



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

SPECIAL REPORT

ON THE FIGHT AGAINST DISCRIMINATION,
ITS PREVENTION, AND THE SITUATION
OF EQUALITY

2018



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(OMBUDSMAN) OF GEORGIA

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INTRODUCTION

The Law of Georgia on the Elimination of All Forms of Discrimination (hereinafter the “Non-Discrimination Law”) was adopted by the Parliament of Georgia on 2 May 2014. The Non-Discrimination Law determined the Public Defender of Georgia and courts of general jurisdiction as legal remedies for the right to equality. In November 2014, the Equality Department was set up within the Public Defender’s Office for consideration of incidents of alleged discrimination.

The adoption of the Non-Discrimination Law contributed significantly to initiation of discourse and raising awareness on equality issues in the country. Furthermore, numerous victims of discrimination have been able to have redress for their infringed rights through legal remedies – either courts or the Public Defender of Georgia. It should be noted that the Non-Discrimination Law is applicable to public agencies as well as legal and physical persons of private law. It prohibits discrimination in any sphere governed by law. It is also noteworthy that the non-discrimination grounds referred to in the law are not exhaustive; this enables to extend the prohibition of discrimination to more incidents of alleged violation.

Under the Law of Georgia on the Elimination of All Forms of Discrimination,¹ the Public Defender of Georgia annually develops and publishes the Special Report on Fight against Discrimination, Its Prevention and Situation of Equality in Georgia. The present report is the fourth document in this series. Along with positive changes, there are, unfortunately, still numerous challenges in terms of protection of the right to equality in Georgia. To this date, there have not been legislative amendments adopted that the Public Defender of Georgia has been requested since 2015 for improving the non-discrimination legislation. Also, there are no statements made by state representatives in support of equality. Furthermore, as it was pointed out also in the Public Defender’s previous report on equality,² maintenance by courts of statistics on discrimination cases remains problematic.

Similar to the previous years, women, persons with disabilities and representatives of LGBT+ community remain to be the most vulnerable groups. The previous report on the situation of equality discussed the obstacles created for Muslims when crossing the Georgia-Turkey border. They were asked questions about their religion and requested to give up their religious publications.³ The Public Defender received similar applications in the current reporting period too. It is noteworthy that in the current year there were numerous cases of discrimination by perception meaning that a victim suffers from differential treatment as he or she is associated with a protected ground of discrimination while this ground might not be relevant for an individual concerned.

Effective investigation of alleged hate crimes remains problematic. Discriminatory statements made by public officials that incite breach of vulnerable groups’ rights remain to be

1 The Law of Georgia on the Elimination of All Forms of Discrimination, Article 7.

2 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 16

3 *Ibid.* pp. 24-25.

a challenge. Similar to the previous reporting period, incidents of alleged discrimination occur in labour relations particularly frequently. This year's report includes discussion on unequal treatment of children and incidents of discrimination in receiving social benefits determined by the state.

The present report **covers the period from 1 September 2017 including 31 August 2018** and describes the situation of various vulnerable groups in Georgia in terms of their equality. It reviews the work of the Public Defender of Georgia towards protection of the right to equality and gives information about implementation of the Public Defender's decisions.

Any person or group of persons can lodge either individual or collective applications with the Public Defender requesting her finding on discrimination. A special form is available on the Public Defender's official website that assists applicants in formulating their request fully and comprehensively, indicating factual circumstances and if need be, involving organisations active in non-discrimination field as representatives. Besides, it is not mandatory to file an application using the above-mentioned form; applicants are entitled to lodge applications electronically or via post, through social media or hotline and in any form, including handwriting. Furthermore, applicants can come to the Public Defender's Office in person and write an application on the spot.

There is a 6-month term for the Public Defender's Office to consider a discrimination case. This term can only be extended for another three months in some cases.

1. SITUATION OF EQUALITY IN THE COUNTRY

This chapter discusses various vulnerable groups' equality situation in the country against the background of applications under the consideration of the Equality Department of the Public Defender's Office; its findings and *amicus curiae* briefs submitted to the courts of general jurisdiction. The chapter also reviews the spheres governed by law where incidents of discrimination occur most frequently.

1.1. EQUALITY OF WOMEN

In the reporting period, there has been an increase in the number of applications lodged with the Public Defender's Office concerning incidents of sexual harassment. Interference in labour rights of women on account of pregnancy remains problematic. Women that are victims of sexual violence have been identified as one of the vulnerable groups as there is no healthcare programmes tailored to their needs.

Sexual Harassment

Sexual harassment is one of the forms of discrimination which occurs most frequently against women. Sexual harassment includes any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.⁴

This form of discrimination is usually characterised with the difficulty of revealing facts. The reason for this is distorted and insufficient information the public has about sexual harassment as well as inadequate statutory regulation of the issue.⁵ The applications under the Public Defender's consideration concern mainly incidents of alleged sexual harassment that occur in the setting of professional activities.

The Public Defender found that video surveillance in women's changing rooms in the supermarket chain Fresco amounted to sexual harassment, where the company's male employees also had access to video feed. The said established practice of the company

4 The Council of Europe *Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)*, Article 40; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (recast), Article 2.1.d).

5 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 13, available at: <http://www.ombudsman.ge/uploads/other/4/4825.pdf>; The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2016, pp. 17-18, available at: <http://www.ombudsman.ge/uploads/other/3/3966.pdf>; See also the Public Defender's proposal of 28 March 2017 to the Committee of Legal Affairs of the Parliament of Georgia, available at: <http://www.ombudsman.ge/ge/recommendations-Proposal/winadadebebi/saqartvelos-saxalxo-damcvelis-winadadeba-seqsualur-sheviwroebastan-dakavshirebit.page>.

created offensive and degrading environment for its female employees, controlled their personal space without justification and seriously breached their intimate life.⁶

Compared to the previous reporting period, there has been an increase in the number of applications lodged with the Public Defender since information about alleged sexual harassment committed by a public official was circulated in media. As a result of this, members of the public started discussing actively the phenomenon of sexual harassment and the necessity of its regulation.

Trends in increased number of applications and consideration of various cases highlighted those psychosocial factors that influence examination of incidents of sexual harassment and the victim. One of the key aspects for finding sexual harassment is the perception of events by a victim and their undesirability. These perceptions vary when it comes to different individuals. This could depend on the cultural setting in which a person was brought up, life-experiences and gender. There are occasions, where an incident of alleged sexual harassment is perceived by individuals of same sex with dramatically different intensity. In this regard, it is noteworthy that both deliberate and inadvertent acts that create uncomfortable environment for others are considered to amount to sexual harassment.

As the Public Defender's experience shows, individuals that consider themselves victims of sexual harassment have more or less similar attitudes and perceptions. A victim often blames herself for provoking an undesirable behaviour and experiences shame or she is not certain whether she perceived and comprehended the behaviour adequately. It is also common that victims destroy evidence of sexual harassment to which they have been subjected; this way they try to get rid of their undesirable and "shameful" experience.

There are almost no cases where victims of alleged sexual harassment use legal remedies – either a court or the Public Defender – immediately after an incident to redress their infringed rights. In order to be encouraged to respond to an incident, a victim needs to hear similar stories related to other women, consult people with relevant knowledge and have acknowledgement by a part of society that sexual harassment is problematic. Before resorting to legal remedies, a victim also takes into consideration possible reaction from people around her – immediate family, friends or colleagues for whom learning about such an incident could trigger violence on their part or other illegal behaviour towards a culprit.

The lack of evidence and deficient legislative framework make it particularly difficult to assess incidents of alleged sexual harassment. The Public Defender, however, takes into account the specific nature of the phenomenon at stake and, based on international experience, does not leave incidents of alleged sexual harassment without due consideration. Women who despite legislative or social obstacles take decisions about using legal remedies make particularly important contribution to establishing standards and developing jurisprudence on sexual harassment in Georgia.

6 Recommendation of 4 December 2017 of the Public Defender of Georgia to LTD Fresco, available at: <http://www.ombudsman.ge/uploads/other/4/4976.pdf>.

Pregnancy

The previous report on equality discussed discriminatory termination by private employers of labour relations with pregnant women.⁷

According to one of the cases examined in the current reporting period, a private company had a service contract concluded that was periodically renewed. After the employer learned about the employee's pregnancy, discontinued the service contract. Besides, the respondent company IG Development Georgia pointed out that it had a service contract and not a labour contract with the employee and therefore, an argument that the employee's dismissal was discriminatory was groundless.

The Public Defender considered that in order to avoid obligations stemming from labour relations, a company might conclude a service contract that, although did not give rise to obligation of extending legal relation, was a labour contract in its essence. When reaching this decision, the Public Defender took into account the fact that as the service provided by the applicant was so operationally essential for the company it was necessary to perform it in person. Besides, the applicant was subordinate to the company and performed services in accordance with certain operational procedure; the property necessary for performing services belonged to the company.⁸

The Public Defender held that the pregnant woman was subjected to differential treatment when she exercised her legal right. None of the arguments adduced by the respondent constituted a legitimate aim justifying differential treatment. The Public Defender, therefore, found direct discrimination in labour relation on account of sex (pregnancy).

Female Victims of Sexual Assault

In the reporting period, the Public Defender made an emphasis on gender equality in the prism of sexual and reproductive health and discussed about the necessity of providing a state programme tailored to physiological and psycho-emotional needs of female victims of sexual assault.⁹

The Public Defender deemed that, on the one hand, it is important not to link the issue of funding termination of pregnancy for a rape victim with the conviction pronounced by a court judgment in force as it is regulated by actual legislation. The reason behind the Public Defender's argument is that it is usually a lengthy procedure to acknowledge a person as a victim in criminal proceedings, identify an alleged perpetrator and adopt a court judgment; therefore, the term allowed for abortion could be missed.

On the other hand, it is important to have a possibility for funding, depending on socio-economic situation of a victim, as discrimination against women is closely related with

7 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 14.

8 Recommendation of the Public Defender of Georgia of 2 October 2017 to IG Development Georgia Ltd, available at: <http://www.ombudsman.ge/uploads/other/4/4830.pdf>.

9 General proposal of the Public Defender of Georgia of 2 October 2017 to the Ministry of Labour, Healthcare and Social Security of Georgia, available at: <http://www.ombudsman.ge/uploads/other/4/4819.pdf>.

those stereotypes and perceptions on sexual and reproductive roles and functions that are based on patriarchal opinions. In a society where blaming and stigmatising a victim of sexual assault is particularly rooted, pregnancy caused by a rape causes a victim to be under permanent social pressure around her.

1.2. DISABILITY

The situation of equality of persons with disabilities has not improved in the current reporting period either. There are problems in terms of accessibility of various services for persons with physical disabilities and visual impairments. The right to equality of disabled persons employed in public sector remains problematic. Those individuals, except for those having severe disabilities or disabilities due to visual impairment, unlike employees of private sector, are not given social benefits.¹⁰

Physical Accessibility

In the current reporting period, the problem of physical accessibility for disabled persons was identified in the context of receiving notary services. Namely, notary bureaus are one of the spaces of providing public services where persons with disabilities face obstacles when entering. Taking this into consideration, it is the Public Defender's recommendation to the Notary Chamber of Georgia to consider physical accessibility of notary bureaus.¹¹

The Public Defender found the new rule of allocating special parking spaces for disabled persons on the territory of Tbilisi Municipality discriminatory. The new rule gives only individuals with severe disability the right to use special parking spaces. According to the position of the Municipality of the City of Tbilisi, such an approach is justified as the legislation differentiates in general between individuals with severe and significant disability and the new regulation introduces benefits for those who, stemming from factual circumstances, are in need of a higher quality care. The Public Defender believes that under the disability model, it is necessary that regulations that were introduced to provide affirmative action for disabled persons afforded them benefits based on their individual needs.¹²

Problems of Visually Impaired Persons

The issues related to persons with visual impairment are particularly acute and they encounter obstacles in various spheres. In most cases, accessibility of information and communications is not ensured although this would be a safeguard for their independent lifestyle and comprehensive participation in all social spheres.

10 Recommendation of the Public Defender of Georgia of 31 May 2017 to the Prime Minister of Georgia, available at: <http://www.ombudsman.ge/uploads/other/4/4495.pdf>.

11 Recommendation of the Public Defender of Georgia of 4 April 2018 to the Notary Chamber of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5183.pdf>.

12 Recommendation of the Public Defender of Georgia of 6 August 2018 to *Sakrebulo* of the City of Tbilisi Municipality, available at: <http://www.ombudsman.ge/uploads/other/5/5393.pdf>.

The practice of the Equality Department identified the difficulty related to providing information and services with the use of braille, sign language, enhanced and alternative communication and/or other means accessible for individuals with visual impairment was identified in two directions. In one of the cases,¹³ it was identified that declarations about socio-economic situation of a family is not accessible in braille or other alternative technical means and therefore, individuals with visual impairment have to refuse acting as an authorised representative for their family. While there might be alternative means that would enable disabled individuals to avoid negative outcomes with the involvement of another person, this approach is not justified. Persons with visual impairment should be able to be involved to a maximum degree in the decision-making process about issues related to them and should be independent from other persons. This is not ensured just because certain documentation is not accessible in braille or alternative technical means, which is unacceptable.

In another case,¹⁴ the Public Defender discussed the right of persons with visual impairment (full or partial loss of vision) to apply to administrative bodies. These persons are deprived of the possibility of filing an application composed in braille and using other alternative means.

1.3. DISCRIMINATION OF MINORS

The merits of cases examined by the Public Defender in the current reporting period shows that minors with special educational needs are subject to discrimination in educational process. It is also noteworthy that in the reporting period, the Public Defender received applications concerning incidents of discrimination during the exercise of the right to preschool education. Furthermore, the legislation of Georgia on the right of minors to access to a court does not allow children below 14 years of age to select independently a representative before a court. This puts minors under risk of being beyond the reach of justice system.

Children with Special Educational Needs

Assigning a special teacher to special need pupils was identified as a problem in the case of L.S. Due to hyperactivity the child had to change schools and classes frequently. As there was no specialist working with the child, the child's condition deteriorated. The Public Defender observed that the Ministry of Education and Science had not taken into consideration the child's special needs and did not fulfil its positive obligations as a result of which L.S. became a victim of indirect discrimination on account of health condition. Despite the fact that there was a special teacher employed by the school and working in parallel with 11 pupils with special educational needs, it was not sufficient for providing adequate service for L.S. as the child's condition was different from that of the other 11

13 Recommendation of the Public Defender of Georgia of 4 May 2018 to the Ministry of Labour, Healthcare and Social Security of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5238.pdf>.

14 Recommendation of the Public Defender of Georgia of 6 August 2018 to the Government of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5390.pdf>.

pupils. The Public Defender addressed to the Ministry with a recommendation to allocate an individual teacher for the child.¹⁵

Another incident¹⁶ concerned expulsion of a two-year old child from a kindergarten. The kindergarten's administration considered the child to be hyperactive and therefore unable to get along with other children. The respondent also explained that other children's parents had expressed indignation because of the child's behaviour and claimed that the applicant's behaviour posed threat to their children. In this case, the Public Defender found discrimination by perception on account of behaviour as it was grounded on future fears that other children's parents would discontinue contractual relations with the kindergarten which would be financially unfavourable for the kindergarten. Apart from the fact that the internal regulations of the kindergarten did not lay down grounds for expelling a child, the respondent failed to substantiate that the child was indeed hyperactive, and that the child's behaviour posed actual threat to other pupils.

Accessibility of a Court for the Child

In the current reporting period, the Public Defender emphasised the effective realisation of the child's right to have access to a court. The neutral provision in the Georgian legislation that gives an equal right to everyone to apply to a court, excludes children's right to a court in some cases as a minor below 14 years of age is unable to select his/her representative. From this age, a minor has the right to apply to a court independently. However, neither this regulation contribute to full realisation of a minor's right to access to a court as in such cases the court designates a representative to act on behalf of a minor in proceedings in the course of the consideration of a case. Due to this reason, a child is unable to apply to a court with the help of a lawyer or other person from the very beginning.

In this regard, the Public Defender deems that entrusting a court with the representation issue for children below 14 years of age could serve as an additional safeguard for their protection. Namely, the Public Defender deems it appropriate to have courts vested with the authority, upon filing an application with a court in a simplified form,¹⁷ to appoint a representative for minors of 14-18 years of age that would act on their behalf in proceedings before a claim is lodged with the court. Moreover, courts should have the power to appoint such representatives for minors below 14 years of age when it considers that a minor concerned does not have appropriate representation.

1.4. NATIONALITY

In the reporting period, discriminatory practice on account of nationality was identified in receiving bank services. Namely, commercial banks operating in Georgia requested

15 Recommendation of the Public Defender of Georgia of 7 December 2017 to the Ministry of Education and Science of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5007.pdf>.

16 Recommendation of the Public Defender of Georgia of 16 April 2018 to the kindergarten Wonderland Preschool, available at: <http://www.ombudsman.ge/uploads/other/5/5192.pdf>.

17 Recommendation of the Public Defender of Georgia of 5 March 2018 to the Parliament of Georgia and the Government of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5122.pdf>.

students who are nationals of Nigeria, Iran and Syria to submit recommendation documentation from banks registered in the United States, Canada, Australia or EU Member States for issuing a student's traveller card, bank records and opening a bank account; it was objectively impossible for those students to submit such documentation. In this regard, the Public Defender requested the National Bank of Georgia to introduce simple and foreseeable regulations which will ensure that foreign nationals receive bank services in commercial banks without discrimination on any ground.¹⁸

According to applications lodged by 21 individuals born in the Republic of Iran, out of whom 11 are Fereydan Georgians and Georgian citizens, the majority of the banks operating in Georgia refuse to open accounts for them and those who have opened accounts are denied to have an account in US dollars and they can only have accounts in Georgian lari. It is noteworthy that the National Bank does not deny the fact that commercial banks follow such practice. It explains that the countries, whose nationals the applicants are, have been placed on the list of watch zones in accordance with Order no. 1/04 of the President of the National Bank of Georgia of 9 January 2017 on Determining the List of Watch Zones for the Purposes of the Law of Georgia on Contributing to Prevention from Legalisation of Illegal Proceeds.

The Public Defender observes that commercial banks, when providing services and assessing security issues related to nationals of particular countries, should not follow a blanket approach. Instead each customer should be assessed based on his/her individual circumstances.

It is noteworthy that in 2018, the Public Defender was addressed concerning the same problem by Iranian nationals, including those having Georgian citizenship.

1.5. EQUALITY OF LGBT+ INDIVIDUALS

Discrimination on account of sexual orientation and gender identity remains one of the challenges in Georgia. The existing homophobic attitudes often lead to discrimination against representatives of LGBT+ community. Similar to the previous reporting period, there are still numerous applications from the LGBT+ community that allege discrimination in accessing various services. Issues related to renting immovable property by representatives of LGBT+ community is also problematic.

In the reporting period, the Public Defender recommended an individual, who had refused to give office space for rent to a non-governmental organisation, Equality 17, working on LGBT+ issues.¹⁹ In this regard, it is important to take into account, on the one hand, the principle of contractual freedom as stemming from civil law and, on the other hand, the requirement of non-discrimination that extends to any field governed by Georgian law. The Public Defender observed that while contractual freedom safeguards a person's ability to choose freely whether to conclude a contract, determine contractual terms and

18 General proposal of the Public Defender of Georgia of 4 April 2018 to the National Bank of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5182.pdf>.

19 Recommendation of the Public Defender of Georgia of 9 January 2018 to S.K., available at: <http://www.ombudsman.ge/uploads/other/5/5037.pdf>.

even chose a party to the contract, this principle can be limited based on imperative provisions such as, for example, the requirement of non-discrimination.

Regarding realisation of the right to access to goods and services by representatives of LGBT+ community, the Public Defender submitted an *amicus curiae* brief²⁰ to Tbilisi City Court. The right to access to services as a right under Georgian legislation was stressed in this brief.

In the current reporting period, there were applications concerning the use of health-care services by transgender people. Applicants alleged that unlike other components of healthcare, the state budget does not fund medical services tailored to the needs of transgender persons. This issue is under consideration at this stage.

In the current reporting period as well, there were numerous applications about alleged hate crimes committed on account of sexual orientation and gender identity.²¹

When discussing with representatives of LGBT+ community concerning incidents of violation of particular rights, the Public Defender also discussed the society's general attitudes and perceptions about the community. Those incidents that occurred in the recent period reflect a negative attitude of the public towards the members of the community.

Violence that occurred during the demonstration held to mark the International Day Against Homophobia and Transphobia on 17 May 2013 is noteworthy. One of the representatives of LGBT+ community sustained a physical injury on the head when making a speech. Furthermore, on 28 September 2018, employees of an NGO, Equality Movement, were physically and verbally assaulted by an individual residing near the office.

It is also symptomatic that some members of the public expressed aggression towards a football player, Guram Kashia, for wearing an arm band in support of LGBT+ persons and the award given to him for this by the Union of European Football Associations (UEFA). This aggression was directed both against Guram Kashia and LGBT+ community. Moreover, during a football match at Dynamo Arena on 9 September, in which Guram Kashia took part for the first time after the said events and where some of the fans came for the very purpose of extending moral support to Kashia, police officers did not allow representatives of LGBT+ community to wave the symbolic flag of LGBT+ community in rainbow colours.

1.6. DISCRIMINATION IN LABOUR AND PRE-CONTRACTUAL RELATIONS

In the current reporting period, incidents of alleged discrimination were most frequent in labour and pre-contractual relations. To this date, there is no express prohibition in Georgian legislation concerning the use of discriminatory criteria in job announcements and the range of their use is rather large. In this regard, the Public Defender of Georgia

20 *Amicus curiae* brief to Tbilisi City Court concerning an incident of alleged discrimination on account of sexual orientation, available at: <http://www.ombudsman.ge/uploads/other/5/5067.pdf>.

21 For additional information, see p. 22

addressed the Minister of Labour, Healthcare and Social Security of Georgia with a general proposal in 2017. The Public Defender proposed introduction of legislative regulations prohibiting in express terms discriminatory requirements in pre-contractual relations. To this date, the respective legislative changes have not been made.

Furthermore, there has been an increase in the number of applications concerning harassment at workplace. Similar to the previous year, incidents of discrimination on account of different opinions and political views have been found.

Harassment

According to applications under the Public Defender's consideration, harassment was mostly identified in public Schools. Applicants in the current reporting period alleged reduced work hours on discriminatory grounds, dismissal from a form teacher's position, imposition of disciplinary sanctions and problems related to receiving information.

When assessing alleged harassment, the Public Defender takes multiple factors into consideration. Harassment at workplace was found with regard to teachers of Public School no. 67. They maintained that the principal was eavesdropping during their lessons and insulted them in the presence of pupils. This kind of behaviour was caused by the criticism expressed by teachers towards the principal.

On one occasion, the Public Defender found harassment²² with regard to the Deputy Director of Khelvachauri Culture Centre, who had limited possibilities to discharge the official duties due to limited access to essential information. This treatment was caused by criticism expressed towards the Director of Khelvachauri Culture Centre.

Different Opinions and Political Views

Discrimination in labour relations on account of different opinions and political views remains to be a challenge in the current reporting period as well. This year, the Public Defender discussed about incidents of discrimination that occurred in a university and local self-government bodies.

In one of the cases, the Public Defender found direct discrimination on account of a different opinion and made a recommendation to the Technical University of Georgia.²³ According to the factual circumstances of the case, an applicant's labour contract was not extended for participating in demonstrations against the university, which started in April 2016. During those demonstrations, the low quality of academic process and legitimacy of electing the rector for a second term were contested.

22 Recommendation of the Public Defender of Georgia to Non-entrepreneurial (Non-commercial) Legal Entity Cultural Centre of Khelvachauri, available at: <http://www.ombudsman.ge/uploads/other/5/5358.pdf>.

23 See the website: <http://www.ombudsman.ge/ge/news/pirdapiri-diskriminacii-dadgenipirdapiri-diskriminacii-dadgenis-sesaxeb-rekomendacia-teqnikur-universitetss-sesaxeb-rekomendacia-teqnikur-universitets.page>.

In the reporting period, the Public Defender issued a recommendation²⁴ to the Mayor of Tianeti Municipality as individuals employed in an administrative unit of Tianeti Municipality were not supplied with firewood since November 2017 for their perceived support to a different political actor. The Public Defender considered that, due to the seriousness of the problem, the steps taken by the mayor did not comply with the reasonable standard of time efficiency and exposed the employees' health to danger.

Furthermore, there are two more applications to be considered by the Public Defender where employees allege discrimination on the part of the mayors of various municipalities.

1.7. DISCRIMINATION IN RECEIVING SOCIAL BENEFITS

It was revealed in the reporting period that the state's social policy is discriminatory in certain cases. Social or healthcare programmes determine criteria that make certain groups ineligible to receive benefits. In this regard, the situation of persons with disabilities, in particular, with autism spectrum disorder (ASD) is particularly problematic. In some cases, individuals are deprived of ability to benefit from social programmes as they are not citizens of Georgia.

For instance, children up to 5 years of age along with other priority groups are given priority in terms of participation in rehabilitation-habilitation programmes.²⁵ For this reason, funding is discontinued for children from 5 years of age and they are placed on a waiting list. This is problematic in terms of continuous treatment and endangers maintaining the results achieved by the programme. Besides, children up to 7 years constitute the target group for the sub-programme of early development of children,²⁶ as implemented within the State Programme for Children's Social Rehabilitation and Care. Furthermore, it is mandatory for children to be registered with the territory of Tbilisi Municipality for the last 3 years (in case of children of 2 years of age – for 2 years) to benefit from the rehabilitation programme for children with ASD.²⁷

Furthermore, the budget of Tchiatura Municipality pays social benefits to cover communal bills for persons with visual impairment that have the status of a person with a severe disability and are registered with the territory of Tchiatura Municipality.²⁸ No such benefits are offered to other persons with severe disabilities, who reside on the territory of the municipality.²⁹

24 See the website: <http://www.ombudsman.ge/ge/recommendations-Proposal/rekomendaciebi/saqartvelos-saxalxo-damcvelma-tamaz-mechiauris-winaagmddeg-diskriminacia-daadgina.page>.

25 Article 3.2.b) of the sub-programme of rehabilitation/habilitation as provided for by Resolution no. 102 of the Government of Georgia of 26 February 2016.

26 Article 3.1 of the sub-programme of early development of children as provided for by Resolution no. 121 of the Government of Georgia of 10 March 2017.

27 Article 2.1.b) of the sub-programme of rehabilitation of children with autism spectrum disorder as provided for by Resolution no. 8-22 of *Sakrebulo* of the City of Tbilisi Municipality of 26 December 2017.

28 Resolution no. 7 of Tchiatura Municipality *Sakrebulo* of 15 March 2017 on Approving the Procedure for Issuing and Receiving Social Benefits from the Tchiatura Municipality Budget.

29 Recommendation of the Public Defender of Georgia of 25 September 2017 to *Sakrebulo* of Tchiatura Municipality, available at: <http://www.ombudsman.ge/uploads/other/4/4762.pdf>.

The Public Defender has responded on numerous occasions regarding social programmes implemented by various municipalities. For example, under an order of Zestaponi Municipality *Sakrebulo*, for the purposes of receiving social benefits, the status of a single parent was determined for women only.³⁰ According to a programme implemented by Borjomi Municipality for receiving monetary allowance as a newlywed couple, a husband was supposed to be registered with the territory of Borjomi Municipality.³¹ It is noteworthy that the discriminatory approaches were eliminated by both municipalities.

Discrimination by association on account of nationality is identified in assigning a subsistence allowance for a family. In those cases where one member of a family does not have Georgian nationality or residence permit, the entire family is left without subsistence allowance.³² Under the acts governing this issue, in order to have subsistence allowance assigned, when filling an application, a family representative is supposed to have *his/her and all family members' identification/residence cards or a passport of a Georgian citizen or other identification document indicating the personal number of a holder of the document*.³³ Furthermore, *an authorised official of the agency is obliged to verify in person each member's identification/residence cards or a passport of a Georgian citizen or other identification document and write down personal numbers*.³⁴

In availing social benefits, discrimination on account of nationality is also manifested³⁵ in those cases where only Georgian nationals can be eligible to exercise certain rights. Even individuals with a permanent residence permit in Georgia, who pay taxes similar to citizens of Georgia and are in comparable situation with them in terms of using social and healthcare programmes, cannot receive those benefits. The Public Defender discussed three programmes implemented within the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Healthcare and Social Security of Georgia and called upon the ministry to extend to persons having permanent residence permit in Georgia the same approaches as to Georgian citizens when planning healthcare policy.

1.8. INCITING DISCRIMINATION

Under Article 2.5 of the Law of Georgia on the Elimination of All Forms of Discrimination, *any action carried out for the purpose of forcing, inciting, or supporting a person to dis-*

30 Public Statement of the Public Defender of Georgia of 7 March 2017, available at: <http://www.ombudsman.ge/ge/news/zestafonis-municipalitets-sakrebulo-savaraudo-diskriminacia-agmofxvra.page>.

31 Public Statement of the Public Defender of Georgia of 23 January 2017, available at: <http://www.ombudsman.ge/ge/news/saxalxo-damcvelis-shefasebit-bordjomis-municipalitets-axaldaqorwinebulta-programa-diskriminaciulia.page>.

32 Recommendation of the Public Defender of Georgia of 2 October 2017 to the Ministry of Labour, Healthcare and Social Security of Georgia, available at: <http://www.ombudsman.ge/uploads/other/4/4818.pdf>.

33 Article 11.4.a) of Order no. 225/N of the Minister of Labour, Healthcare and Social Security of Georgia of 22 August 2006.

34 Article 7.5 of Order no. 141/N of the Minister of Labour, Healthcare and Social Security of Georgia of 20 May 2010.

35 Recommendation of the Public Defender of Georgia of 5 October 2017 to the Ministry of Labour, Healthcare and Social Security of Georgia, available at: <http://www.ombudsman.ge/uploads/other/4/4837.pdf>; Recommendation of the Public Defender of Georgia of 4 April 2018 to the Ministry of Labour, Healthcare and Social Security of Georgia, available at: <http://www.ombudsman.ge/uploads/other/5/5184.pdf>.

criminate against a third person within the meaning of this article shall be prohibited. The Public Defender construes incitement and support of discrimination as such actions that can lead to discrimination against a certain group in future.

In terms of effective fight against discrimination, on certain occasions, in parallel to establishing incidents of discrimination, no less importance is given to identifying and preventing incidents that are conducive to, and incite discrimination. Furthermore, incitement of discrimination can be even more nefarious for the public than an isolated incident of discrimination as the context of inciting discrimination goes beyond a particular incident and is closely related with corrosive stereotypes rooted in the society. Incidents of incitement of discrimination usually take place by virtue of statements of public officials, on the one hand and commercial advertisements, on the other hand.

Due to the large-scale nature of the problem, in the previous reporting period,³⁶ the Public Defender studied statements of the VIII parliament that were conducive to discriminatory perceptions against women, persons with disabilities, LGBT+ community and religious minorities. The Public Defender addressed the parliament with a general proposal³⁷ where it was maintained that it is impermissible to use hate speech in political discourse whether it is within the freedom of speech of a member of parliament or not.

Unfortunately, there were numerous incidents in the current reporting period as well where officials or other public figures used discriminatory phraseology. It is noteworthy that those who use such phraseology represent various spheres. There are phrases inciting discrimination in the statements made by politicians, judicial candidates and representatives of academia as well as in legislative acts, activities of media and advertisements of private businesses.

Political Officials

The Public Defender responded to the meeting of the former Mayor of Marneuli, Temur Abazov with the population of the village of Kachagani.³⁸ The meeting was attended only by men. According to those attending the meeting, their wives are not allowed to the village centre; others said women were cooking at the time and could not attend the meeting. This was reinforced by the then Marneuli Mayor who observed that *since it is a midday right now they must be cooking for their husbands*.³⁹ In the reporting period, the Public Defender criticised a sexist comment made by a member of Tbilisi Municipality *Sakrebulo*, Vakhtang Shakarishvili towards the participants of a public debate⁴⁰ and sexist opinions of a member of the Gender Equality Council of Batumi *Sakrebulo*, Archil

36 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 34.

37 General Proposal of the Public Defender of Georgia of 6 February 2017 to the Parliament of Georgia, available at: <http://ombudsman.ge/uploads/other/4/4192.pdf>.

38 See the website: <http://old.marneulifm.ge/ka/2017/11/13/meris-pirveli-shexvedra-mosaxleobastan/>.

39 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcvelis-marneulis-meris-seqsistur-gamonatqvams-exmianebsa.page>.

40 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcveli-vaxtang-shaqarishvilis-seqsistur-gamonatqvams-kritikulad-afasebsa.page>.

Mumladze.⁴¹ According to Archil Mumladze, it is the responsibility of a woman to care of a child whereas a man has a dominant role in the society; also women have good managerial skills and their opinion should be heard too; *however, it is better that a man had the first say*. The Public Defender also responded to the comment made by Tbilisi *Sakrebulo* member, Vakhtang Shakarishvili, who told his political opponents: “you are screaming like a whore”.

Discriminatory statements are made most frequently regarding women. Equality of women and equal participation of women in decision-making process remains one of the challenges in Georgia. There are deep-rooted stereotypes in the society, which show women in a derogatory light in certain cases. The Public Defender deems that sexist and discriminatory statements made by persons engaged in political processes diminish the importance of women’s participation in decision-making in public affairs and precludes achieving gender equality.

Furthermore, the Public Defender believes that individuals engaged in political processes, especially those political figures whose immediate obligation is to promote gender equality and implementation of equality principles should be aware that they carry significant responsibility to contribute to respect for the principle of equality. Sexist and other discriminatory statements made by them can have an undermining effect for the fight for equality in the country.

In the previous year, the Public Defender also responded to the request made by Qeda *Sakrebulo* members to women to leave the hearing hall⁴² and the statements made by a member of the High Council of the Autonomous Republic of Ajara, Medea Vasadze, and political analyst, Gia Khukhashvili, according to whom the President of Parliament was in “political autism”.⁴³

Judge

In the current reporting period, the Public Defender of Georgia also commented⁴⁴ on the lifetime appointment of Lili Mskhiladze to the position of a judge by the High Council of Justice (HCoJ), at the time when media⁴⁵ circulated her viewpoint expressed in social network on the demonstration held to mark the International Day Against Homophobia and Transphobia on 17 May 2013. Lili Mskhiladze referred to the fight of representatives of LGBT+ community for their right as *sick and indecent*. When assessing the aforementioned facts, the Public Defender stated that, in the decision-making process of judicial

41 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcveli-batumis-sakrebulo-genderuli-tanasworobis-sabchos-wevris-seqsistur-gamonatqvamebs-exmianebsa.page>.

42 See the website: <http://www.ombudsman.ge/ge/news/saxalxo-damcveli-qedis-sakrebulo-wevrebis-seqsistur-gamonatqva-mebs-exmianebsa.page>.

43 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcveli-autizmis-speq-tris-mqone-adami-anebis-mimart-gamotqmul-sheuracxmyofel-gamonatqvamebs-exmianebsa.page>.

44 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcveli-iusticiis-umaglesi-sabchos-gadawyvetilebas-tanasworobis-principitan-sheusabamod-miichnevs1.page>.

45 See the website: <http://www.tabula.ge/ge/story/130045-dghes-uvadod-danishnulma-mosamar-tlem-2013-tslis-17-maiss-homofobiuri-ganxadeba-gaaketa>.

appointments, the HCoJ should verify and take into consideration judicial candidates' loyalty to values such as equality, non-discrimination and tolerance, especially, with regard to the persons of high authority such as judges appointed for lifetime.

Media

Media being an actor that can influence public opinion has a particular role in terms of promoting the idea of equality in the country. It is important that media were not disseminating discriminatory phraseology. In the reporting period, the Public Defender of Georgia addressed the media outlet, Pirveli Ltd, with a general proposal.⁴⁶ It was considered that the term "gypsy," used by a journalist in coverage in relation to Roma children living and working on the streets incites discrimination, has a negative connotation and reinforces the stigma about Roma children.

Academia

In the reporting period, an incident of inciting discrimination was also identified in the academic field as well. During lectures, a university professor used a handbook containing homophobic content and also made homophobic comments. Regarding this issue, the Public Defender addressed Ivane Javakhishvili Tbilisi State University with a general proposal⁴⁷ concerning elaboration of regulations that would prohibit a lecturer from disseminating discriminatory opinions during lectures.

Private Businesses

Discriminatory advertisements used for selling products remained problematic in this reporting period as well. The Public Defender assessed marketing campaigns of Mars Ltd⁴⁸ (Crystal Bet) and Healthy Water JSC negatively.⁴⁹ In one case, one of the Crystal Bet's advertisement posters read – "Slots that Put Out" and there was a picture of a woman on another page. In another case, illustration on the energy drink, Bull's packaging depicted a photo of a woman that was crossed out and the text read: "Not for Girls".

When examining advertisement allegedly inciting discrimination, the Public Defender, on the one hand, takes into consideration freedom of expression and, on the other hand, assesses the impact the advertisement might have on the equality rights of a certain vulner-

46 See the website: <http://www.ombudsman.ge/ge/recommendations-Proposal/zogadi-winadadeba2/saqartvelos-saxalxo-damcvelma-termini-cigani-quchashi-mcxovrebi-da-momushave-bavshvebis-mimart-diskriminacii-wamaxaliseblad-miichnia.page>.

47 See the website: <http://www.ombudsman.ge/ge/news/zogadi-winadadeba-tbilisis-saxelmwifo-universitetis-profesoris-mier-gamotqmuli-homofobiuri-mosazrebebis-gamo.page>.

48 See the website: <http://www.ombudsman.ge/ge/news/saqartvelos-saxalxo-damcvelis-pozicia-kristalbetis-seqsistur-sareklamo-postertan-dakavshirebit.page>.

49 See the website: <http://www.ombudsman.ge/ge/recommendations-Proposal/zogadi-winadadeba2/saqartvelos-saxalxo-damcveli-miichnevs-rom-bugas-reklamebi-seqsisturia.page>.

able group. Legal entities carrying out commercial activities are interested in selling products and its popularisation through advertisement. However, it is important that specific groups are not stigmatised in this process and/or stereotypes are not either established or reinforced.

Legislative Acts

Legislative acts also contain phraseology that incites discrimination. In this regard, the Public Defender addressed the Prime Minister of Georgia with a general proposal⁵⁰ and requested the replacement of the term the “head of the family” used in legislative acts adopted on behalf of the Government of Georgia⁵¹ with more neutral wording.

While the impugned acts do not specify anywhere who is or who is supposed to be the head of the family – a male or female, in traditional perceptions established throughout centuries a man is implied to be the “head of the family” and he is the decision-maker in the family on account of his sex. The Public Defender thought that the modern use of this terminology reinforces stereotypes about women that a female is a secondary member of the family, she is not a decision-maker on an equal basis with a man cannot be a bread-winner. This, in its turn, incites negative opinions on account of sex.

Besides, the Public Defender pointed out that equality and equal participation in domestic economy are the main characteristics of a family being the key social unit of the society. The very existence of the said term at the legislative level contradicts the principle of equality and clearly implies domination of a certain person.

1.9. SHORTCOMINGS IN INVESTIGATING ALLEGED HATE CRIMES

Since 2015, there has been a large number of applications lodged with the Public Defender’s Office that alleged ineffective investigation of hate crimes.

It is noteworthy that the Department of Human Rights Protection has been set up in the Ministry of Internal Affairs of Georgia. One of the functions of the department is to oversee effectiveness of investigation of hate crimes. This is a very important step made towards the fight against discriminatory crimes. Furthermore, according to information supplied by the Chief Prosecutor’s Office of Georgia on 31 August 2018, the indicator for identifying hate motive is improved. However, similar to the previous reporting period, investigation of such crimes remains to be a challenge. In the majority of the cases, alleged victims of discriminatory crimes are religious and ethnic minorities and representatives of LGBT+ community. Similar to the previous year, it is unclear for the Public Defender as

50 See the website: <http://www.ombudsman.ge/ge/recommendations-Proposal/zogadi-winadadeba2/saqartvelos-saxalxo-damcvelma-normatiul-aqtebshi-gamoyenebuli-termini-odjaxis-ufrosi-diskriminaciis-wamaxaliseblad-miichnia.page>.

51 Resolution no. 758 of the Government of Georgia on Approving the Methodology of Assessing Socio-Economic Situation of Socially Vulnerable Families (Domestic Economies); Order no. 141/N of the Minister of Labour, Healthcare and Social Security of Georgia of 20 May 2010 on Approving the Procedure of Assessing Socio-Economic Situation of Socially Vulnerable Families.

to what investigative actions are conducted to identify alleged hate motives in particular cases.⁵²

The Public Defender unified applications filed in 2015-2018 in a single document⁵³ and the cases instituted *ex officio* that comprised over 50 incidents involving the shortcomings identified in the investigation of alleged hate crimes committed on account of religion, ethnic origin, sexual orientation and gender identity and incidents of physical and verbal assault allegedly committed by law-enforcement authorities with hate motives.

The cases under the consideration of the Public Defender, on the one hand, comprises crimes allegedly committed with discriminatory motives where hate motives were not identified in the course of investigation and subsequently investigation was either continued or discontinued as well as cases where investigation was not instituted due to the absence of elements of a crime. On the other hand, the Public Defender studies incidents of alleged physical and verbal assault allegedly committed by law-enforcement authorities with hate motives.

The majority of alleged crimes where, according to investigative authorities, discrimination grounds were not identified in the course of investigation and subsequently investigation was either discontinued or not instituted due to the absence of elements of crimes concern violent and other actions against Jehovah's Witnesses. According to similar incidents under the consideration of the Public Defender, Jehovah's Witnesses fall victims to physical violence. According to one of the applications, a person who had earlier expressed negative attitude towards Jehovah's Witnesses ran over Jehovah's Witnesses intentionally with a car. According to another application, a Jehovah's Witnesses whose house hosted religious rituals was subjected to physical assault by a neighbour. There are also cases where systematic psychological battery is categorised as an ordinary crime and not as, for instance, the crime of harassment punishable by Article 156 of the Criminal Code.

Jehovah's Witnesses also allege incidents involving windows of religious buildings being pelted with stones, setting up bookstands on fire and destroying religious publications. Besides, it is claimed in Jehovah's Witnesses' applications that there are serious incidents involving destruction of religious buildings and damages amount to substantial sums in total. Such incidents are categorised under Article 187 (destruction or damage of an item) of the Criminal Code after which investigation is discontinued due to the absence of elements of a crime as in each particular case the inflicted damage does not reach 150 GEL. There are cases, where after discontinuation of investigation, incidents are categorised as administrative violations. However, even if a person is found to be a perpetrator of an administrative violation, the administrative legislation in force does not provide a discriminatory motive as an aggravating circumstance for administrative responsibility. Therefore, judgments do not show that a victim sustained damages on discriminatory grounds.

52 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 7.

53 See the website: <http://www.ombudsman.ge/ge/recommendations-Proposal/zogadi-winadadeba2/sax-alxo-damcvelma-diskriminaciuli-motivit-chadenili-danashaulebis-gamodziebis-xarvezebtan-dakavshire-bit-sagamodziebo-organoebis-mimarta.page>.

There are also cases where in the course of investigation of an action allegedly committed by hate motives against a representative of LGBT+ community, according to investigative authorities, discriminatory motives could not be identified despite their attempts or due to the absence of elements of a crime investigation was not instituted. However, it is unclear what investigative actions were carried out for identifying such motives.

There are also numerous applications to be considered by the Public Defender that alleged physical and verbal assault on the part of law-enforcement authorities. Such actions are mostly committed against representatives of LGBT+ representatives, where police officers for instance use homophobic phrases and treat a transgender woman as a man. There are also victims of alleged abuse from police on account of their religion and ethnic origin. For example, an applicant was allegedly hit by a police officer on the head and called a “Kurd” in a derogatory context.

The Public Defender observed in a general proposal that, when investigating a crime, it is of fundamental importance to identify an alleged hate motive not only for administration of justice in a particular criminal case but also for future prevention of similar crimes.

The Public Defender also emphasised the necessity of setting up a structural unit responsible for investigation of hate crimes. This unit should be staffed by personnel trained in prevention and timely and effective investigation of bias crimes. Also, in order to identify the existing problems, according to the Public Defender’s opinion, it is necessary to set up an orderly system of registering and maintaining statistics through which the risk-factors causing hate crimes are identified and the circumstances that hinder their identification would be analysed.

2. SHORTCOMINGS OF THE NON-DISCRIMINATION LEGISLATION

No changes have been made to the non-discrimination legislation for its improvement in the current reporting period either. In February 2015, the Public Defender submitted a legislative proposal to the Parliament of Georgia, which was initiated by the first hearing in October of the same year but has not been passed to this date.

The Public Defender reiterated on numerous occasions that the Law of Georgia on the Elimination of All Forms of Discrimination is a key instrument for protecting human rights in Georgia as a substantive document and a legal remedy for redressing infringed rights. However, as the Public Defender pointed out in previous reports on equality, the law has shortcomings that give rise to practical obstacles.

As it was observed in the previous Special Report on Equality,⁵⁴ in the form of making procedural amendments to the non-discrimination legislation, it is necessary to introduce the obligation of physical and legal persons of private law to provide information to the Public Defender and communicate the outcomes of deliberation on recommendations and general proposals in the context of examination of discrimination cases. It is also important to extend to one year the 3-month term allowed for lodging an application to a court by a victim of alleged discrimination.

Furthermore, substantive shortcomings of the legislation remain problematic. Georgian legislation does not provide for such forms of discrimination which need to be identified through tests different from the one determined for direct and indirect discrimination under Article 2 of the Law of Georgia on the Elimination of All Forms of Discrimination. Therefore, such forms of discrimination need separate regulation. Namely, the Non-Discrimination Law does not provide for denial to reasonable accommodation, harassment and sexual harassment. Moreover, the wording of some terms under the law, such as victimisation, discrimination on account of multiple grounds and order to discriminate, need further improvement.

Despite the said substantive shortcomings, the Public Defender, based on international standards, examines all possible incidents of discrimination. However, it is necessary to have accurate regulation of the said concepts to ensure more foreseeability of relevant provisions for alleged victims, perpetrators of discrimination or the bodies examining discrimination cases.

54 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, pp. 35-36.

3. ACTIVITIES OF THE PUBLIC DEFENDER OF GEORGIA

The Law of Georgia on the Elimination of All Forms of Discrimination determined courts of general jurisdiction and the Public Defender of Georgia as competent legal instruments for the examination of incidents of alleged discrimination. For fulfilling this function, in November 2014, the Equality Department was set up within the Public Defender's Office. The Public Defender discharges the function of combating discrimination through the department. It is a function of the department to examine incidents of alleged discrimination and to carry out educational activities about the right to equality.

Through legal proceedings, the department examines incidents of discrimination or incitement to discriminate and, in case of a relevant finding, addresses a perpetrator who has discriminated or incited discrimination, with a recommendation or a general proposal, respectively. This could be a public agency, a physical or legal person of private law. In parallel to examining individual cases, the department identifies general problems in terms of equality situation and issues a recommendation/general proposal for the notice of a respondent.

In terms of educational activities about equality, employees of the Equality Department conduct training sessions for various groups of public, organise outreach meetings with people living in the regions and stakeholders in professional field, produce video clips, booklets and hold street activities.

At this stage, the Head of the Department, 4 Chief Specialists and 2 Legal Consultants make up the Equality Department.

3.1. PROCEEDINGS

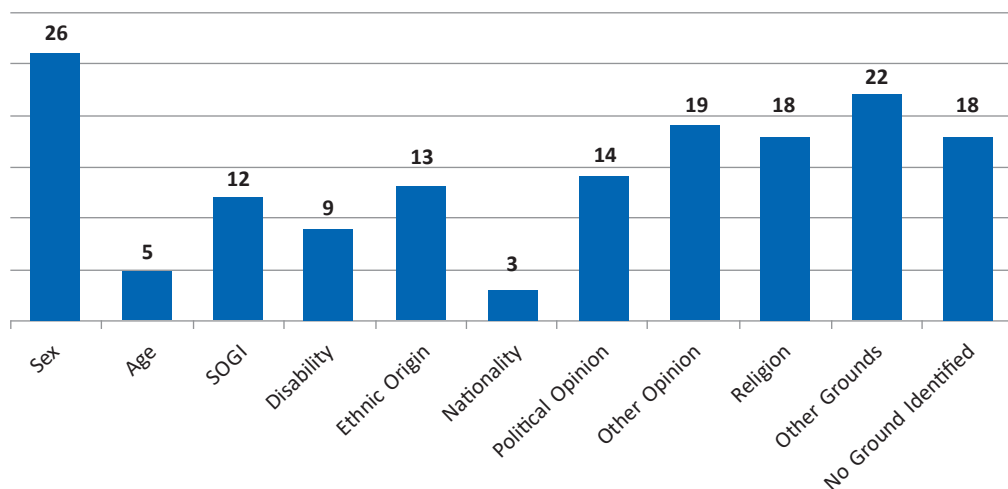
In the previous reporting period,⁵⁵ based on the applications filed and *ex officio*, the Public Defender examined 201 incidents of alleged discrimination; in the current reporting period,⁵⁶ there were 159 such incidents; in 9 cases, the Public Defender instituted proceedings *ex officio*. In 2018, the Equality Department elaborated admissibility criteria setting out minimum standards for applicants. In particular, an application should indicate an alleged perpetrator of discrimination, a comparator and a non-discrimination ground.

55 The period from 1 September 2016 including 31 August 2017.

56 The period from 1 September 2017 including 31 August 2018.

Table no. 1: Number of Applications Examined by the Public Defender of Georgia from 1 September 2017 Including 31 August 2018

DISCRIMINATION GROUND
In total 159 Application Filed in the Reporting Period



Compared to the previous year, there are different data in terms of protected grounds of discrimination. The largest portion of the cases considered by the Public Defender, which constitutes 16% this year, concern alleged discrimination on account of sex. Those cases amounted to only 6% in the previous period. An increase in the number of incidents of alleged discrimination on account of sex is mostly preconditioned by the increase in the number of applications on sexual harassment.

The percentage of the incidents of alleged discrimination on account of different opinions and political views coincides with the data of the previous reporting period and remains 12% and 9%, respectively.

In the current reporting period, 11% of applicants alleged discrimination on account of religion; 8-8% of applicants alleged discrimination on account of ethnic origin and sexual orientation and/or gender identity. In the previous year, 10% of applicants alleged discrimination on account of religion; 7% of applicants alleged discrimination on account of ethnic origin and 11% of incidents of alleged violation concerned sexual orientation and/or gender identity.

Incidents of alleged discrimination on account of disability featured in 6% of applications; whereas, last year, 9% of applicants alleged discrimination on this ground. 3-2 % of cases are about differential treatment on account of age and nationality; last year, this data amounted to 4-4% in terms of both grounds.

The statistics of cases with the rest of discrimination grounds or no discrimination grounds remain similar to the previous year's data. This year, 14% of applicants alleged discrimination occurred on account of other grounds and there were no discrimination grounds in 11% of applications. Last year, the data amounted to 13% in both cases.

Table no. 2: Data Compared to the Previous Reporting Period

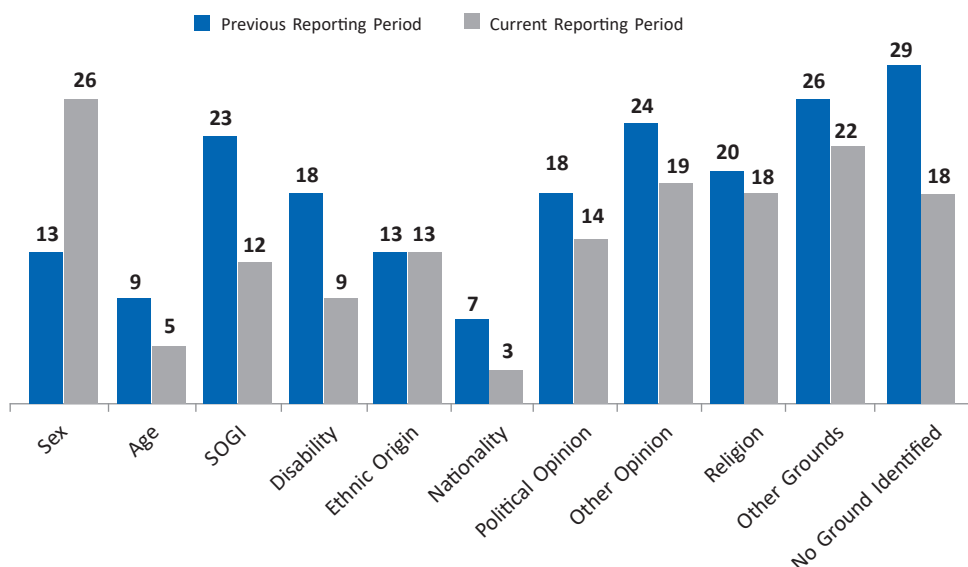
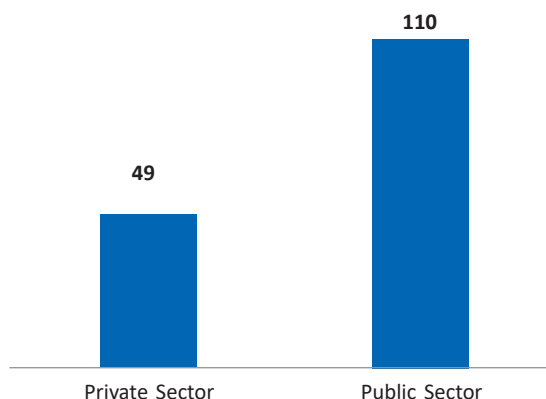


Table no. 3: Discrimination by Sectors

In the current reporting period, 69% of incidents of alleged discrimination were committed in public sector and 31% – in private sector. In the previous year, applicants alleged discrimination in public sector in 73% of cases and 27% in private sector.

DISCRIMINATION BY SECTORS



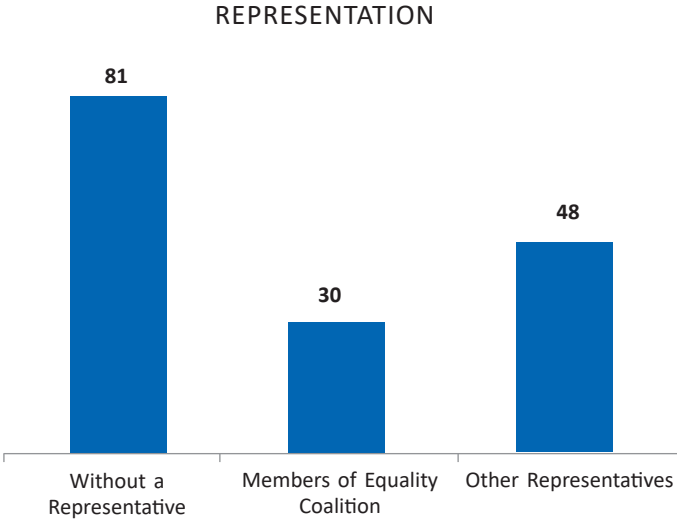
3.1.1. Oral Hearing and Representation

In the current reporting period, in order to study cases in a comprehensive manner, the Equality Department carried out actively the function set out in Article 8.3 of the Law of

Georgia on the Elimination of All Forms of Discrimination. The aforementioned provision entitles the Public Defender to hold an oral hearing with the participation of both parties. It is within the discretion of the Public Defender to hold an oral hearing and it requires both parties' consent. During an oral hearing, parties can pose questions to each other. The Public Defender decides about holding an oral hearing in those cases, where personal or written communication with parties is not sufficient for comprehensive examination of all factual and legal circumstances.

Similar to the previous year, in this reporting period as well, majority of applicants applied to the Public Defender without any representation. Representatives were involved in 49% of applications. Out of this number, member organisations of the Equality Coalition⁵⁷ represented 19% of applicants.

Table no. 4

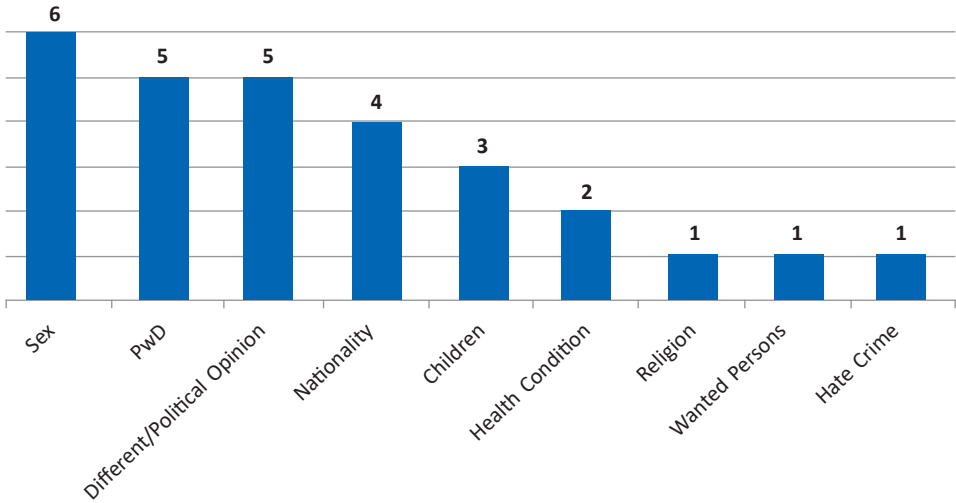


3.1.2. Decisions

The Public Defender of Georgia found discrimination in 21 cases and incitement of discrimination in 9 cases; the Public Defender issued recommendations and general proposals for public agencies in 22 cases and private persons in 8 cases; on three occasions, the Public Defender submitted *amicus curiae* briefs on relevant issues pertaining to equality and made six public statements on discrimination issues.

⁵⁷ The following are the members of the Equality Coalition: Georgian Young Lawyers' Association, Human Rights Education and Monitoring Centre, Sapari, Article 42 of the Constitution, Identoba, and Partnership for Human Rights, Women's Initiatives Supporting Group.

Table no. 5: Decisions of the Public Defender of Georgia in Discrimination Cases



3.1.3. Implementation Procedure

Within the mandate to combat discrimination, the Public Defender takes the following two decisions: recommendations concerning a finding on discrimination and general proposals concerning a finding on incitement of discrimination. These decisions are recommendatory; however, under Article 24 of the Organic Law of Georgia on the Public Defender of Georgia, a public agency is obliged to communicate to the Public Defender outcomes of deliberation within 20 days from receiving a recommendation/general proposal.

Information concerning the implementation of decisions prepared by the Equality Department from November 2014, since its establishment, until 31 August 2017, was discussed in the previous reporting period.⁵⁸ The present chapter presents information concerning outcomes of deliberations by recipients of recommendations and general proposals issued from 1 September 2017 until 31 August 2018.

Public entities usually inform the Public Defender about outcomes of deliberations on a recommendation/general proposal. They agree with the Public Defender’s position in most cases. However, according to respondents, due to objective reasons, implementation of decisions is often related to taking various measures which is possible in the long run.

As regards submitting information by private persons concerning implementation of the Public Defender’s decisions, they do not have the obligation to do so. Moreover, unfortunately, there are frequent occasions in practice where physical and legal persons of private law do not respond to the Public Defender’s recommendation/general proposal at all.

⁵⁸ The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, pp. 37-45.

In the current reporting period, the Public Defender exercised for the first time the power entrusted under Article 6.2.g) of the Law of Georgia on the Elimination of All Forms of Discrimination and applied to a court requesting implementation of a recommendation. Under the aforementioned provision, the Public Defender within her mandate of combating discrimination *is authorised to apply to a court, as a stakeholder, in accordance with the Administrative Procedure Code of Georgia, and request issuing of an administrative act or carrying out of an action, where an administrative body failed to respond or accept a recommendation and there is sufficient evidence of discrimination.*

For the first time, the Public Defender used this procedure for implementation of a recommendation⁵⁹ made to the Kobuleti Municipality *Gamgeoba* and Kobuleti Water Ltd. The Public Defender requested Batumi City Court to impose an obligation on the respondents to carry out actions indicated in the recommendation. As it was established in the recommendation, the Muslim community was unable to open a boarding school in a building leased in the city of Kobuleti as due to the resistance of the local population it was impossible to connect the building to the wastewater system. Under a decision of Batumi City Court of 12 October 2018, the Public Defender's claim was fully upheld.

3.2. RELATIONS WITH INTERNATIONAL BODIES

On 7 November 2018, the Public Defender of Georgia, as an instrument for fight against discrimination, became a member of the European Network of Equality Bodies (Equinet). The Public Defender has enjoyed an observer's status within Equinet since 2014, as until now, one of the preconditions for membership of Equinet was membership (candidacy) of the European Union. In October 2017, at the annual meeting, under a decision of the Executive Council of Equinet, the organisation's regulations were amended under which Eastern Partnership states were also given a possibility to become members. After this the Public Defender applied to the organisation for membership.

In the current reporting period, for the first time, the Public Defender sought leave to third party intervention in the case of *Tkheldze v. Georgia* (application no. 33056/17) before the European Court of Human Rights (ECtHR). The case concerned *inter alia* Article 14 (prohibition of discrimination). The Public Defender informed the ECtHR concerning incidents of femicide in Georgia in 2014-2016, prevention of femicide, instruments of monitoring and risk assessment and problems faced by investigative authorities; the Public Defender also stressed the situation of equality of women being one of the most vulnerable groups and imparted information about incidents involving discriminatory treatment against them. According to the application, physical and verbal assault of a woman and death threats against her were reported to police on numerous occasions; however, these reports were not followed up effectively. The application alleges the failure of police to discharge its positive obligations in terms of protection of the woman's life based on discriminatory motive on account of sex.

59 The recommendation of the Public Defender of Georgia of 19 September 2016 to the Kobuleti Municipality *Gamgeoba* and LTD Kobuleti Water, available at: <http://www.ombudsman.ge/uploads/other/3/3908.pdf>.

The Public Defender also submitted information to the Committee of Ministers of the Council of Europe concerning execution of those ECtHR judgments⁶⁰ that concern infringement of fundamental rights of Jehovah's Witnesses with discriminatory motive and the failure to conduct effective investigation of those incidents. When addressing the Committee of Ministers, the Public Defender stressed those shortcomings that are characteristic to investigation of alleged hate crimes.

3.3. DISSEMINATION OF INFORMATION CONCERNING THE RIGHT TO EQUALITY

For enhancing the capacity of the Equality Department, an EU-funded project of Combating All Forms of Discrimination in Georgia is implemented at the Public Defender's Office. In the current reporting period, with the support of the project, the Public Defender conducted numerous activities for raising awareness on equality issues.

On 2 May 2018, to mark the fourth anniversary of adoption of the Non-Discrimination Law, the Public Defender organised a conference on the Role of Private Sector in Achieving Equality. This was the Public Defender's first initiative in terms of engaging private actors in the process of combating discrimination. With the support of the UN Women, the Public Defender's representatives were also given an opportunity to hold training sessions on gender equality issues for private companies' employees.

In the reporting period, the Public Defender's representatives also conducted training sessions on equality and non-discrimination for employees of the Ministry of Internal Affairs of Georgia, representatives of local self-government bodies, public school teachers and journalists.

Furthermore, the Public Defender's representatives in Batumi, Kutaisi and Zugdidi met with representatives of local LGBT+ community and informed them about non-discrimination legislation and its implementation instruments.

In December 2017, in the Human Rights Week, the Public Defender organised street activities in various cities of Georgia that were aimed at disseminating information about equality issues.

Furthermore, as a result of the analysis of applications under the consideration of the Equality Department some issues have been identified that needed not only legal follow-up on the part of the Public Defender but also closer communication with the public. To this end, video clips have been made and disseminated through television and Internet. One of the video clips⁶¹ was aimed at disseminating information about specific behaviour of individuals with ASD. As the previous report on the situation of equality pointed out, when travelling by municipality transport, children with ASD and their parents are often

60 *Begheluri and others v. Georgia*, application no. 28490/02, judgment of the European Court of Human Rights of 7 October 2014; *Members of the Gldani Congregation of Jehovah's Witnesses and others v. Georgia*, applications nos. 28490/02 and 71156/01, judgment of the European Court of Human Rights of 3 May 2007.

61 See video clip at: https://www.youtube.com/watch?v=anYZbxXq8_I.

subjected to aggressive attitude from drivers and passengers as some members of public do not have information about the needs of persons with ASD.⁶²

Another video clip⁶³ explains showing a practical example what discrimination means. Since the public is not adequately informed about sexual harassment as a form of discrimination and the legislation is not foreseeable in this regard, the third video clip⁶⁴ was aimed at disseminating information about sexual harassment, legal remedies for victims of sexual harassment and what can be used as relevant evidence in such cases.

62 The Special Report of the Public Defender of Georgia on Fight against Discrimination, Its Prevention and Situation of Equality, 2017, p. 19.

63 See video clip at: <https://www.youtube.com/watch?v=J8CnRtW5o6k>.

64 See the video clip at: <https://www.youtube.com/watch?v=idRitZBgvw8>.

CONCLUSION

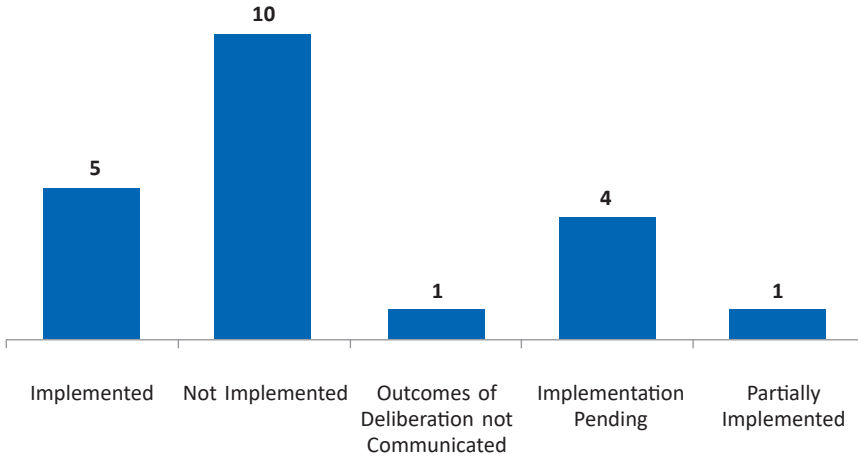
The adoption of the Law of Georgia on the Elimination of All Forms of Discrimination in 2014 was a very important step in terms of protection of human rights, in particular, the right to equality in Georgia. As a result of involvement of the Public Defender as an instrument for a fight against discrimination, numerous incidents of alleged discrimination have been eliminated; similarly, having received recommendations, respondents discontinued discriminatory actions. Furthermore, debate about equality issues have become relevant, contributing significantly to comprehension of the idea of equality by some members of the public. On her part, the Public Defender, through establishing legal standards, conducting training sessions for various groups or outreach activities with population, endeavours to disseminate information about the issues of non-discrimination.

However, the Public Defender reiterates that unfortunately there are many obstacles hindering achieving equal environment in the country. Apart from legislative or practical shortcomings mentioned above, lack of uniform state policy and wrong perceptions about equality harboured by some members of the public and based on stereotypes significantly hamper the process of achieving equality in Georgia. This, in its turn, is reflected negatively on the most vulnerable groups.

ANNEX NO. 1:

RECOMMENDATIONS AND GENERAL PROPOSALS FOR PUBLIC AGENCIES

Implementation of the Public Defender's Decisions by Public Agencies



PRO-TECTED GROUND	GIST OF RECOMMENDATION/ GENERAL PROPOSAL	PROGRESS OF IMPLEMENTATION
The Parliament of Georgia		
Children	Recommendation of 5 March 2018 concerns the exercise of the right to access to court by children without discrimination as a neutral provision existing in the Georgian legislation does not apply to children in some cases.	<p>According to a letter of the Deputy Minister of Labour, Healthcare and Social Security of Georgia of 17 April 2018, the Civil Procedure Code of Georgia entitles and at the same time imposes responsibility on a minor of 14-18 years of age to apply to a court to protect his/her interests. There is no such provision applicable to minors below 14 years of age. The code, however, does not prohibit applying to a court in absolute terms since access to court is ensured through legal representation or an agency of guardianship and care.</p> <p>According to a letter of the First Deputy Minister of Justice of the same date, the regulation proposed by the recommendation imposes disproportionate burden and responsibility on a minor to select him/herself a person with relevant qualification.</p>

		The recommendation has not been implemented.
Wanted Persons	Recommendation of 6 August 2018 requests amendment of the Law of Georgia on Amnesty of 28 December 2015 to the effect of enabling wanted persons to exercise the right to amnesty on an equal basis with other individuals.	The respondent has not communicated outcomes of deliberation.

The Government of Georgia/The Administration of the Government of Georgia

Sex	The General Proposal of 6 August 2018 requested the modification of a phrase “Head of the Family” as used in legislative acts issued on behalf of the Government of Georgia with a more neutral formulation.	According to the Government’s response of 15 August 2018, the respondent agrees with the recommendation and works towards modification of the phrase are underway. Implementation of the recommendation is pending.
Disability	Recommendation of 6 August 2018 found discrimination on account of disability since a visually impaired person was not able to file with the reception of the Government’s Administration an application in braille.	According to the respondent’s letter of 14 August 2018, a draft procedure for processing applications is being elaborated in the Administration of the Government of Georgia which will take into consideration interests and needs of persons with disabilities. It is also planned to conduct training sessions for relevant employees of the Administration of the Government of Georgia and ministries of Georgia concerning communication with disabled persons and providing them with services without hindrance. The recommendation is being implemented.

The Prosecutor’s Office of Georgia; the Ministry of Internal Affairs of Georgia

Alleged Hate Crimes	On 15 August 2018, the Public Defender of Georgia issued a general proposal to the Chief Prosecutor of Georgia and the Minister of Internal Affairs of Georgia concerning conducting effective investigation of hate crimes, training of staff and maintaining uniform statistics on hate crimes.	By a letter of the Office of the Chief Prosecutor of Georgia of 31 August 2018, the Public Defender was informed about statistics of investigation of hate crimes in 2016-2018; also, the Chief Prosecutor’s Office informed the Public Defender concerning activities conducted for prosecutors in 2015-2018 in terms of investigation of crimes committed with discriminatory motives.
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The Ministry of Labour, Healthcare and Social Security of Georgia		
Sex	<p>On 2 October 2018, the Public Defender addressed the Ministry of Labour, Healthcare and Social Security of Georgia with a general proposal to consider allocation of funding for rape victims within the healthcare programme in case of pregnancy; victims' socio-economic situation should be taken into account and the fact that investigation of a rape case was instituted should be sufficient for deciding about funding a woman who became pregnant as a result of rape.</p>	<p>According to the ministry's letter of 29 October 2018, termination of pregnancy for women who were victims of sexual assault is funded from state budget.</p>
Disability	<p>Recommendation of 4 May 2018 concerns discrimination on account of disability since visually impaired individuals are not able to enter or verify data in a declaration needed for being eligible for social benefits.</p>	<p>According to the ministry's letter of 22 May 2018, it is a lengthy and complex procedure to ensure that disabled persons are informed on any issue concerning social/healthcare programmes with the use of alternative means and it is not accessible at the moment.</p> <p>The recommendation has not been implemented.</p>

Nationality	Recommendation of 2 October 2018 found discrimination by association on account of nationality as in those cases where a member of a family is not a Georgian national or does not have a residence permit in Georgia, the family cannot receive social benefits.	Under the respondent's letter of 18 October 2017, the modification of the legislative act referred to in the recommendation will make it impossible to administer effectively the uniform registry of families that are recipients of social benefits as it is necessary to collect and analyse information about all members for assessing socio-economic situation of a family; only after this a decision should be taken about giving social benefits to a family. The respondent did not agree with the recommendation and it has not been implemented.
Nationality	Recommendation of 5 October 2017 concerns discrimination on account of nationality as individuals having permanent residence permit in Georgia are unable to benefit from the hepatitis C elimination programme funded by the state.	According to the ministry's letters of 18 October and 20 December 2017, the group of beneficiaries of hepatitis C programme will be gradually extended. At this stage, services provided by the programme are not accessible for individuals not holding Georgian nationality. The recommendation has not been implemented.
Nationality	Recommendation of 4 April 2018 found direct discrimination on account of nationality as persons having permanent residence permit in Georgia are unable to benefit from services included in State Antenatal Supervision of Mothers and Children, including giving birth, C-section.	Although the ministry agrees with the Public Defender's recommendation, it has not been implemented to this date.

Ministry of Education and Science of Georgia

Condition of Health	Recommendation of 7 December 2017 found indirect discrimination on account of health as a special teacher was not assigned to a hyperactive pupil although it was essential for the realisation of the child's right to education to work with such a teacher.	According to the ministry's letters of 4 October and 1 November 2018, the school expresses its readiness to hire a special teacher and ensure full realisation of the child's right to education. The recommendation is being implemented.
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Religion	General proposal of 18 September 2017 concerns incitement to discriminate as the Public Defender identified incidents of indoctrination and coercion of pupils in some public schools.	According to the ministry's letter of 17 October 2017, the Internal Audit Department has studied the impugned facts and no violations have been found. The recommendation has not been implemented.
Different Opinions and Political Views	Recommendation of 4 December 2017 concerns finding of harassment and direct discrimination on account of a different opinion, namely, with regard to actions carried out by the director of Public School no. 67 towards pupils.	The Public Defender learned that the School Director had been fired. The recommendation is implemented.
The Technical University of Georgia		
Different Opinions and Political Views	Recommendation of 7 December 2017 found direct discrimination on account of a different opinion as an applicant's labour contract had not been extended for joining a protest rally in the university.	According to the respondent's letter of 3 January 2018, the reason for refusal to extend the labour contract was the employee's indiscipline and the respondent did not agree with the Public Defender's position. The recommendation has not been implemented.
Ivane Javakhishvili Tbilisi State University		
LGBT+ Community	General proposal of 7 December 2017 found that a professor's homophobic opinions incited discrimination.	According to Tbilisi State University, efforts are underway to amend the university's Ethics Code to the effect of prohibiting discriminatory statements. The respondent agreed with the recommendation.
The National Bank of Georgia		
Nationality	By a general proposal of 4 April 2018, the Public Defender of Georgia held that problems faced by citizens of certain states in availing banking services such as opening a bank account, obtaining bank statement, issuing a student card, etc., amounted to incitement of discrimination.	According to a letter dated 27 April 2018, submitted by the National Bank of Georgia, the legislation in the field of banking services is in compliance with the best international practice. The respondent noted that there are a number of limitations in place for the identification and reduction of risks of money laundering and financing terrorism.

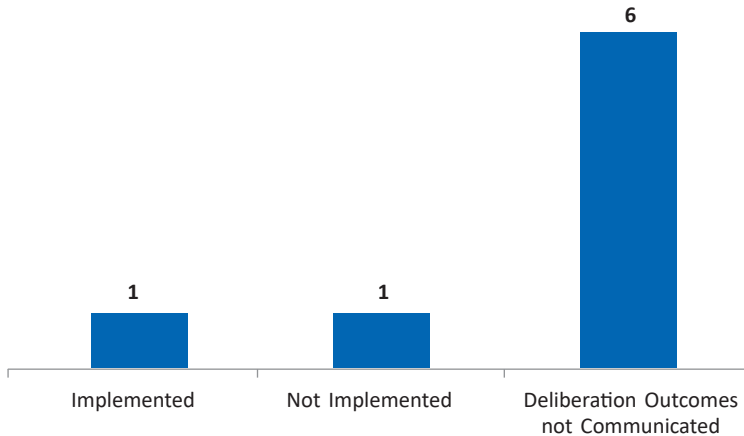
		Several other individuals applied to the Public Defender regarding this issue, but the general proposal has not been implemented to this date.
The Notary Chamber of Georgia		
Disability	The Public Defender's recommendation of 4 April 2018 found discrimination on account of disability as the building design did not enable unhindered access to notary services for wheelchair users.	The Notary Chamber of Georgia notified the Public Defender of Georgia that information about those notary bureaus that are accessible for wheelchair users had been made public; besides, according to the Notary Chamber, based on the Public Defender's recommendation, accessibility of notary bureaus for wheelchair users will be ensured. The respondent agreed with the recommendation.
Tchiatura Municipality <i>Gamgeoba</i>		
Disability	Recommendation of 25 September 2017 found direct discrimination on account of disability type, as out of severely disabled individuals residing on the municipality territory communal bills are paid only for those with visual impairment.	According to the respondent's letter, Resolution no. 18 of Tchiatura Municipality <i>Sakrebulo</i> on Approving the Procedure of Issuing and Receiving Social benefits from the Tchiatura Municipality Budget of 26 January 2018 provides for paying communal bills for all individuals registered with the territory of Tchiatura Municipality and having a severe disability. The respondent implemented the recommendation.
Tbilisi Municipality Sakrebulo		
Disability	Recommendation of 6 August 2018 found discrimination on account of disability type as special parking spaces for automobiles are allocated only for individuals with severe disability on the territory of Tbilisi Municipality.	According to a letter of the Municipality of the City of Tbilisi of 27 August 2018, the purpose of putting up a sign identifiable by those disabled persons that are covered by the resolution is to enable those disabled persons – the degree and seriousness of whose disability preconditions the special need of giving them assistance during transportation – to enjoy the benefit provided by the Municipality of the City of Tbilisi. The agency did not agree with the Public Defender's recommendation.

Tianeti Municipality Mayor		
Different Opinions and Political Views	Recommendation of 5 March 2018 found discrimination on account of different opinions and political views as individuals employed in the administrative units of Tianeti Municipality were not supplied with firewood in the winter period as the incumbent mayor believed they supported a different political actor.	<p>According to the respondent's letter of 24 April 2018, the individuals referred to in the recommendation were themselves supposed to express interest and file a request for firewood and that the mayor was not informed about the problem at stake.</p> <p>The recommendation has not been implemented.</p>
Non-entrepreneurial (Non-commercial) Legal Entity Cultural Centre of Khelvachauri		
Different Opinions	On 10 July 2018, the Public Defender addressed the Non-entrepreneurial (Non-commercial) Legal Entity Cultural Centre of Khelvachauri concerning the finding of discrimination the form of harassment on account of different opinion.	<p>According to the respondent's response of 24 July 2018, the applicant is not a victim of harassment and there is an equal working environment created for all employees. The respondent accepted only one recommendation that concerned regulation of the terms of application and clearing of disciplinary responsibility.</p>

ANNEX NO. 2:

RECOMMENDATIONS AND GENERAL PROPOSALS FOR PRIVATE PERSONS

Implementation of the Public Defender's Decisions by Individuals and Legal Entities of Private Law



PRO-TECTED GROUND	ADDRESSEE	GIST OF RECOMMENDATION/ GENERAL PROPOSAL	PROGRESS OF IM- PLEMENTATION
Pregnancy	IG Development Georgia Ltd	Under the finding of recommendation of 2 October 2017, refusal to continue labour relations was on account of the applicant's pregnancy and the Public Defender called upon the respondent to eliminate discriminatory treatment, to refrain in future from discriminatory treatment in labour relations on account pregnancy and continue its activities with respect for the principle of equality.	The respondent has not communicated outcomes of deliberation.
Sex	Fresco Ltd	In recommendation of 4 December 2018, the Public Defender found that video surveillance in women's changing rooms in supermarket chain Fresco amounted to sexual harassment, where company's male employees also had access to video feed.	The respondent has not communicated outcomes of deliberation

Sex	Healthy Water JSC	On 9 November 2017, the Public Defender of Georgia addressed Healthy Water JSC with a general proposal concerning sexist packaging and advertisement campaign of energy drink, Bull.	By respondent's letter of 21 November 2017, the Public Defender was informed that the company was planning to change the advertisement campaign in March 2018 and promote the topic of gender equality. After the end of the campaign, the brand has continued its promotion in another direction and with different packaging.
Sex	Iakob Gogebashvili School Ltd	On 6 February 2018, the Public Defender of Georgia addressed Iakob Gogebashvili School Ltd with a general proposal as scholarship was assigned for boys only.	According to the respondent's letter of 19 February 2018, the said practice aimed at achieving gender balance in classes.
Condition of Health	Georgian Airways Ltd	On 6 August 2018, the Public Defender addressed Georgian Airways Ltd with a finding of discrimination on account of health condition as a disabled passenger had not been able to use a wheelchair.	The respondent has not notified outcomes of deliberation.
Children	Wonderland Preschool Ltd	On 16 April 2018, the Public Defender addressed the kindergarten Wonderland Preschool with a finding of discrimination by perception on account of behaviour towards a preschool teacher.	The respondent has not notified outcomes of deliberation.
Children	<i>Pirveli</i> Ltd	On 6 September 2017, the Public Defender of Georgia issued a general proposal for the notice of media outlet <i>Pirveli</i> Ltd as the Public Defender considered that the term "gypsy" used by a journalist in coverage in relation to Roma children living and working on the streets incited discrimination.	The respondent has not notified outcomes of deliberation.

LGBT+ Community	Individual	On 9 January 2018, the Public Defender found direct discrimination by a private individual on account of sexual orientation and field of activity as the respondent refused to give office space for rent to an NGO, Equality 17, working on LGBT+ issues. The Public Defender called upon the respondent to refrain in future from discriminatory treatment in contractual relations based on sexual orientation and field of activities.	The respondent has not communicated outcomes of deliberation.
Different Opinion	Biblusi Ltd	On 4 December 2017, the Public Defender addressed Biblusi Ltd concerning her finding of direct discrimination on account of different opinion by the respondent as a former employee had not been admitted to one of the branches of the company.	According to a letter of Biblusi Ltd of 7 December 2017, the respondent did not agree with the Public Defender.

