024, the number of eco-migrant families for whom the State purchased houses due to natural disasters significantly increased. In particular, houses were purchased for 531 eco-migrant families¹¹⁶³ in the reporting year.¹¹⁶⁴ However, there are also families among the resettled who requested housing in 2014-2024. Accordingly, in some cases, 10 years have passed from the registration of the application to the final decision. With regard to the families who found themselves in need of resettlement due to natural disasters, it is important that the decision be made in a timely manner in order to prevent the expected damage. It should be noted that in the reporting year, the number of eco-migrant families provided with rent by the LEPL IDPs, *Eco-Migrants and Livelihood Agency* significantly increased. Namely, their number in 2023 was 14, while in 2024 the number of families provided with rent reached 98, which should be assessed as a positive trend.¹¹⁶⁵

Apart from the Agency, the budgets¹¹⁶⁶ of some local self-government units also allocate money for the rent, which, given the protracted long-term resettlement process, is vital for providing families with safe housing.

In 2024, unlike the Autonomous Republic of Adjara, the maximum limit for the purchase of housing for eco-migrants was not increased in the rest of Georgia. In particular, GEL 50,000 is allocated for the families registered in the Autonomous Republic of Adjara for the purchase of housing and GEL 30,000 - in the

¹¹⁶⁰ In 2022, 8,731 families were registered, and in 2023, 9,326 families were registered. See the 2022 and 2023 Parliamentary Reports of the Public Defender of Georgia. p. 236 and p. 258.

¹¹⁶¹ Letter No. IDP 1 25 000000001 of the LEPL IDPs, *Eco-Migrants and Livelihood Agency* of January 17, 2025.

¹¹⁶² The process of transferring into ownership began in 2016, and as of December 31, 2024, 675 out of 1,062 families resettled in various regions of Georgia received real estate into their ownership.

¹¹⁶³ In 2023, houses were purchased for 376 families. See the 2023 Parliamentary Report of the Public Defender of Georgia. p. 258.

¹¹⁶⁴ According to letter No. IDP 1 25 000000001 of the LEPL IDPs, *Eco-Migrants and Livelihood Agency* of January 17, 2025 and letter No. 05/407 the Ministry of Health and Social Affairs of the Adjara Autonomous Region of January 29, 2025, 392 residential houses were purchased by the LEPL IDPs, *Eco-Migrants and Livelihood Agency*, while 139 residential houses were purchased by the Ministry of Health and Social Affairs of the Adjara Autonomous Region.

¹¹⁶⁵ In 2023, only 14 families benefited from the rent assistance. See the 2023 Parliamentary Report of the Public Defender of Georgia. p. 258.

¹¹⁶⁶ Tskaltubo, Adigeni, Tsageri, Chiatura, Khashuri, Lentekhi, Zugdidi, Khulo, Sagarejo and Khobi municipalities.

rest of Georgia. The Public Defender of Georgia spoke about the need to review this limit in last year's parliamentary report,¹¹⁶⁷ however, nothing has changed in this regard even after a year. According to the LEPL IDPs, *Eco-Migrants and Livelihood* Agency, this issue is being considered. The Public Defender of Georgia believes that it is important to make a decision on this issue in a timely manner.

27.2. Prevention of eco-migration

In 2024, the LEPL National Environmental Agency of Georgia issued recommendations to implement preventive measures for geological processes relating to a total of 2,896 families,¹¹⁶⁸ which can be considered a high indicator. In turn, the implementation of preventive measures falls under the competence of municipalities.¹¹⁶⁹ However, in 2024, as in previous years, the level of attention paid to preventive measures by municipalities was low, and the list of municipalities that have set the prevention of geological processes as a priority task is still small.¹¹⁷⁰ Accordingly, the majority of municipalities fail to implement recommendations relating to implementation of preventive measures, which has various causes, although the municipalities themselves mostly point to the lack of budget and/or lack of funds.¹¹⁷¹ In addition, in some cases, they are limited to financing disaster response measures, which is also undoubtedly important. However, in the context of the increasing frequency of geological processes, as evidenced by the increased number of families affected by natural disasters, in order to avoid the forced displacement of families and, in the worst case, harm to life or health, great importance is attached to both the implementation of various preventive measures individually (in relation to families) and the planning and implementation of necessary measures systemically. It should also be noted that in the absence of preventive measures, the practice of allocating funding¹¹⁷² only for the repair of damaged residential buildings in some municipalities is often ineffective in the long term, since the problem causing the damage remains unresolved, and thus the threat arising from natural disasters and the risk of repeated damage to housing remain unresolved.

The Public Defender of Georgia considers it important to monitor the implementation of the recommendations issued by the LEPL National Environmental Agency in its bulletins or individual conclusions. In the absence of a supervisory and/or feedback mechanism/obligation, the recommendations remain largely unimplemented. Ultimately, this may be the cause of forced displacement of population. Thus, in order to prevent the deterioration of geological processes, it is of utmost importance to begin systemic work on planning and implementing effective measures for the management/prevention of geological processes in the long term. Among other things, an agency/body should be determined that will supervise the implementation of the recommendations issued by the LEPL National Environmental Agency in its bulletins or individual conclusions. In addition, the LEPL National Environmental Agency may ask municipalities to provide information about the implementation of

¹¹⁶⁷ See the 2023 Report of the Public Defender of Georgia, p. 259.

¹¹⁶⁸ Letter No. 21/679 of the LEPL National Environmental Agency of January 31, 2025.

¹¹⁶⁹ Article 16, part 4, of the Local Self-Government Code.

¹¹⁷⁰ Mestia, Khelvachauri, Khulo, Vani municipalities.

¹¹⁷¹ Letter No. 28-282502039 of Terjola City Hall of January 20, 2025; Letter No. 96-96250271 of Lentekhi City Hall of January 27, 2025, Letter No. 60-602505210 of Khoni City Hall of February 21, 2025; Letter No. 70-7025044001 of Sachkhere City Hall of February 13, 2024.

¹¹⁷² Letter No. 110-1102502027 of Chkhorotsku municipality of January 20, 2025; Letter No. 62-622504464 of Samtredia municipality of February 13, 2025.

appropriate measures, especially since several municipalities have expressed their willingness to provide information if the Agency requests so.¹¹⁷³ In turn, the LEPL National Environmental Agency also indicates the importance of providing information.¹¹⁷⁴ This form of communication would increase the efficiency of the agencies' work in this direction.

Recommendations

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

- Based on the current market prices, increase the individual limit set for the purchase of a residential house for eco-migrants.

To the LEPL National Environmental Agency and the Department of Environmental Protection and Natural Resources of the Autonomous Republic of Adjara:

- Inform the addressees of the geological report of the need to provide information in the event of implementation of preventive measures;
- In 2025, complete the process of transferring residential premises into the ownership of eco-migrants resettled in 2004-2012.

To the mayors of local municipalities:

- Provide the LEPL National Environmental Agency and the Department of Environmental Protection and Natural Resources of the Autonomous Republic of Adjara with information about the preventive measures taken.

¹¹⁷³ Letter No. 66-662502062 of Bagdati municipality of January 20, 2025; Letter No. 128-1282503782 of Khelvachauri City Hall of February 6, 2025; Letter No. 12-122504189 of Akhaltsikhe City Hall of February 10, 2025.

¹¹⁷⁴ Letter No. 21/679 of the LEPL National Environmental Agency of January 31, 2025.

28. The Rights Situation of Asylum Seekers, Internationally Protected Persons and Migrants

28.1.Introduction

The number of forcibly displaced persons is increasing in the world every year. According to the 2024 data, the number of these persons amounts to 122 million. Of these, about 46 million are internationally protected persons and asylum seekers.¹¹⁷⁵ According to the data available at the end of 2024, 1,253 internationally protected persons live in Georgia, of whom 437 have been granted refugee status and 816 have humanitarian status.¹¹⁷⁶ The majority of internationally protected persons in Georgia are citizens of Ukraine and Russia.¹¹⁷⁷ In 2024, compared to the previous reporting year, the rate of asylum applications increased and 1,641 persons requested international protection,¹¹⁷⁸ 17 of them at the state border.¹¹⁷⁹ The majority of asylum seekers are citizens of Turkey, Iran, Pakistan, Ukraine, India and Russia.¹¹⁸⁰

In 2024, compared to the previous reporting year, the number of cases considered relating to international protection significantly increased.¹¹⁸¹ In particular, the Migration Department of the Ministry of Internal Affairs considered 1,533 asylum cases. However, the rate of positive decisions is quite low. In particular, of the considered cases, 1,418 persons were refused international protection. Only 104 were granted humanitarian status (6.78%) and 11 - refugee status (0.72%).¹¹⁸² The main ground for the negative decision was the lack of appropriate reasons - in the case of 1,338 persons, security - in the case of 75 persons, and recognition of a person as a refugee by another country - in 3 cases. Those who were refused international protection on security grounds include citizens of Syria, Ukraine, Yemen, Russia and other countries.¹¹⁸³

A unified approach document for immigrant integration has still not been approved. The situation has not improved in terms of informing beneficiaries about integration programmes either. Information on integration programmes or activities has not been updated on social networks.¹¹⁸⁴ Information posted on the website of the LEPL IDPs, Eco-Migrants and Livelihood Agency (on integration programmes) is available only in Georgian,¹¹⁸⁵ which fails to ensure provision of information to the interested persons.

¹¹⁷⁵ Information is available at: < <https://www.unhcr.org/refugee-statistics/> > [21.01.2025].

¹¹⁷⁶ Letter No. MIA . 9 25 00214910 of the Ministry of Internal Affairs of Georgia of January 27, 2025.

¹¹⁷⁷ 465 citizens of the Republic of Ukraine have been granted humanitarian status, and 147 citizens of the Russian Federation have been granted refugee status.

¹¹⁷⁸ Information is available at: < <https://info.police.ge/page?id=863> > [21.01.2025].

¹¹⁷⁹ Letter No. MIA . 9 25 00214910 of the Ministry of Internal Affairs of Georgia of January 27, 2025.

¹¹⁸⁰ Information is available at: < <https://www.unhcr.org/refugee-statistics/> > [21.01.2025].

¹¹⁸¹ 654 cases were considered in 2023, 2023 Parliamentary Report of the Public Defender of Georgia, p. 262.

¹¹⁸² For example, according to the European Union Agency for Asylum, the positive decision rate in EU+ countries in the first half of 2024 was 46%. Information is available at: < <https://euaa.europa.eu/publications/latest-asylum-trends-mid-year-review-2024> > [31.01.2025].

¹¹⁸³ Afghanistan, Belarus, Eritrea, Yemen, Iran, Pakistan, Tajikistan.

¹¹⁸⁴ Information is available at: < <https://www.facebook.com/IntegrationCenterGeorgia/> > [27.01.2025].

¹¹⁸⁵ Information is available at: < <https://idp.moh.gov.ge/mainlist.php?lang=1&uid=202301081804126835922998> > [27.01.2025].

28.2. Entry of aliens into Georgia and their expulsion from the country

For years, the Public Defender of Georgia has been studying the rights of asylum seekers and migrants in the context of state border crossing. There remain challenges in this direction. In 2024, the Public Defender of Georgia continued to receive applications/complaints related to problems arising during state border crossing.

Similar to previous years, the practice of applying subparagraph “i” of Article 11 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons is problematic. According to the aforementioned regulation, a foreign citizen may be refused entry into Georgia on the grounds of “other cases provided for by legislation of Georgia”. The record does not refer to any other legislative norm, which the Public Defender of Georgia assessed as problematic in previous parliamentary reports,¹¹⁸⁶ noting that since the norm is indicative and does not separately produce legal consequences, there must be a specific case defined by law for its application, when a foreigner would be restricted from crossing the border. It is also important that foreign citizens be informed of the grounds for being refused to enter the territory of Georgia without harming the state interest. During 2024, the Public Defender of Georgia received a number of applications/complaints, where applicants indicated that they had been denied entry to Georgia on the above-mentioned grounds. In the reporting year, the Public Defender of Georgia found a violation of the right to respect for private and family life and addressed the Ministry of Internal Affairs of Georgia with a recommendation, when foreign citizens with a valid residence permit in Georgia were denied entry into Georgia under subparagraph “i” of Article 11 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons.¹¹⁸⁷ According to the Public Defender of Georgia, when deciding on whether to allow a person with a residence permit to enter Georgia, it is important to fully examine the circumstances impeding the entry and make a decision so that not to violate the right to respect for private and family life.

In the reporting period, individual applicants¹¹⁸⁸ indicated restrictions on access to asylum procedures and claimed that, despite their request for international protection, they were denied registration as asylum seekers and entry into the territory of Georgia. In addition, it was reported during the reporting year¹¹⁸⁹ and the Public Defender's Office also received applications¹¹⁹⁰ in which foreign citizens indicated that their personal means of communication (mobile phone, laptop) were confiscated during the detention period (before being sent back). It should be noted that legislation of Georgia does not provide for the prohibition of using communication means during the period of detention. On the basis of the complaints filed with the Public Defender's Office of Georgia, it was not possible to objectively verify the information indicated in them (both the restrictions on access to asylum procedures and the confiscation of personal communication means during the period of detention) due to the complete absence of video recordings. However, the fact that similar complaints were filed with the Public Defender's Office of Georgia, and, in

¹¹⁸⁶ E.g., 2018 Parliamentary Report of the Public Defender of Georgia, p. 280-281; 2019 Parliamentary Report of the Public Defender of Georgia, pp. 327-328.

¹¹⁸⁷ Cases of Z. S.; A.Q.; A.Q.; A.Q.

¹¹⁸⁸ I. M.; A. M.; S. Sh. and others.

¹¹⁸⁹ Information is available at: <<https://www.amerikiskhma.com/a/czech-journalist-denied-entry-to-georgia/7835633.html>> [27.01.2025].

¹¹⁹⁰ Cases of I. A; Kh. S; and D. S.

turn, the Ministry of Internal Affairs of Georgia, except for denying the fact, did not present any substantiated position/evidence to prove the opposite, may indicate the problematic nature of the issue.

The absence of comprehensive database is also a challenge. According to the Ministry of Internal Affairs of Georgia, in 2024, 4,884,346 foreign citizens entered Georgia (stayed for 24 hours and longer).¹¹⁹¹ Unfortunately, the Ministry does not process data on specific legal grounds for refusal,¹¹⁹² and there are no data on how many foreign citizens were denied entry to the territory of Georgia on the basis of subparagraph "i" of Article 11 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons. The Ministry of Internal Affairs of Georgia does not produce statistics on foreigners who, before being sent back, had been placed in special rooms at the international airports of Tbilisi, Kutaisi and Batumi for more than one day. The Public Defender of Georgia believes that maintaining such statistics is important in order to assess the intensity of the above-mentioned practice.

No manual or methodological document has been developed that would regulate the conduct of interviews with foreign citizens during inspections when crossing the state border.¹¹⁹³ The Public Defender of Georgia considers it important to develop a document about the technique of interviewing foreigners in accordance with uniform standards, with due consideration of age, gender, and the needs of persons with disabilities and other vulnerable groups.

The number of aliens expelled from Georgia almost doubled in the reporting year. In 2024, 363 aliens were expelled from Georgia,¹¹⁹⁴ while in 2023 their number was 190.¹¹⁹⁵

28.3. Integration

The 2021-2030 Migration Strategy is an important document that, among other important issues, formed the vision of the State regarding the integration of foreign citizens. Back in 2021, it was planned to develop a unified approach document relating to the integration of immigrants. However, it was drafted only in 2023 and has not yet been approved. In the reporting year, discussions were held with stakeholders relating to the integration concept document and it was posted on the official website of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia. At the moment, it is planned to submit the final version of the document to the Government for its subsequent approval.¹¹⁹⁶

In 2024, several new directions were added to the integration programmes. In particular, the previously operating services were supplemented by funding for various integration activities, as well as sports, creative and cognitive courses for internationally protected persons under 18 years of age and stateless persons who have status in Georgia. Beneficiaries involved in the courses administered by the Integration Center (Georgian language course, civic education course and socio-cultural awareness raising course) are still funded for their internet fees. In the case of in-person courses, they are funded for transportation

¹¹⁹¹ Information is available at: <https://info.police.ge/page?id=862&parent_id=94> [13.03.2025].

¹¹⁹² Letter No. MIA 8 25 00698986 of the Ministry of Internal Affairs of Georgia of March 10, 2025.

¹¹⁹³ Letter No. MIA 2 25 00294429 of the Ministry of Internal Affairs of Georgia of February 3, 2025.

¹¹⁹⁴ Information is available at: <https://info.police.ge/page?id=863&parent_id=258> [21.01.2025].

¹¹⁹⁵ Information is available at: <https://info.police.ge/page?id=768&parent_id=258> [21.01.2025].

¹¹⁹⁶ Letter No. MOH 8 25 00043112 of the Ministry of IDPs from the Occupied Territories of Georgia of January 18, 2025.

costs.¹¹⁹⁷ The programme financing medical needs is also still in effect.¹¹⁹⁸ Expansion of integration programmes is undoubtedly a step forward, however, it is also important to provide information to the beneficiaries through various platforms, including by updating information on social networks or by translating information on the website by the LEPL IDPs, Eco-migrants and Livelihood Agency in a language understandable to them. Similar to the previous reporting year, the Public Defender's Office of Georgia was informed in this reporting period that a communication platform had been developed with donor support and was planned to be launched, which would facilitate the provision of comprehensive and updated information to the beneficiaries.¹¹⁹⁹ The Public Defender of Georgia considers it important to launch the communication platform in a timely manner in order to facilitate the integration process.

One of the important components of integration is employment. Registration on the Labour Market Management Information System - worknet.gov.ge is available only to the citizens of Georgia.¹²⁰⁰ Stateless persons with status in Georgia and persons with refugee or humanitarian status and foreign citizens legally residing in Georgia, as beneficiaries with special statuses, are registered in the system only upon application to the LEPL State Employment Promotion Agency.¹²⁰¹ In the given situation, it is important to conduct an information campaign and provide beneficiaries with information about the employment portal and, in case of application, about the possibility of registration, especially given that the Labour Market Management Information System - worknet.gov.ge is available only in Georgian and only Georgian citizens can register without a special application. In addition, the LEPL State Employment Promotion Agency does not produce statistics on how many of the registered job seekers are refugees or persons with humanitarian status, asylum seekers or stateless persons with status in Georgia. The Agency does not have statistical data on foreign persons employed through this programme either.¹²⁰² Therefore, it is unknown how high the interest or employment rate are among these persons. In order to assess integration, and in particular the employment rate, the Public Defender of Georgia considers it important to produce this type of statistical data.

In addition to integration at the central level, it is important for foreign citizens to have access to municipal services at the local level. In the reporting year, only the Akhmeta City Hall provided funding for the treatment of persons with a residence permit, who were actually residing in the municipality, in case of acute emergency.¹²⁰³

An important aspect of access to integration programmes is the presence of appropriate identification documents. This problem is faced by those whose expulsion cannot be carried out on the basis of the

¹¹⁹⁷ According to the letter No. IDP 4 25 00068749 of the LEPL IDPs, Eco-Migrants and Livelihood Agency of Georgia of January 23, 2025, in the reporting year, 120 students attended Georgian language courses, 11 attended civic education courses, and 20 attended socio-cultural awareness raising courses.

¹¹⁹⁸ In 2024, 27 people benefited from the financing of medical needs.

¹¹⁹⁹ Letter No. IDP 4 25 00068749 of the IDPs, Eco-Migrants and Livelihood Agency of Georgia of January 23, 2025.

¹²⁰⁰ Subparagraph "e" of Article 19, paragraph 3 of the Law of Georgia on Promotion of Employment.

¹²⁰¹ Decree No. 46 of the Government of Georgia of February 27, 2024 on the Approval of 2024 State Employment Promotion Programme.

¹²⁰² Letter No. SESA 7 24 00100602 of the LEPL State Employment Promotion Agency of January 29, 2024.

¹²⁰³ Letter No. 86-862502293 of the Akhmeta City Hall of January 22, 2025.

principle of family unity (these persons do not possess any identification documents in Georgia). The issue has not been resolved to date,¹²⁰⁴ which negatively affects this category of persons.

Recommendations

To the Minister of Internal Affairs of Georgia:

- Process statistical data on the refusals of entry into Georgia through software and indicate the specific legal grounds for the refusals;
- Produce statistics on the number of aliens placed in special detention rooms for more than one day at Tbilisi, Kutaisi and Batumi international airports before being sent back, and on the duration of their placement;
- Be guided by the standards of the right to respect for private and family life when deciding whether to allow aliens with a residence permit in Georgia to enter Georgia.

To the LEPL State Employment Promotion Agency:

- Ensure the availability of information on the Labour Market Management Information System - worknet.gov.ge in different languages;
- Process statistical data on the citizenship of persons registered/employed/being offered employment through the Labour Market Management Information System - worknet.gov.ge and their status in Georgia (humanitarian status/refugee status/asylum seeker/stateless person with status in Georgia).

To the LEPL IDPs, Eco-Migrants and Livelihood Agency:

- Disseminate information on integration programmes via the social network and website in several languages
- Launch an integration communication platform.

¹²⁰⁴ Letter No. MIA 9 25 00219690 of the Ministry of Internal Affairs of Georgia of January 27, 2025.

29. Human Rights in the Field of Defence

29.1. Introduction

In 2024, preventive visits were carried out at 8 military units¹²⁰⁵ of the Defence Forces of the Ministry of Defence of Georgia and 2 facilities of the Military Police Department.¹²⁰⁶ The purpose of the visits was to study the rights situation of members of compulsory military service using a pre-developed tool.

29.2. Protection from ill-treatment

During the visits to military units, the Special Preventive Group did not receive information about physical violence committed against a military serviceman by a superior or another military serviceman. However, as in previous years, the practice of informal punishment of military servicemen remains a systemic problem in a number of military units.¹²⁰⁷ As for collective punishment, compulsory military serviceman stated that at the Basic Combat Training Center of Defence Forces, during passing the so-called “quarantine” as part of the basic military training course, in addition to individual informal punishment, collective punishment was also applied on the principle of “One for all, all for one”. According to them, in military units, physical exercises (pull-ups, squats, running – which is not included in the training programme and is not part of exercises) is used as a form of informal punishment, which has no legal basis. According to the Public Defender, such punishment creates risks of ill-treatment, since the use of such punishment may cause more stress and suffering than is associated with military service and may reach the minimum threshold of inhuman and degrading treatment, considering a specific military serviceman’s health condition, physical abilities, subjective perception, as well as the complexity and form of physical activity.¹²⁰⁸

Due to frequent tardiness of military personnel, the practice of arbitrarily keeping them in the military units for several hours against their will was identified at the Krtsanisi Training and Educational Command

¹²⁰⁵ Krtsanisi Training and Educational Command Support Center of the Defence Forces; Giorgi Antsukhelidze Sergeant Academy (Kojori) of the same command; Senior Sergeant Zaza Peradze Basic Combat Training Center of the Defence Forces; Special Operations Battalion of the Special Operations Command of the Defence Forces (Tbilisi); Armaments and Equipment Repair Base of the Defence Forces Logistics Command; 12th Light Infantry Battalion of the 1st Infantry Brigade of the Defence Forces Eastern Command; 1st Air Defence Radar Battalion of the Defence Forces Aviation and Air Defence Command; Signal Company of the 3rd Infantry Brigade of the Defence Forces Western Command.

¹²⁰⁶ Imereti, Racha-Lechkhumi and Guria Main Division of the Military Police Department of the Ministry of Defence of Georgia; Western Battalion of the Military Police Department of the Defence Forces.

¹²⁰⁷ The above practice contradicts the recommendations of the Committee of Ministers of the Council of Europe (hereinafter referred to as the Committee), which state that the issue of imposing a disciplinary penalty on a military serviceman should be considered only within the framework of disciplinary proceedings and, in case a misconduct is proved, only a disciplinary penalty specified in legislation may be imposed. The practice of collective and informal punishment of military servicemen is inadmissible, including unreasonable restrictions on the right to leave the military unit during non-working hours and forced labour.

¹²⁰⁸ Judgment of the European Court of Human Rights in the case of *CHEMBER v. RUSSIA* (7188/03), para. 49. Available at: <<https://hudoc.echr.coe.int/eng#{%22itemid%22:%22001-87354,%22}}> > [Last accessed: 26.02.2025]. See also: *Lyalyakin v. Russia*.

Support Center of the Defence Forces, and at the Armaments and Equipment Repair Base of the Defence Forces Logistics Command.

As for informing the personnel enrolled in the Defence Forces about the rights, obligations and appeal mechanisms of members of the Defence Forces, despite the recommendations issued by the Public Defender in previous years, military personnel still do not have information about their rights or complaints procedures, except the personnel of two military units.¹²⁰⁹

29.3. Living and working conditions

It is welcome that during the preventive visits made to the Defence Forces in the reporting period, no acute infrastructural challenges were identified in any military unit.¹²¹⁰ However, certain infrastructural problems remain unsolved, in particular, the ventilation system in the living facility was a problem, as it was not functioning.¹²¹¹ In addition, the windows in the living facilities were not equipped with insect screens, and military personnel noted that insects bothered them during the summer.¹²¹²

At the Senior Sergeant Zaza Peradze Basic Combat Training Center, compulsory military servicemen had to wash their clothes and military uniforms by hand. The use of washing machines was available for other military personnel, but not for conscripts.

The Public Defender welcomes the elimination of a number of infrastructural challenges and hopes that each military serviceman will be provided with decent living and working conditions in the future too.

29.4. Food and water

Military personnel are provided with three meals a day in the Georgian Defence Forces. The majority of the interviewed military personnel were satisfied with the quality and amount of food, and the possibility

¹²⁰⁹ Giorgi Antsukhelidze Sergeants Academy of Training and Military Education Command, where servicemen stated that the military unit's lawyer had been meeting with them frequently and giving them trainings on their rights, as well as on the appeal mechanism and procedures, which they had confirmed by signing the relevant document.

Information on the rights of military personnel was posted only in 2 military units: the Centuria of the Special Operations Battalion of the Special Operations Command and the Giorgi Antsukhelidze Sergeants Academy of the Training and Military Education Command - by individual decision of the base leadership.

¹²¹⁰ Specific bases where preventive visits were carried out during the reporting period of 2024.

¹²¹¹ Senior Sergeant Zaza Peradze Basic Combat Training Center of the Defence Forces Training and Military Education Command, the residential barracks of the 2nd Centuria of compulsory military personnel of the same command's support center Krtsanisi; 1st Air Defence Radar Battalion of the Defence Forces Aviation and Air Defence Command; Armaments and Equipment Repair Base of the Defence Forces Logistics Command; the restrooms of the 12th Light Infantry Battalion of the 1st Infantry Brigade of the Defence Forces Eastern Command.

¹²¹² 12th Light Infantry Battalion of the 1st Infantry Brigade of the Eastern Command of the Georgian Defence Forces; 2nd Centuria of the Krtsanisi Training and Educational Command Support Center of the Defence Forces.

of getting extra food. According to them, religious and ethnic characteristics are not taken into account when preparing food,¹²¹³ but the food is quite diverse and there are always options.

As for drinking water, it is supplied to all the above-mentioned military units of the Defence Forces in a continuous mode.

However, in some military units¹²¹⁴ there were no water dispensers and military personnel had to get drinking water from taps with disposable bottles.

29.5. Fire safety

In most of the military units visited,¹²¹⁵ the interviewed military personnel were not informed about fire safety rules, had not undergone appropriate theoretical or practical training either during the basic military training course or after being enrolled in specific units. They were also not familiar with the fire protection plan, and most of them had no information about the existence of such a plan.¹²¹⁶

29.6. Medical service

The personnel enrolled in the Georgian Defence Forces may apply to the military unit's medical room/facility for primary medical care.¹²¹⁷ In emergency cases or in the absence of the opportunity to get appropriate services on site, the personnel are transported by an ambulance of the medical room/facility to the military hospital or the nearest medical facility. For planned medical care, they can receive medical services at provider clinics as part of their health insurance.

Similar to previous years, in 2024, the issue of filling vacancies in military medical facilities was problematic, which further increases the workload of medical personnel. In addition, the retraining of medical personnel and organization of professional trainings for them are also worth noting. Although medical personnel constantly attend military trainings, no professional training was conducted for them in 2024.

¹²¹³ The military servicemen at the Senior Sergeant Zaza Peradze Basic Combat Training Center noted that they had pork only one day a week and there were no other meat alternatives, but overall the food was diverse and they were satisfied.

¹²¹⁴ Senior Sergeant Zaza Peradze Basic Combat Training Center; 12th Light Infantry Battalion of the 1st Infantry Brigade of Eastern Command; 2nd Centuria of the Krtsanisi Training and Educational Command Support Center of the Defence Forces.

¹²¹⁵ The following military personnel had received relevant training on fire safety rules: the Krtsanisi Training and Educational Command Support Center of the Defence Forces and Giorgi Antsukhelidze Sergeants Academy of the same command. According to them, members of the fire and rescue team were also periodically and systematically trained.

¹²¹⁶ Decree No. 519 of the Government of Georgia of August 21, 2020 on the Approval of the Statute of the Internal Service of the Defence Forces of the Ministry of Defence of Georgia, Article 113.

¹²¹⁷ Medical rooms/facilities are provided with first aid medications, and there is also a stock of painkillers and anti-cold medications.

29.7. Economic, social, civil and political rights

Military personnel are still not funded for 50 percent of their transportation and utility costs, as provided for by Georgian legislation.¹²¹⁸

For compulsory military servicemen, access to information resources was generally ensured.¹²¹⁹ The situation was different at the Senior Sergeant Zaza Peradze Basic Combat Training Center, where compulsory military servicemen noted that they were in a complete information vacuum, as information resources, including personal mobile phones, were inaccessible to them.¹²²⁰ They could use telephones only one day a week, for one hour, which, according to the Public Defender, does not ensure proper contact of compulsory military servicemen with the outside world.

29.8. Military Police Department of the Defence Forces

The Military Police is a special law enforcement structural unit of the Defence Forces of Georgia, where structural units perform the functions and tasks assigned to them within their competence.

One of the important functions of the Military Police Main Division of Operational Support and Monitoring is to carry out operational-investigative activities to detect, prevent and tackle criminal offences, administrative violations and disciplinary offences; as well as to obtain information, analyze, predict and take appropriate preventive measures to detect, tackle and prevent criminal offences, administrative violations and disciplinary offences within the Ministry system.¹²²¹

As already mentioned above, informal and collective punishments still remain a challenge in a number of units of the Defence Forces of Georgia. The Public Defender has been making recommendations to the Ministry of Defence for many years, calling on the Military Police Department to implement appropriate preventive measures, exercise systemic control, and eliminate the practice of using non-statutory and collective punishments against military personnel.

During the reporting period, within the framework of the preventive visits made to the military police units,¹²²² we interviewed the employees and leadership of the units, reviewed documentation. We also got interested in whether they had been provided with any kind of guidance tool, according to which they detect alleged facts of non-statutory and collective punishment against military personnel in military units and apply appropriate preventive measures, as well as whether they had been trained in this direction.

¹²¹⁸ Defence Code of Georgia, Article 32 - Rights and Privileges of the Military Serviceman.

¹²¹⁹ TV sets were placed in the living rooms/classrooms. They could also use personal mobile phones from 19:00 to 21:00.

¹²²⁰ They did not have TV/radio set or Internet.

¹²²¹ Order No. 7 of the Minister of Defence of February 23, 2015 on the Approval of the Statute of the Military Police Department of the Defence Forces. Article 6.

¹²²² Imereti, Racha-Lechkhumi and Guria Main Division of the Military Police Department of the Ministry of Defence of Georgia; Western Battalion of the Military Police Department of the Defence Forces. We also spoke with military police officers visiting the military units, who were on duty and supervised specific military units 24 hours a day.

The visits made it clear that no guidance tool had been developed for military police employees. According to their explanation, preventive efforts include only interviews; There is no systemic inspection of military units, as they have not received a specific directive from their superiors on this issue; and they have not been trained in this direction.¹²²³

According to the Public Defender, this type of activities of the Military Police Department are not effective or sufficient to identify and eliminate alleged facts of non-statutory and collective punishment in military units.

Recommendation to the Minister of Defence:

- Ensure that personnel enrolled in the Defence Forces are informed about the rights, obligations and complaints mechanisms of members of the Armed Forces; To this end, the rights and duties of the military unit lawyer should clearly stipulate that he should conduct individual and group meetings with military servicemen at least once a month; the above-mentioned information should also be provided to the military servicemen in the form of a brochure written in an easily understandable language (without complex legal terms and wording) and posted in places accessible to them;
- Promptly address existing infrastructural challenges in the military units of the Defence Forces and improve sanitary and hygienic conditions; provide each military unit with all necessary items;
- The relevant service of the Defence Forces should ensure the supply of a sufficient number of water dispensers to military units;
- Commanders of military units (relevant officials) within the structure of the Defence Forces should be instructed to ensure that personnel subordinate to them pass fire safety courses in accordance with the requirements of the relevant Standard;
- In 2025, efforts should continue in the Defence Forces to attract medical personnel;
- In 2025, by the end of the calendar year, at least 50% of the medical personnel employed in military units should be retrained through professional trainings;
- Extend the benefits established by law¹²²⁴ relating to transportation and utility expenses to the personnel enrolled in the Defence Forces;
- Ensure that military personnel in all military units have equal access to the outside world and information resources;
- The Military Police Department of the Defence Forces of the Ministry of Defence should develop an appropriate guidance tool, provide appropriate training for employees, exercise systemic

¹²²³According to the military police officers visiting the military unit, they do not have the so-called “ambush” position towards military servicemen and try to maintain the kind of friendly and “family” relationship that they currently have with the army; communication with military servicemen is limited to talking to them in the smoking area about whether anyone is violating their rights.

¹²²⁴ Defence Code, Article 32 - Rights and Privileges of the Military Serviceman.

control and eliminate the use of non-statutory punishment as a measure of responsibility against military personnel, as well as the practice of collective punishment.

30. Human Rights Education

30.1. Introduction

It is unfortunate that the activities aimed at expanding human rights education,¹²²⁵ as outlined in the Action Plan approved by the Human Rights Protection Strategy, are limited to general education. Consequently, the fragmented integration of human rights education into policy documents remains a challenge.¹²²⁶ The Public Defender continues to emphasize that this approach leaves the state's vision regarding human rights education in other areas of formal education unclear.

It is important to note that last year, no competition for textbook approval was announced, and the textbook designated for teaching the subject "Me and Society" remains outdated.

A positive development is the involvement of experts nominated by the Public Defender in the process of evaluating school textbooks during their approval. Additionally, it is noteworthy that, in line with the Public Defender's recommendations, the Ministry has also revised the procedure for school textbook approval.

Proper integration of human rights education at the vocational and preschool levels remains a growing challenge, as the quality of human rights education in these areas has not yet significantly improved.

In 2024, employees of the Public Defender's Office conducted 773 educational sessions for various target groups. Within the Public Defender's educational mandate on human rights, 173 sessions focused on children's rights, 85 on gender and women's rights, and 57 on the right to equality. There was particularly active engagement in the regions, where the Public Defender and representatives held meetings with local populations and various target groups, resulting in 669 educational and informational sessions, including those with vulnerable groups.

30.2. State policy on human rights education

In 2024, a new document outlining the national goals of general education was approved, establishing an appropriate normative framework for human rights education.¹²²⁷ However, issues identified by the Public Defender over the years remain relevant in both the Unified Strategy for Education and Science and the National Strategy for Human Rights Protection, as human rights education is not designated as a strategic priority in the document.¹²²⁸ Moreover, the Action Plan does not indicate that integrating

¹²²⁵ Objective 13, Priorities 13.1.1.-13.1.6 of the Annex approved by the Resolution No. 528 of the Government of Georgia of December 28, 2023 "On the Approval of the Action Plan for the Protection of Human Rights in Georgia for 2024-2026".

¹²²⁶ Cf. "Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms in Georgia", Tbilisi, 2023, pp. 344-345 <https://shorturl.at/fjfvF> [20/01/2025].

¹²²⁷ Preamble, subparagraph "e" of the Decree No. 4261-XIV06-X03 of the Government of Georgia, dated June 12, 2024, on the Approval of the Document on National Goals of General Education.

¹²²⁸ "Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia," Tbilisi, 2023, pp. 344-345 [\[https://shorturl.at/fjfvF\]](https://shorturl.at/fjfvF) (accessed: 20/01/2025); "Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia," Tbilisi, 2022, pp. 336-337 [\[https://shorturl.at/lOrYh\]](https://shorturl.at/lOrYh) (accessed: 20/01/2025).

human rights education at other levels of formal education, beyond the general education system, is a states' objective.¹²²⁹

At the same time, human rights education is minimally referenced in the Strategy for Education and Science, and the Action Plan does not include human rights education components at any stage of formal education.¹²³⁰

The Public Defender reiterates that the state's inconsistent policies and approaches to human rights education fail to ensure the homogeneous development of the educational system in this regard. In this context, it is also noteworthy that certain municipalities have yet to adopt the normative acts required by the Law of Georgia on Early and Preschool Education.¹²³¹

30.3. Pre-school Education

1.1. *Human rights in the educator's educational program*

In 2023, the Public Defender of Georgia determined that the framework document for the professional educational program for preschool educators does not include a module on human rights/children's rights.¹²³² Consequently, the Public Defender addressed the Ministry of Education, Science, and Youth of Georgia with a proposal to integrate a separate module on these topics into the document.¹²³³

Unfortunately, despite the Ministry's willingness, no changes were made to the document in 2024.¹²³⁴ As a result, professional students within the program still do not have the opportunity to acquire substantive knowledge on children's rights and human rights.¹²³⁵ Additionally, according to information received from public educational institutions implementing the program, in most cases, professional teachers participating in the program have not undergone training on human rights issues.¹²³⁶

¹²²⁹ Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia," Tbilisi, 2023, pp. 344-345 [<https://shorturl.at/fjfvF>] (accessed: 20/01/2025); Annex to the Decree No. 528 of the Government of Georgia dated December 28, 2023, approving the 2024–2026 National Human Rights Action Plan of Georgia, Goal 13, Priorities 13.1.1.–13.1.6.

¹²³⁰ "Unified National Strategy for Education and Science of Georgia 2022–2030 and its 2022–2024 Action Plan," approved by Article 1 of Decree No. 446 of the Government of Georgia dated August 31, 2022.

¹²³¹ Normative acts have not been developed by the municipalities of Dedoplistskaro, Signaghi, and Chiatura.

¹²³² "On the Situation of Human Rights and Freedoms in Georgia" – Public Defender of Georgia's Report, Tbilisi, 2023, pp. 345-346 [20/01/2025]. [Link: <https://shorturl.at/fjfvF>]

¹²³³ Proposal of the Public Defender of Georgia dated September 5, 2023, No. 17-1/8855, on the Integration of Knowledge on Children's Rights into the Professional Educational Program for Preschool Educators. [20/01/2025]. [Link: <https://shorturl.at/uPHeD>]

¹²³⁴ Annex 2, Module 22, approved by Order No. 192/N of the Minister of Education and Science of Georgia dated December 12, 2017, on the Approval of the Framework Document for Professional Educational Programs for Preschool Educators.

¹²³⁵ Cf. "Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia," Tbilisi, 2023, pp. 345-346, <https://shorturl.at/fjfvF> [20/01/2025].

¹²³⁶ Students of the "Educator" program at the Vocational Education Center of Akaki Tsereteli State University and students of the same program at Ilia Tsinamdzghvishvili College (LEPL) have undergone training on human rights topics. See letters 2038/25 dated February 27, 2025, and 1950/25 dated February 24, 2025.

The Public Defender once again emphasizes that, although preschool educators have a supportive role in early education, it is nonetheless critically important that their education aligns with international standards for human rights training for educational personnel working with children.¹²³⁷

30.2. Continuous Human Rights Training for Educational Personnel

According to international standards, conducting systematic training on human rights issues for preschool education personnel is critically necessary.¹²³⁸

At the same time, it should be noted that the Law of Georgia on Early and Preschool Education assigns municipalities the responsibility of providing preschool education services and creating a system that ensures the right to education for children.¹²³⁹ To fulfill these obligations, municipalities are also granted the authority to assess needs and plan budgets accordingly.¹²⁴⁰

Regarding the creation of educational resources, the authority of the Ministry of Education, Science, and Youth of Georgia is limited to developing only the resources explicitly listed in the law.¹²⁴¹

Based on the above, during the reporting period, the Public Defender examined the practice of conducting human rights training for preschool education personnel in all municipalities within Georgia's controlled territory.

The findings revealed that in 2024, training on topics such as violence against children, the fundamental principles of the Convention on the Rights of the Child, referral procedures, and other human rights-related issues was conducted for preschool education personnel in only 25 municipalities.¹²⁴² Additionally, only 11 municipalities developed substantive or methodological resources for human rights education.¹²⁴³ Despite the legal requirement to reassess the qualifications of public preschool education institution directors every five years, this obligation was fulfilled in only one municipality in 2024.¹²⁴⁴

¹²³⁷ Proposal of the Public Defender of Georgia dated September 5, 2023 (17-1/8855) on the integration of knowledge about children's rights into the professional educational program for preschool educators. See <https://shorturl.at/uPHeD> [20/01/2025].

¹²³⁸ UN Committee on the Rights of the Child (CRC), General Comment No. 7 (2005): Implementing Child Rights in Early Childhood, 20 September 2006, CRC/C/GC/7/Rev.1, para. 33, 41.

¹²³⁹ Subparagraph "a" of the first paragraph of Article 10 of the Law of Georgia on Early and Preschool Education.

¹²⁴⁰ Ibid., subparagraph "b" of the second paragraph of Article 10.

¹²⁴¹ Ibid., Article 8

¹²⁴² Letters No. 1072/25 of January 31, 2025, No. 1061/25 of January 31, 2025, No. 943/25 of January 29, 2025, No. 1246/25 of February 5, 2025, No. 1241/25 of February 4, 2025, No. 1235/25 of February 4, 2025, No. 1182/25 of February 3, 2025, No. 1323/25 of February 6, 2025, No. 1311/25 of February 6, 2025, No. 1305/25 of February 6, 2025, No. 1515/25 of February 11, 2025, No. 1492/25 of February 10, 2025, No. 1438/25 of February 10, 2025, No. 1424/25 of February 7, 2025, No. 1712/25 of February 17, 2025, No. 1690/25 of February 17, 2025, No. 1645/25 of February 14, 2025, No. 1621/25 of February 13, 2025, No. 1599/25 of February 13, 2025, No. 1596/25 of February 13, 2025, No. 1733/25 of February 18, 2025, No. 1807/25 of February 19, 2025, No. 1958/25 of February 24, 2025, and No. 1924/25 of February 24, 2025.

¹²⁴³ Letter No. 1379/25 of February 7, 2025; Letter No. 1072/25 of January 31, 2025; Letter No. 1311/25 of February 6, 2025; Letter No. 1515/25 of February 11, 2025; Letter No. 1438/25 of February 10, 2025; Letter No. 1712/25 of February 17, 2025; Letter No. 1645/25 of February 14, 2025; Letter No. 1597/25 of February 13, 2025

¹²⁴⁴ Letter No. 1379/25 of February 7, 2025.

30.4. General Education

30.4.1. The process of content review of school textbook drafts

In 2024, no competition for the approval of school textbooks was announced, and consequently, no review process took place.¹²⁴⁵ The subject *Me and Society* is still taught using outdated textbooks approved in 2018, which do not meet human rights education standards and hinder the implementation of the state policy goals in general education¹²⁴⁶.

Although teachers have the right to use any supplementary resources, including guides, when teaching topics related to this subject, approved textbooks remain essential to the learning process.¹²⁴⁷

According to the Ministry, one of the reasons for not announcing the textbook approval competition was changes in the subject's standards.¹²⁴⁸ The Public Defender emphasizes that to ensure the proper implementation of human rights education, it is crucial that it is conducted using updated and approved textbooks or those agreed upon with the Ministry. This ensures that the compatibility of textbooks with human rights standards is pre-evaluated by a team of experts.¹²⁴⁹

30.4.2. Flaws in the process of agreeing on school textbooks

Alongside or instead of approved materials, schools are required to teach using textbooks agreed upon with the Ministry.¹²⁵⁰ It is noteworthy that the deficiencies identified by the Public Defender in 2023 regarding the textbook approval process have been addressed.¹²⁵¹ Specifically, human rights components have been incorporated into the textbook evaluation criteria, similar to content reviews, and have been designated as part of the role of the "other specialist."¹²⁵²

However, a challenge remains: no continuous, mandatory human rights training program has been developed for members of the subject evaluation group. Additionally, comments on the materials under review were shared via email rather than in a unified meeting format.¹²⁵³ As a result, no audio or video records of the subject evaluation group meetings were produced.¹²⁵⁴

¹²⁴⁵ Letter No. MES 8 24 0001602099 of December 12, 2024, from the Ministry of Education, Science, and Youth of Georgia.

¹²⁴⁶ UN Committee on the Rights of the Child (CRC), General Comment No. 1 (2001), Article 29 (1), The Aims of Education, CRC/GC/2001/1, April 17, 2001, para. 18 <https://shorturl.at/r1rzb> [20/01/2025]; Article 3, Paragraph 1 of the Law of Georgia on General Education.

¹²⁴⁷ Letter No. MES 8 24 0001602099 of December 12, 2024, from the Ministry of Education, Science, and Youth of Georgia; Article 33, Subparagraph "d" of the Law of Georgia on General Education.

¹²⁴⁸ Letter No. MES 8 24 0001602099 of December 12, 2024, from the Ministry of Education, Science, and Youth of Georgia.

¹²⁴⁹ Proposal 1, No. 17-1/10739 of November 1, 2023, from the Public Defender of Georgia regarding the improvement of the review process for general education institution textbooks/series layouts.

¹²⁵⁰ Article 33, Subparagraph "d" of the Law of Georgia on General Education.

¹²⁵¹ Report of the Public Defender of Georgia on the State of Human Rights and Freedoms in Georgia, Tbilisi, 2023, pp. 349-350 <https://shorturl.at/fjfvf> [20/01/2025].

¹²⁵² Criteria approved by Article 1 of Order No. MES 7 24 0000436094 of April 16, 2024, of the Minister of Education, Science, and Youth of Georgia on defining the substantive and technical criteria for textbook evaluation, Criteria 8-10, 12, 13.

¹²⁵³ Letter No. MES 8 24 0001602099 of December 12, 2024, from the Ministry of Education, Science, and Youth of Georgia.

¹²⁵⁴ Ibid.

Since this process is similar to the content review of school textbooks, the Public Defender emphasizes that it is essential to record meeting in audio-video format. This would help assess the compatibility of subject evaluation group members' values with human rights principles and ensure that their conclusions can be properly appealed. Furthermore, this aspect would also demonstrate whether the selection system for subject evaluation group members aligns with human rights standards.

30.5. Vocational Education

The Law of Georgia on Vocational Education does not define the development of respect for human rights as an educational objective. However, according to international standards, human rights education is essential¹²⁵⁵ in this field and is reinforced in the government's unified Strategy for Education and Science action plan.¹²⁵⁶ Specifically, human rights education is incorporated into an independent module called *Citizenship*, which, according to the plan, should be implemented in all vocational programs.¹²⁵⁷

It is worth to mention that the human rights education component is also included in secondary vocational programs through the integration of general education learning outcomes at the secondary level.¹²⁵⁸ However, an analysis of the module created for this purpose reveals that human rights are not included as a key concept to be studied throughout the course. Additionally, the module does not specifically highlight children's rights, human rights, or any particular human rights direction.¹²⁵⁹

According to the Public Defender, this approach does not support the continuity of human rights education within the formal education system and does not contribute to the development of a democratic society.

¹²⁵⁵ Article 2 of the Law of Georgia on Vocational Education; Recommendation CM/Rec(2010)7 of the Committee of Ministers to Member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, adopted on May 11, 2010, para. 6 <https://rb.gy/ox19l> [20/01/2025]. Appendix to Recommendation CM/Rec(2012)13 of the Committee of Ministers to Member States on Ensuring Quality Education, adopted on December 12, 2012, paras. 3, 6(d) <https://rb.gy/tuj8l> [20/01/2025]. Recommendation on High-Quality Early Childhood Education and Care Systems adopted by the Council of the EU on May 22, 2019, 2019/C 189/02, Resolution section, para. 3(b), Recommendation annex, para. 3 <https://rb.gy/3i67u> [20/01/2020]. Recommendation on Vocational Education and Training (VET) for Sustainable Competitiveness, Social Fairness, and Resilience, adopted by the Council of the EU on November 24, 2020, 2020/C 417/01, Recommendation annex, para. 1 <https://rb.gy/ayqz2> [23/08/2023]. United Nations Declaration on Human Rights Education and Training, adopted on November 2, 2011, A/C.3/66/L.65, Article 2, Paragraph 3 <https://rb.gy/v6j2m> [20/01/2025].

¹²⁵⁶ The action plan approved by Resolution No. 446 of August 31, 2022, of the Government of Georgia on the Approval of the Unified National Strategy for Education and Science of Georgia for 2022-2030 and its 2022-2024 Action Plan, 13.1.7.

¹²⁵⁷ Ibid.

¹²⁵⁸ Subparagraph "g" of Paragraph 2 of Article 3 of the rule approved by Article 1 of Order No. 170/n of August 19, 2019, of the Minister of Education, Science, Culture, and Sport of Georgia on the Approval of the Rules and Conditions for Integrating the Learning Outcomes of the General Education Upper Level into the Secondary Vocational Education Program.

¹²⁵⁹ Ibid., Module 22.

30.6. Higher Education

In 2024, an independent document was adopted outlining the subject-specific characteristics of primary teacher education, teacher training programs, and basic-secondary level teacher education.¹²⁶⁰ It is important to assess the extent to which human rights are integrated into these documents, using the subject-specific characteristics of basic-secondary level teacher education as a reference.

6.1. Research on the quality of human rights teaching at pedagogical faculties

The Public Defender has launched a study to assess the integration of human rights into the 60-credit teacher training program, the 300-credit teacher education program, and education sciences/administration programs. As part of the study, focus groups and interviews were conducted with 73 staff members involved in implementing educational programs and 312 graduates.

According to international standards on human rights education, providing teachers with knowledge of human rights is not only a critical part of realizing the right to education but also requires that the teaching materials used in this regard be regularly reviewed and updated.¹²⁶¹

A review of the 60-credit teacher training programs revealed that the human rights component is integrated into subjects such as "Inclusive Education," "Multicultural Education," and "Legal Foundations of the Education System."¹²⁶² All of these subjects are mandatory. However, in all cases, the teaching materials used for these courses are outdated. Moreover, there is a minimal presence of disciplines that reflect the specifics of using modern technologies in the learning process and incorporate a digital citizenship component.

A review of integrated bachelor's-master's teacher education programs indicates that they include a greater number of mandatory subjects with an integrated human rights component. However, similar to the teacher training programs, the teaching materials are outdated¹²⁶³. The same issue was identified

¹²⁶⁰ Annex to Order No. MES 7 24 0001477052 of November 17, 2024, of the Director of the National Center for Educational Quality Enhancement on Amending Order No. 1646651 of December 5, 2023, of the Director of the National Center for Educational Quality Enhancement on the Approval of the Sectoral Characteristics of Higher Education for Primary Level General Education Teachers.

Annex approved by Order No. MES 8 24 0001477053 of November 17, 2024, of the Director of the National Center for Educational Quality Enhancement on Amending Order No. 597510 of May 30, 2024, of the Director of the National Center for Educational Quality Enhancement on the Approval of the Sectoral Characteristics of Higher Education for Teacher Training.

Sectoral characteristic approved by Order No. MES 5 24 0001633146 of December 19, 2024, of the Director of the National Center for Educational Quality Enhancement on the Approval of the Sectoral Characteristics of Higher Education for Basic and Secondary Level General Education Teachers.

¹²⁶¹ Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education adopted on July 27th 2010, para. 28. <https://shorturl.at/fXluG> [05/03/2025]; Guide on Human Rights Curriculum in Teacher Education, p. 41 <https://shorturl.at/IX3Q2> [05/03/2025].

¹²⁶² For example, see the annex to Letter No. 8793/2024 of December 16, 2024; the annex to Letter No. 8997/2024 of December 20, 2024.

¹²⁶³ Ex. See *ibid*

during the assessment of master's programs in education sciences/administration, though in this case, the scale of the problem is smaller, and the level of human rights integration is more diverse.

Interviews with program implementers and graduates showed that 25% of graduates are unable to identify human rights violations or respond to them appropriately. Additionally, in the implementation of these programs, the human rights component is primarily considered as a means of conflict prevention in classroom management rather than as a tool for transferring knowledge about human rights to students. At the same time, 30% of graduates stated that they had not been required to complete human rights-focused assignments as part of the programs' practical component. The study is ongoing, and based on its results, the Public Defender will continue working with higher education institutions to improve the quality of human rights education.

30.6.2. Sectoral Benchmarks of teacher education

In the knowledge and awareness component of the subject-specific standard for basic and secondary school teacher education, the integration of human rights is structured in a way that does not impose an obligation on the implementing institution to assess, for example, a student's factual knowledge of children's rights.

Furthermore, the assessment of the learning process does not include any integration of knowledge on evaluating graduates' learning outcomes through a human rights lens.¹²⁶⁴ Moreover, the responsibility and autonomy section does not explicitly state that it recognizes the importance of respecting human rights in creating a positive and safe learning environment.¹²⁶⁵

Similar challenges exist in the subject-specific standards of the teacher training program and the elementary school teacher education program.¹²⁶⁶

Considering all of the above, the Public Defender believes that the knowledge and awareness component of the document should include a provision stating that graduates describe and discuss the fundamental principles of human rights and children's rights. Additionally, the human rights component should be incorporated into the planning, implementation, and assessment of the learning process so that graduates can apply human rights principles in all three aspects. Furthermore, in the responsibility and autonomy section, under the aspect of creating a positive learning environment, it should be explicitly stated that graduates recognize the importance of human rights principles in shaping a positive learning environment.

¹²⁶⁴ Ibid., p. 9-9,10, 12

¹²⁶⁵ Ibid., p.12

¹²⁶⁶ "On the Approval of the Sectoral Characteristics of Higher Education for Teacher Training" – Annex to the Order No. MES 8 24 0001477053 of November 17, 2024, issued by the Director of the National Center for Educational Quality Enhancement, amending Order No. 597510 of May 30, 2024.

Page 7, paragraphs 1.1; 1.2 Page 8, paragraph 4.1 Pages 9-10; "On the Approval of the Sectoral Characteristics of Higher Education for Primary Level General Education Teachers" – Annex to the Order No. MES 7 24 0001477052 of November 17, 2024, issued by the Director of the National Center for Educational Quality Enhancement, amending; Order No. 1646651 of December 5, 2023. Pages 9, 11, 13

Recommendations

To the Minister of Education, Science and Youth of Georgia:

- Amend the module "Citizenship" approved by Order No. 170/N of the Minister of Education, Science, Culture, and Sport of Georgia, issued on August 19, 2019, concerning the "Rules and Conditions for Integrating the Learning Outcomes of the General Education Secondary Level into the Secondary Vocational Educational Program", to include the following:
 - Ensure that, as a learning outcome, students understand the essence and significance of human rights in a democratic society.
 - Add "human rights" to the list of key concepts under the "Power" component and module topics.
- Announce the textbook accreditation process for the subject "Me and Society" to select an appropriate textbook or ensure its approval through the established procedure;
- In the process of approving school textbooks, ensure the following:
 - Develop and conduct mandatory, continuous training programs on human rights issues for all members of the subject evaluation group.
 - Record audio and video minutes of the subject evaluation group meetings.

To LEPL National Center for Education Quality Development:

- Changes to be made:
 - "On the approval of the sectoral characteristics of higher education for basic-secondary level general education teachers," as approved by Order MES 5 24 0001633146 of December 19, 2024, issued by the Director of the National Center for Educational Quality Enhancement.
 - On the amendment to Order No. 1646651 of December 5, 2023, issued by the Director of the National Center for Educational Quality Enhancement on the approval of the sectoral characteristics of higher education for primary-level general education teachers," as approved by Order MES 7 24 0001477052 of November 17, 2024, issued by the Director of the National Center for Educational Quality Enhancement.
 - "On the amendment to Order No. 597510 of May 30, 2024, issued by the Director of the National Center for Educational Quality Enhancement on the approval of the sectoral characteristics of higher education for teacher training," as approved by Order MES 8 24 0001477053 of November 17, 2024, issued by the Director of the National Center for Educational Quality Enhancement.

As a result of the amendments, the following should be defined:

- In the knowledge and awareness component, an addition should be made specifying that graduates describe and discuss the fundamental principles of human rights/children's rights.
- In the planning, implementation, and assessment of the learning process, a human rights component should be integrated to ensure that graduates can apply human rights principles in all three aspects—planning, implementation, and assessment.

- In the responsibility and autonomy component, under the formation of a positive learning environment, an addition should be made stating that graduates recognize the importance of human rights principles in creating a positive and safe learning environment.

31. Status of Implementation of Public Defender's Recommendations and Assignments Issued by the Parliament Based on Them

Introduction

Unlike in previous years' reports, the present chapter is structured differently. It consists of two subchapters: the first sub-chapter is dedicated to the status of implementation of the assignments issued to various agencies by the Parliament of Georgia through its Resolution adopted on 1 November 2023, based on the Public Defender's 2022 Parliamentary Report. The second sub-chapter reflects the implementation status of those recommendations that were either omitted from the Parliament's Resolution¹²⁶⁷ or included with substantially modified wording.

Based on the review of the Public Defender's Annual Parliamentary Report, the Parliament of Georgia adopts a resolution, through which it issues assignments to state agencies for the implementation of the recommendations presented in the Public Defender's report. It is noteworthy that the most powerful mechanism for ensuring the implementation of the Public Defender's recommendations is their inclusion in the Parliament's resolution. Accordingly, through this mechanism, Parliament exercises parliamentary oversight over the human rights situation in relation to public institutions and officials to whom it issues assignments. At the same time, this process enhances the effectiveness of the Public Defender's work. Given the importance of this process, the Public Defender annually assesses the implementation of the assignments reflected in the Parliament's resolution through a special report. Therefore, detailed information regarding the first sub-chapter is available in the Public Defender's special report titled "Status of Implementation of the Assignments Reflected in the Parliament of Georgia's Resolution of 1 November 2023".¹²⁶⁸

31.1. Status of Implementation of the Assignments Defined by the Parliament of Georgia's Resolution of 1 November 2023

31.1.1. Rate of Fulfillment of the Recommendations

Based on the Public Defender's 2022 Parliamentary Report, the Parliament issued a total of 277 assignments to various central, autonomous, and municipal agencies in its 2023 resolution (including 19 assignments directed at municipal bodies and 1 assignment addressed to all public officials). It should be noted that the number of assignments issued by Parliament does not directly correspond to the number of recommendations presented in the Public Defender's report and, therefore, does not reflect a quantitative rate of the Parliament's acceptance of the recommendations.

The overall picture of the fulfillment rate of the Public Defender's recommendations is as follows:

¹²⁶⁷ This refers to the Parliament's Resolution of 27 June 2024, which is based on the Public Defender's 2023 Parliamentary Report. The agencies addressed in the resolution were given a deadline of 1 March 2025 to fulfill the assignments.

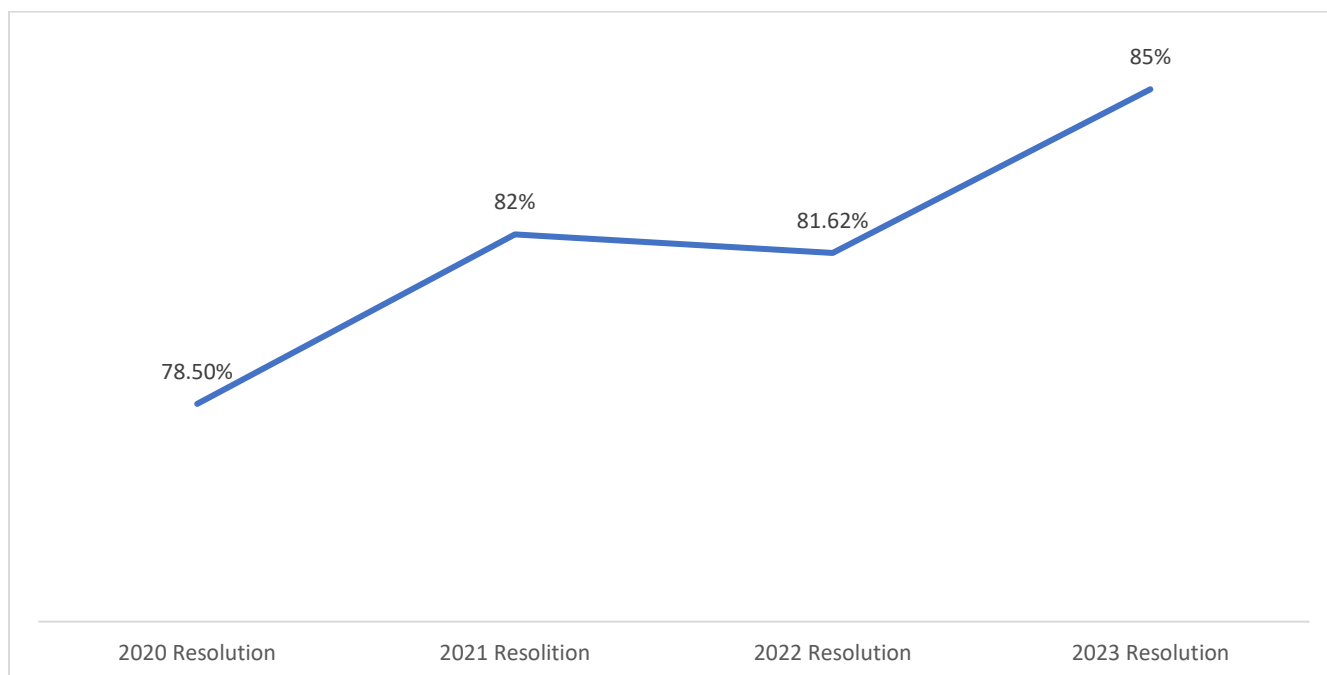
¹²⁶⁸ The special report on the "Status of Implementation of the Assignments Reflected in the Parliament of Georgia's Resolution №3600-XII06-X03 of 1 November 2023"; available at: <https://www.ombudsman.ge/res/docs/2024112817320540383.pdf> [06.02.2025].

Fully adopted	208	74,29%
Partially adopted	30	10,71%
Not adopted	22	7,86%
Not considered adopted due to substantial changes	20	7,14%

The Parliament fully adopted the recommendations issued by the Public Defender to municipal bodies, while some recommendations directed at the authorities of the Autonomous Republic and central government agencies were subject to substantial or partial modifications.

As presented in the table above, the Parliament did not adopt 22 recommendations from the Public Defender's 2022 Parliamentary Report and substantially modified 20 others. The implementation status of the non-adopted and substantially modified recommendations is as follows: 2 recommendations were fully implemented, 2 were partially implemented, 35 were not implemented, and the implementation of 3 recommendations could not be assessed due to the lack of relevant information from the respective agency.

For comparison, the combined percentage of full and partial adoption of the Public Defender's annual report recommendations by the Parliament, as reflected in the Parliament's resolutions from 2020 to 2023, is as follows:



31.1.2. General State of Implementation of Assignments

The Public Defender's Office assessed only the implementation status of the assignments issued to central government agencies under the Parliament's resolution. In total, the Parliament issued 258 assignments

to state agencies. According to the Public Defender, the implementation of these assignments is unsatisfactory: specifically, only 19% of the assignments were fully implemented, 24% were partially implemented, and 34% were assessed as not implemented.

The implementation status of the assignments, in quantitative terms, is as follows:

Fulfilled	49	19%
Partially fulfilled	61	24%
Not fulfilled	89	34%
Cannot be assessed due to reasons beyond the agency's control	12	5%
Not subject to assessment due to a substantial modification of the recommendation	20	8%
Could not be assessed due to the absence of relevant information	24	9%
Does not stem from any recommendation of the Public Defender / duplicated assignment / no longer relevant	3	1%
Total	258	

31.1.3. State of Implementation According to Agencies

This subchapter presents the above-mentioned data in a disaggregated format, broken down by agencies.

Government of Georgia		
Fulfilled		3
Partially fulfilled		3
Total		6

Ministry of Justice		
Fulfilled		4
Partially fulfilled		12
Not fulfilled		23
Not subject to assessment due to a substantial modification of the recommendation		5
No longer relevant		1
Failure to provide relevant information		9
Could not be assessed due to objective reasons		2
The implementation status of the assignment cannot be assessed by the Public Defender's Office due to the absence of relevant information		1
Total		57

Prosecutors Office of Georgia		
Fulfilled		2
Partially fulfilled		3
Not fulfilled		1
Not subject to assessment due to a substantial modification of the recommendation		1

Could not be assessed due to objective reasons	1
Total	8

Ministry of Internal Affairs of Georgia	
Fulfilled	15
Partially fulfilled	3
Not fulfilled	6
Not subject to assessment due to a substantial modification of the recommendation	7
Could not be assessed due to objective reasons	2
Failure to provide relevant information	3
Total	36

State Security Service of Georgia	
Fulfilled	1
Not fulfilled	1
The implementation status of the assignment cannot be assessed due to the absence of relevant information	1
Total	3

Ministry of Defense	
Fulfilled	2
Partially fulfilled	1
Not fulfilled	3
Could not be assessed due to objective reasons	1
Failure to provide relevant information	3
Total	10

Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia	
Fulfilled	7
Partially fulfilled	21
Not fulfilled	39
Not subject to assessment due to a substantial modification of the recommendation	3
Failure to provide relevant information	6
Could not be assessed due to objective reasons	1
Total	77

Ministry of Education and Science	
Fulfilled	6
Partially fulfilled	13
Not fulfilled	11

Not subject to assessment due to a substantial modification of the recommendation	2
Failure to provide relevant information	1
Could not be assessed due to objective reasons	2
Duplicated assignment	1
Total	36

Ministry of Economy and Sustainable Development	
Fulfilled	1
The implementation status of the assignment cannot be assessed by the Public Defender's Office due to the absence of relevant information	1
Does not stem from any recommendation of the Public Defender	1
Total	3

Office of the State Minister of Georgia for Reconciliation and Civic Equality	
Fulfilled	1
Partially fulfilled	2
Not subject to assessment due to a substantial modification of the recommendation	1
Total	4

LEPL Levan Samkharauli National Forensics Bureau	
Fulfilled	1
Partially fulfilled	1
Could not be assessed due to failure to provide relevant information	1
Total	3

Other Agencies	State of Implementation
Ministry of Environment Protection and Agriculture	Both assignments were implemented
Special Investigative Service	1 assignment was implemented
Public Broadcaster	Out of the 2 assignments, 1 was implemented and 1 was partially implemented
LEPL National Bureau of Enforcement	Out of the 2 assignments, 1 was implemented, while the other could not be assessed due to a substantial modification of the recommendation
LEPL Civil Service Bureau	1 assignment was not implemented
High Officials	The single assignment issued could not be assessed due to objective circumstances
Psychiatric Establishments	Out of the 2 assignments, 1 was partially implemented, while the other was not implemented

Ministry of Culture, Sport and Youth	The single assignment issued could not be assessed due to the absence of relevant information
Ministry of Foreign Affairs	All 3 assignments were implemented

The Public Defender once again urges state institutions to recognize the importance of implementing the assignments issued by the Parliament of Georgia. At the same time, the Public Defender calls on the Parliament of Georgia to strengthen the practical application of its oversight mechanisms, as provided by the Constitution of Georgia and the Rules of Procedure of the Parliament, in order to improve the implementation of the assignments it issues.

31.2. Status of Implementation of the Recommendations Not Reflected in the Parliament's 2024 Resolution

Based on the Public Defender's 2023 Parliamentary Report, the Parliament of Georgia adopted a Resolution on 27 June 2024, in which it selectively endorsed the recommendations presented in the report and assigned relevant tasks to state agencies for their implementation. The resolution set 1 March 2025 as the deadline for fulfilling these tasks. Accordingly, the Public Defender will evaluate the implementation status of those assignments in the 2025 Parliamentary Report. However, this sub-chapter reviews the implementation status of those recommendations from the 2023 Parliamentary Report that were not adopted by the Parliament in its 2024 Resolution.

In its 2023 Parliamentary Report, the Public Defender issued a total of 301 recommendations. Out of these, 12 were directed solely to municipal bodies, 287 to central government institutions, and 2 to both central and local authorities. The Parliament of Georgia adopted approximately 74.42% of these recommendations through a Resolution (around 12% of which were adopted partially)¹²⁶⁹ and issued 270 tasks to ensure their implementation. It is important to note that some of the tasks outlined in the parliamentary Resolution do not reflect the original objectives of the Public Defender's recommendations and significantly modified their substance in terms of formulation. As a result, the Public Defender's Office does not consider such tasks as a proper adoption of its recommendations.

As for the recommendations from the Public Defender's 2023 report that were not adopted by the Parliament in its 2024 Resolution and were not reflected as tasks, there are 44 such recommendations.¹²⁷⁰ Additionally, the Parliament substantially modified the wording of 32 recommendations, changing their essence. Both categories of recommendations—those omitted from the resolution and those significantly modified—were directed at state institutions. The only exception was a single recommendation addressed to a municipality, which was entirely excluded from the parliamentary resolution.

¹²⁶⁹ The verified data will be reflected in the Public Defender's special report on the implementation of Resolution №4332-XIV06-X03 of the Parliament, dated 27 June 2024.

¹²⁷⁰ It is worth noting that some recommendations were addressed to multiple institutions. In certain cases, the Parliament assigned the implementation task to only some of the addressed agencies. However, in the present statistics, only those recommendations that were not adopted by the legislative body with respect to any of the addressed institutions are included.

It is regrettable that the rate of non-adoption and substantial modification of recommendations significantly increased in 2024 compared to the previous year. Specifically, in its 2023 Resolution, Parliament did not adopt 15% of the recommendations from the Public Defender's 2022 Parliamentary Report, whereas in the 2024 resolution, this figure exceeded 25%.¹²⁷¹

As for the implementation status of the above-mentioned recommendations that were not adopted by the Parliament's Resolution, the data is presented in the table below:

	Fulfilled	Not fulfilled	Partially	Objective circumstances	Total
Recommendations that were not reflected in the Resolution	1	32	3	8	44
Recommendations that were substantially modified		31		1	32

¹²⁷¹ On the status of implementation of the tasks reflected in the Parliament of Georgia's Resolution №3600-XIII06-X03 of November 1, 2023, p. 5.

Annex - Visits carried out by the Public Defender and representatives of the Office

The Public Defender, both personally and through the staff of the Office, proactively held meetings with various target groups and institutions, in various regions.

Below is information on the meetings held by the Public Defender and representatives of the Office during 2024, by type of relevant activities. The list is not exhaustive and reflects only the main part of Public Defender's activities in terms of meetings.

Meetings held by the Public Defender	
Target groups	Number of meetings
Persons placed in penitentiary and temporary detention facilities	15
Meetings with diplomats and representatives of international organizations	37 ¹²⁷²
Government agencies and their representatives	5
Protesters	22
Population living in the regions	33 ¹²⁷³
Councils of Ethnic and Religious Minorities	4
Patients and administration of mental health institutions	6
Beneficiaries of the housing of community organizations of persons with disabilities	2

Meetings carried out by the Public Defender's Office:

Criminal justice direction	
Institution	Number of visits paid to the institutions
Penitentiary establishment	464
National Center for Mental Health	21
Temporary detention facility	81
Police divisions of the Ministry of Internal Affairs	3
VivaMedi Clinic	5
Other clinics	8

Direction of the National Preventive Mechanism	
Institution	Number of visits paid to the institutions
Penitentiary establishment	17
Police division/department	14
Assisted living facility for persons with disabilities	13
Facilities of the Defense Forces	13
Mental health institution	11

¹²⁷² Among them, 5 were carried out outside the country.

¹²⁷³ Of these, 12 meetings were held with citizens living around the occupation line.

Temporary detention facility	11
Children's home	8
Migration Center (Tbilisi)	2
Forensic Bureau (monitoring)	1

Direction for the rights of persons with disabilities	
Institution	Number of visits paid to the institutions
Mental health institution	17
Assisted living facility for persons with disabilities	4
Community organizations for persons with disabilities (small group homes and shelters)	29

Direction of children's rights	
Institution	Number of visits paid to the institutions
Educational institution	25 ¹²⁷⁴
Shelter for mothers and children	8

Gender equality direction	
Institution	Number of visits paid to the institutions
Shelters for victims of violence	9 ¹²⁷⁵
Crisis center	8
Penitentiary institution	1

Direction of civil, political, economic, social and cultural rights ¹²⁷⁶	
Type of institution/addressee of the meeting	Number of visits to the institutions/number of meetings
Monitoring of rural outpatient clinics	16
Meeting with rural population	35

Direction of national minorities ¹²⁷⁷	
Institution	Number of visits paid to the institutions
Public school	15

¹²⁷⁴ Of these, 8 institutions were monitored together with the National Preventive Mechanism.

¹²⁷⁵ This data includes both primary and repeated monitoring.

¹²⁷⁶ Monitoring/meetings were conducted in 19 municipalities.

¹²⁷⁷ Meetings were held in 15 municipalities.

Preschool education institution	9
Medical institution	16
Doctors and nurses of rural outpatient clinics	14
Penitentiary establishment	2 ¹²⁷⁸

Direction of religious minorities ¹²⁷⁹	
Institution	Number of visits paid to the institutions
Administration of the State Representative	1
Media organizations	2
Civil society organizations	3
Meetings with religious organizations	15

During 2024, the departments of the Office carried out various activities in the direction of awareness-raising campaign. The tables below show the number of information meetings held by representatives of the departments with target audiences.

Target groups	Number of activities
Equality direction ¹²⁸⁰	
Representatives of private organisations	6
Students	3
Schoolchildren	4
Teachers	1
Representatives of ethnic and religious organizations	1
Supreme Court judges and members of the Bar Association	1
Foreign delegations	3
Direction of children's rights ¹²⁸¹	
Public school students	17
Private school students	3
Meeting with children in youth centers and private institutions	3
Meeting with teachers and students in a community center	1
Children living in small group homes	1
Direction of the rights of persons with disabilities	
Persons with disabilities and representatives of education resource centers	2

¹²⁷⁸ 2 visits were carried out together with the National Preventive Mechanism.

¹²⁷⁹ Meetings were held in 17 municipalities.

¹²⁸⁰ In addition to the delegations from foreign countries, a total of 364 people attended the information meeting.

¹²⁸¹ Meetings involved a total of 462 children and 19 teachers of one private institution.

Consultative council for monitoring the promotion, protection and implementation of the Convention on the Rights of Persons with Disabilities	3
Situation of women's rights	
Ethnic minority and women living in rural area	2
IDP women living in the regions and NGOs, international organizations	10
Students	2
NGOs of Samtskhe-Javakheti	1
Representatives of the Prosecutor's Office, the Ministry of Internal Affairs and courts	2
School students	1
Ethnic minority women	1
Employees of the Prosecutor's Office	1
Direction of human rights education ¹²⁸²	
Public school students and teachers	9
Students of vocational colleges	2
Rights situation in the occupied territories	
Population living adjacent to the occupied territories	6

¹²⁸² Meetings were held in 5 municipalities