
COMBATING AND PREVENTING DISCRIMINATION AND THE SITUATION OF EQUALITY



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

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Introduction

The Public Defender of Georgia, in accordance with the Law of Georgia on the Elimination of All Forms of Discrimination,¹ develops and publishes a special report on the situation of equality and combating and preventing discrimination once a year.

This 9th special report covers the period from January 1, 2023 to December 31, 2023. It assesses the state of the protection of the right to equality in Georgia, the work done by the Public Defender of Georgia to protect the right to equality, as well as information about the implementation of the Public Defender's recommendations.

In 2023, the Public Defender's Office focused on various areas to promote the protection of equality, including: gender equality, non-discrimination in labour relations and during provision of services, protection of the rights of persons with disabilities, the rights of ethnic minorities, fight against hate speech and hate crime.

Despite the Office's multifaceted efforts, in recent years, one of the main challenges relating to the protection of the right to equality has been the disregard for the rights of certain vulnerable groups, which was evident last year as well, when the Government approved the 2022-2030 National Human Rights Strategy without mentioning the LGBT+ community. It is a pity that the specific activities for the protection of the rights of this group, despite the recommendations of the Public Defender, were not reflected in the Action Plan either.

In addition, on July 8, 2023, the LGBT+ community was prevented from holding a closed event on the territory of Lisi Lake. Despite the judgements and instructions issued by the European Court of Human Rights relating to Georgia, the State has neither taken any effective steps nor made statements supporting equality. On the contrary, we still heard expressions inciting discrimination by public persons.²

In order to overcome the challenges related to equality in the country, it is important to make efforts to raise awareness. The Public Defender carried out important activities to achieve this goal. The activities included: the preparation of an e-course on equality, which is mainly tailored to the needs of local government employees, but is available to any interested person; as well as a three-month information campaign on the prevention of and response to sexual harassment in the workplace, the main goal of which is to raise public knowledge and awareness of sexual harassment, as well as to provide information about the available mechanisms for the protection of rights in case of sexual harassment in the workplace.

¹ Paragraph a) of Article 7.

² Additionally, see Chapter 7.

1. Equality of women

Significant steps have been taken towards strengthening women's rights, both in terms of creating legal guarantees and raising awareness, however, eliminating discrimination against women and achieving equality remain serious challenges. In 2023, Women continued to report cases of sexual harassment to the Public Defender's Office. In the reporting year, it was significant that the Public Defender's Office studied cases of sexual harassment in the academic sphere for the first time. Concurrently, the issues of sexism against women in political and public roles, along with the continued use of explicitly derogatory language based on gender, remained concerning. The Public Defender especially notes that for a healthy political and public environment, it is of utmost importance that the public space be free from a hostile environment and not be aimed at humiliating, insulting or threatening women.

In terms of women's equality, the challenges faced by female athletes are also important. The Public Defender started working on the above issue in recent years.³ In this regard, it is welcome that in 2023 the Georgian Football Federation implemented the Public Defender's recommendation⁴ and as a result, it became possible to provide medical insurance for female football players, which is an important positive step in the process of achieving equality.

1.1. Sexual harassment

In March 2023, various women spread information via social networks regarding alleged sexual harassment committed by the head of one of the media outlets. In response to sexual harassment in public spaces, the Public Defender published a public statement. The Public Defender expressed his support to the alleged victims and expressed his readiness to study their individual cases. He also noted that, unfortunately, this was not the first time when a part of the public and politicians showed support to the alleged harasser, while directing aggression towards the alleged victims.⁵

It is significant that two women applied to the Public Defender's Office and sexual harassment was established in their cases.⁶ In one case, the Public Defender pointed out that referring to certain behavior as a prerequisite for the career advancement was a form of sexual harassment, which implied a favor for a favor (Quid Pro Quo). The Public Defender noted that trying to hint at a sexual relationship and putting a person before a choice, focusing on combining personal and work relationships, established sexual

³ Additionally, see the 2022 Special Report of the Public Defender on the Situation of Equality and Combating and Preventing Discrimination, pp. 6-7.

⁴ Additionally, see <https://rb.gy/8xa2mo>

⁵ Statement of the Public Defender of March 27, 2023 <https://rb.gy/tcihij>

⁶ Additionally, see <https://rb.gy/g3cpku> ; <https://rb.gy/2cvs3o>

harassment. In the second case, the Public Defender noted that unauthorized touching of a person's body contained sexual behavior and such an action exceeded the limit of the permitted interaction between the parties. In addition, in the context of sexism, the Public Defender discussed the evaluations expressed by the respondent during a conversation with the applicant about her appearance, body and personal energy. According to the Public Defender, repeatedly telling the applicant that she had a male origin and criticizing her because of the fact that her appearance did not correspond to the respondent's ideas about sexuality was aimed at shaming the person based on her gender and was a clear manifestation of sexism.

This year, the Public Defender received applications about alleged sexual harassment in the field of education as well. In one of cases, the Public Defender assessed⁷ the supervisor's behavior, who danced with the employee and forced her to drink alcohol. The Public Defender explained that it was precisely unacceptable for the supervisor to force his employee to drink alcoholic beverages, especially to normalize drinking in the workplace and to consider it part of the work culture. Forcing an employee to drink alcohol increases the risk that a specific action may turn into sexual harassment and/or other sexual behavior.

It is important to note that the Public Defender evaluated not only the behavior of the respondent, but also the university's responsibility and considered that the procedure for the revision of the decision on sexual harassment was problematic. This was not covered by the university's sexual harassment prevention document, which is contrary to victim-focused approaches. It is important to inform the alleged victim about all the procedures and possible developments of the case study, and it is necessary to communicate with the victim properly. Thus, the parties should have information in advance about the possibility of the revision of the decision.

In the reporting period, the Public Defender discussed several cases, in which foreign women indicated sexual harassment by taxi drivers.⁸ According to the information received by the Office, the drivers' accounts were blocked and their access to the taxi platform was restricted. Such cases are important because they show that the selection of foreigners as targets of sexual harassment is, in some cases, due to the victims' lack of knowledge of the language or less awareness of the legal mechanisms for protecting their rights.

According to the Public Defender, it is important to raise taxi drivers' awareness of sexual harassment. In this process, it is also essential to understand the importance of the responsibility of taxi companies as well. They should proactively provide information to taxi drivers regarding the inadmissibility of sexual harassment and on taking appropriate measures immediately in case of such complaints are expressed by passengers.

The Public Defender's Office also discussed a case,⁹ in which the applicant pointed to alleged sexual harassment committed by an employee of the Ministry of Internal Affairs. Although the Public Defender

⁷ Case No. 4543/23 studied by the Public Defender's Office of Georgia.

⁸ Case No. 4642/23 studied by the Public Defender's Office of Georgia.

⁹ Case No. 12116/22 studied by the Public Defender's Office of Georgia.

could not establish sexual harassment due to lack of evidence, a number of issues were explained to the respondent, namely, that the form of his communication went beyond the context of the existing relationship [the scope of legal proceedings] and was not related to the investigation of the alleged crime. The Public Defender of Georgia called on the Ministry of Internal Affairs to intensify the training of the employees of the Ministry on the issues of sexual harassment and expressed his readiness to help the Ministry in conducting the trainings.

In another case,¹⁰ the applicant indicated that she was sexually harassed in public space, although the Ministry of Internal Affairs did not draw up the relevant report and, therefore, did not respond appropriately to the case. The Public Defender points out that it is necessary for the Ministry of Internal Affairs to respond to the cases of sexual harassment in public spaces quickly, seriously and effectively. The named case also demonstrates the need to strengthen the activities of the Ministry of Internal Affairs in connection with cases of sexual harassment.

1.2. Equality of female athletes

On March 15, 2023, the Public Defender of Georgia addressed the Presidents of the Football Federation of Georgia and the National Volleyball Federation of Georgia with a general proposal,¹¹ since the issue of financing the treatment of female professionals' injuries received during trainings/games was not properly regulated, which further aggravated the initial unequal situation of women involved in sports. The Public Defender specifically spoke about the general challenges related to women's sports, the importance of considering issues related to the health and labour rights of women involved in sports through the prism of equality, and the respective obligations of the sports federations.

As a result, the Public Defender called on the presidents of the Football Federation of Georgia and the National Volleyball Federation of Georgia to study the situation of the reimbursement of expenses for the treatment of injuries in women's clubs, to discuss the introduction of an effective mechanism for financing treatment and to increase efforts to find financial resources aimed at protecting the health of women involved in sports. Once again, the Public Defender's Office welcomes the implementation of the general proposal issued to the Football Federation, as a result of which, within the framework of the partnership agreement signed between the Football Federation of Georgia and the "Prime" insurance company, 420 female football players will be provided with medical insurance. The Public Defender positively evaluates the provision of medical insurance for female football players and considers that their health protection is a step forward on the path of achieving equality of female athletes.

¹⁰ Case No. 7808/23 studied by the Public Defender's Office of Georgia.

¹¹ General proposal of the Public Defender of March 15, 2023 to the Football Federation of Georgia and the National Volleyball Federation <https://rb.gy/375omt>

2. Rights of persons with disabilities

Even though there have been several positive legislative changes in recent years, the situation of persons with disabilities in terms of their rights has not seen significant improvement. Access to physical environment, information, means of communication, banking and other services remains a serious challenge for persons with disabilities, including for blind people. Providing inclusive education tailored to individual needs of children with disabilities remains a challenge. Until now, no national accessibility plan has been approved, which significantly complicates the timely provision of accessibility of buildings and infrastructure for persons with disabilities. It is also significant that the standards defined by the already approved technical regulation (National Accessibility Standards) are not effectively implemented in practice.

It is crucial to ensure timely shift from the medical model of granting disability status to the biopsychosocial model, a change for which the Public Defender made a general proposal to the Minister of IDPs from the Occupied Territories, Labour, Health, and Social Affairs last year.¹²

2.1. Accessible physical environment

Despite the responsibility undertaken under national and international legislations, it is still a significant challenge to provide an accessible physical environment and create an inclusive environment for persons with disabilities. In practical terms, persons with disabilities, including the blind people, students with special educational needs, and people receiving medical services, continue to face many challenges in almost all areas of public life. A similar problem was identified in penitentiary institutions.

In the case of children with special educational needs, from the point of view of providing an adequate physical environment, it remains a challenge to arrange schools in accordance with the requirements of the universal design principle. In some cases, the minimum needs of children are mostly met, but this does not correspond in any way to the requirements of an accessible environment.¹³ This significantly hinders the full realization of the right to education, which is one of the main challenges in the country, autonomously, in the direction of protecting the rights of the child.

Along with the problem of accessibility of a physical environment, in relation to children with special educational needs, it is also necessary to consider the unsatisfactory level of providing the school staff with appropriate information, which often leads to discrimination against students. In some cases, parents themselves have to provide detailed information about their children to the school staff and teachers.

¹² General proposal of the Public Defender of Georgia of October 25, 2022 to the Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs. Available at: <https://bit.ly/41IDuQA>

¹³ Case No. 12572/22 studied by the Public Defender's Office.

Often, no special teacher or psychologist is involved, which is vital for the sufficient and healthy development of the processes. In similar cases, schools must ensure advocacy of the rights of the child, to guarantee an accessible physical environment, and must plan appropriate measures through active cooperation with the responsible agencies, so that students have equal access to education.

Physical access to medical facilities remains a challenge for persons with disabilities. No effective access is provided to health care services for persons with disabilities, although accessibility requirements are reflected in the relevant regulatory documents.

The problems with an accessible physical environment and consideration of individual needs of persons with disabilities were also revealed in a penitentiary institution. In particular, a person using a wheelchair could not visit his son in prison, because the infrastructure in the penitentiary was not adapted to the needs of wheelchair users, and in exchange for the opportunity to be accompanied by a personal assistant, he was offered a degrading and dangerous assistance. The Public Defender issued an Amicus Curiae brief to the Tbilisi City Court relating to this case.¹⁴

In addition to the above, it is significant that in the reporting period, the Public Defender discussed the national and international standards in relation to accessibility of swimming pools and called on the relevant addressees to take appropriate measures,¹⁵ since the issue concerned the provision of an accessible environment in a less studied and highly specific space, such as swimming pools. At the same time, it is essential that several regulatory documents oblige the State to take measures¹⁶ to ensure persons with disabilities to live independently and participate in all spheres of life.

¹⁴ The Public Defender drew attention to the accessibility of prison facilities, the right to receive visitors and other rights related to it, as well as the existing national and international standards relating to the obligation of providing reasonable accommodation. The document is available at: <https://rb.gy/0d1ahg>

¹⁵ The Public Defender called on the respondent to conduct activities in compliance with the principles of equality and respect for the rights of persons with disabilities and not to incite discrimination. In addition, the Public Defender requested the respondent to consider the national and international accessibility standards/obligations when providing **public services**, as well as to develop working standards/instructions for the staff of the company, to retrain the staff and to take appropriate steps to ensure reasonable accommodation, as much as possible. November 13, 2023.

¹⁶ This includes the obligation to ensure that persons with disabilities have access to the physical environment, transport, information and means of communication. Accessibility is also indicated in the Sustainable Development Goals, which Georgia undertook to implement; in particular, the 11th goal, which aims to improve the accessibility of settlements. See the Sustainable Development Goals (SDGs) and Disability. The document is available at: <https://rb.gy/70hrxt>

2.2. Challenges facing the blind people

Although persons with disabilities should be able to live independently and fully participate in all areas of public life, unfortunately, due to an inaccessible environment and disregard for individual needs, blind people are not able to fully enjoy their fundamental rights and freedoms.

In the previous reporting year, the problem with an accessible physical environment for blind people was identified in terms of arranging the newly rehabilitated Ketevan Tsamebuli Avenue¹⁷ in accordance with the principle of universal design,¹⁸ and in the current year, in terms of the equipment of traffic lights with audible signals. Due to the complaints of the population dissatisfied with the noise of audio signals, Tbilisi City Hall made a decision to lower the sound of from 10:00 pm, and to turn it off from 11:30 pm to 07:00 am, which, in fact, excluded the possibility of blind people to move independently and safely at night.¹⁹ It is noteworthy that the problem with an accessible physical environment not only violates the freedom of movement of blind people, but also creates a barrier to their social inclusion.

Additionally, the low level of public awareness and stereotypical attitudes towards the needs of blind people, including about assistive equipment, is an acute problem. During the football match of the European Under-21 Championship, blind people were not given the opportunity to bring a white cane into the stadium. After the match, they found their canes piled near a tree. It is significant that a white cane is an important attribute for the independent movement of blind persons, who, in the conditions of an inaccessible physical environment, become completely dependent on the accompanying persons.

3. Systemic challenges faced by teachers of non-Georgian schools

Reforms carried out in the education system fail to adequately respond to the problems faced by ethnic minorities. As a result, non-Georgian schools/sectors still face a number of problems and challenges. The difficulty of practicing teachers to obtain the status of a *senior, leading and mentor* teacher within the

¹⁷ When studying the application, it was found that the newly opened Ketevan Tsamebuli Avenue in Tbilisi did not meet the universal design requirements. In particular, there were no tactile paths, crossings, accessible bus stops. The functioning of audible traffic lights was also problematic.

¹⁸ “Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Convention on the Rights of Persons with Disabilities, Article 2, Law of Georgia on the Rights of Persons with Disabilities, Article 2, paragraph d).

¹⁹ The Public Defender called on Tbilisi City Hall to solve this problem in such a way as to ensure, on the one hand, harmonious coexistence between members of society and, on the other hand, to protect the realization of the fundamental rights of persons with disabilities, including making it possible for blind persons to access crossings at any time of the day/night.

framework of the “Teacher Professional Development and Career Advancement Scheme” is particularly noteworthy.²⁰ This issue is complex in nature and is caused by a number of reasons, including: the low level of knowledge of the official language, the difficulty of learning the language by the older generation and the scarcity of methods and encouraging activities tailored to their individual needs, less motivation to learn the Georgian language among the people of older generation, insufficient geographical coverage of the official language programmes, etc. In addition, it is noteworthy that the teachers of non-Georgian schools/sectors were given the opportunity to certify their professional competence and career advancement lately, which put them in unequal conditions compared to the teachers of Georgian schools.

It should be noted that in accordance with Decree No. 241 of the Government of Georgia of May 24, 2019 relating to the “Teacher Professional Development and Career Advancement Scheme”,²¹ in order to receive the status, both Georgian and non-Georgian school/sector teachers, along with passing an exam, were required to accumulate credit points through various specified activities. It is important that according to the changes made to the scheme on June 26, 2020,²² the deadline for changing status for practicing teachers was set at the end of 2020, and the deadline for non-Georgian school teachers - until 2023. However, during this period, due to the failure to eliminate challenges in non-Georgian-language schools, as well as the problems related to conducting exams in the official language, on June 12, 2023, a number of new changes were made to the scheme.²³ Among them, the deadline for receiving the status was extended until the end of the 2025-2026 academic year. Thus, the practicing teachers of non-Georgian schools will maintain their status until the end of the 2025-2026 academic year, while subject teachers - until 2023-2024.

Therefore, the low and/or, in some cases, deficient level of knowledge of the official language is a significant obstacle for teachers of non-Georgian schools/sectors. It is noteworthy that the largest number of practicing teachers are in Kvemo Kartli and Samtskhe-Javakheti, which is explained by the large concentration of non-Georgian schools and sectors in these regions. It is interesting that the teachers of non-Georgian schools mentioned from the beginning that they would not be able to pass the exam within the given time. It is highly likely that they will not be able to master the official language sufficiently/adequately in the next 3 years and present a document certifying the knowledge of the official

²⁰ Case No. 5852/23 studied by the Public Defender’s Office; General proposal of January 17, 2024 regarding the challenges faced by teachers of non-Georgian schools/sectors <https://rb.gy/e61hgo>

²¹ Decree No. 241 of the Government of Georgia on Approval of the Teacher Professional Development and Career Advancement Scheme, May 23, 2019. Available at: <https://shorturl.at/isGPQ>

²² Decree No. 390 of the Government of Georgia, June 26, 2020, regarding the amendments to Decree No. 241 of the Government of Georgia on Approval of the Teacher Professional Development and Career Advancement Scheme. Available at: <https://shorturl.at/nyBSY>

²³ Decree No. 221 of the Government of Georgia of June 12, 2020 regarding the amendments to Decree No. 241 of the Government of Georgia on Approval of the Teacher Professional Development and Career Advancement Scheme. Available at: <https://shorturl.at/dim46>

language, although it is possible for their subject competence to be really high. Accordingly, this will lead to their exclusion from the category of practicing teachers and deprivation of their teacher status.

It should also be noted that raising the status of teachers is related to the increase in the salary supplement. It is significant that the status supplement for senior, leading and mentor teachers has increased almost five times since 2015. The salary supplement system has a significant impact on the teacher's motivation to participate in the professional development scheme. Due to the above-mentioned problems/challenges, the teachers of non-Georgian schools cannot benefit from the salary supplements linked to the change of status. Taking care of teachers' motivation is especially important in the background of the shortage of qualified personnel in non-Georgian schools/sectors, which indicates the need to implement necessary measures for the recruitment and encouragement of the personnel.

In order to identify specific needs and to respond to them, the Public Defender called on the Ministry of Education and Science to review the professional development scheme and, in coordinated cooperation with the relevant agencies, to plan activities that would provide timely and effective opportunities for teachers of non-Georgian schools/sectors to change their status; in addition, in order to popularize the official language programme, to expand the geographical area of the programme so that it covers all territorial units densely populated by ethnic minorities and introduce teaching components adapted to the needs of the older generation representing ethnic minorities.

4. Equality of the LGBT+ community

As in previous years, the rights situation of LGBT+ people remains an important/serious challenge. Members of the LGBT+ community still face violence, discrimination, and harassment, and this is caused by homophobic attitudes, hate crimes, and other discriminatory attitudes in society.

Persons with far-right ideology, by their actions and statements, contribute to the spread of homophobic sentiments, incite discrimination and, at the same time, commit actions that are often manifested in serious violations of the rights of LGBT+ people.

In 2023, no significant steps were taken to improve the rights situation of LGBT+ persons. For example, the Government of Georgia adopted the 2022-2030 National Human Rights Strategy, which, unlike other

social groups, did not consider LGBT+ people or their rights-related issues/needs at all.²⁴ The same approach can be observed in the National Human Rights Action Plan for 2024-2026.²⁵

It is significant that the Public Defender of Georgia submitted a communication to the Committee of Ministers of the Council of Europe about the enforcement of the judgements of the European Court of Human Rights relating to the Identoba Group cases. The communication reviews: homophobic statements, the violent disruption of the Pride festival on July 8, 2023, the shortcomings of ongoing investigations and prosecutions of hate crimes (including the events of July 5, 2021), the production of statistics on hate crimes, and the disregard for the LGBT+ community in the new National Human Rights Strategy.²⁶ The enjoyment of freedom of assembly and freedom of expression by LGBT+ persons and their supporters is substantially complicated. This is related not only to the attempt of the far-right groups to completely privatize public space, but also to the violation of these rights by violent actions within a closed event, on the territory of the private property, which we saw during the events surrounding the Tbilisi Pride festival on July 8, 2023.

It is worth noting that ahead of the Tbilisi Pride event, the Ministry of Internal Affairs was aware of the countermeasures planned by the far-right violent groups, the purpose of which was to disrupt the closed event in the Lisi Wonderland area. Notwithstanding this, representatives of the Ministry of Internal Affairs initially gave a guarantee of protection to the organizers of the Week. However, later, according to the Ministry of Internal Affairs, they informed the organizers that since the calls of the participants in the counter-rally and, at the same time, the mobilization from the regions, were very active, the large number of participants in the counter-rally might significantly hinder the implementation of the plan prepared in advance by the Ministry.²⁷ In addition, the Ministry pointed out that due to the increased number of the participants in the counter-rally (the number of participants increased to 8,000), the Ministry ensured the mobilization of the maximum number of police forces - about 3,000 police officers. In particular, a resource, deployed in Eastern Georgia, with crowd management practice and authority, was used in such a way that the performance of the functions stipulated by the Law of Georgia on Police was not hampered. This police resource protected the perimeter and roads near Lisi Wonderland with manpower (cordons).²⁸ Thus, on the instructions of the Ministry, the maximum number of police forces was mobilized to ensure the freedom of assembly and expression of Tbilisi Pride participants, and at the same time, to protect their safety. However, due to the large area and increase in the number of protesters, it was not possible to stop

²⁴ Resolution of the Parliament of Georgia on Approval of the Human Rights National Strategy of Georgia (for the years 2022-2030). The document is available at: <https://bit.ly/48qPJDv>

²⁵ See Decree No. 528 of the Government of Georgia of December 28, 2023 on Approval of the Human Rights Action Plan for 2024-2026 <https://matsne.gov.ge/ka/document/view/6053557?publication=0>

²⁶ Additionally, see <https://rb.gy/s4rzmj>

²⁷ Response MIA 3 24 00466268 from the Ministry of Internal Affairs of Georgia of February 15, 2024.

²⁸ Response MIA 3 24 00466268 from the Ministry of Internal Affairs of Georgia, February 15, 2024.

them. In addition, according to the Ministry, in response to the attempts of the police to block the road, the participants in the rally managed to move through the fields and approach the festival area.²⁹

As for the use of special equipment, according to the Ministry, their use has specific, both legal and tactical grounds. According to the letter received from the Ministry,³⁰ in the given territory and under the conditions of the given movement of the participants in the rally, the use of water jet, gas and other special equipment would be ineffective and would not stop the participants in the rally for a long time.³¹ In addition, there was a high probability that the participants in the counter-rally would receive life-threatening injuries, since many elderly and children participated in it. The question of the proportionality of the force used would also be disputed.

It is noteworthy that part of information, namely, data on the officials who were on the ground during the implementation of special measures; relevant units involved in the special measures (their number), their functions and sequence of actions; persons responsible for conducting the special measures; the number of persons involved; equipment of the units, etc. – belong to state secrets.

The Public Defender states that the events of July 8 clearly prove that the protection of the LGBT+ community, and the prevention of violence and discrimination on this scale, cannot be managed solely by police forces and is often insufficient. In order to address this challenge, it is necessary to take timely measures planned in various directions, with the involvement of various agencies and the public.

5. Discrimination in labour relations

Cases of alleged discrimination in labor relations are among the most frequent disputes reported to us by citizens. The applicants referred to actions such as: use of disciplinary measures, removal from the work-related activities, victimization, dismissal, etc. As in previous years, applicants mostly pointed to dissenting opinions and trade union activities as the protected grounds of discrimination. In some cases, applicants linked the restriction of their labour rights to the provision of certain information to the Public Defender's Office.

This year, protests and strikes by people employed in various sectors did not go unnoticed by the Public Defender. The Public Defender called upon the employers, in case employees express dissatisfaction with

²⁹ According to the response (MIA 2 23 02343316) from the Ministry of Internal Affairs of Georgia of August 11, 2023, the number of counter-rally participants was more than expected - approximately over 8,000 people. About 3,000 police officers with appropriate equipment were mobilized on the spot. The police placed special cordons in the vicinity of the final event. At the same time, they protected the place of the event as much as possible with physical police force and restricted the movement of the counter-rally participants.

³⁰ Response MIA 3 24 00466268 from the Ministry of Internal Affairs of Georgia, February 15, 2024.

³¹ Response MIA 2 23 02343316 from the Ministry of Internal Affairs of Georgia, August 11, 2023: The festival started on July 8 at 04:00 pm and was scheduled to end on July 9, at 09:00 am, lasting a total of 20 hours.

the essential working conditions, to actively communicate with them, to use all opportunities to reach a consensus, and to refrain from degrading and discriminatory actions, and especially not to resort to the radical measures such as termination of labour relations.³²

In addition, it is worth noting that in the reporting period, the Public Defender submitted a general proposal to the Labour Inspection Service. At the same time, the Public Defender reviewed the cases of discrimination of persons employed through the platform in 2023 as well.

5.1. Discrimination against persons employed through the platform

Relating to persons working through the platform, the Public Defender established discrimination in labour relations for the first time against Bolt Food couriers and was guided by the latest standards developed by international institutions and courts of different countries. The Public Defender considered that the people working through the platform represented persons in labour relations with the company and, therefore, had the right to benefit from the labour guarantees. The Public Defender's Office used the legal standards established by it in the case of persons employed through other platforms as well.

On March 15, 2023, the Public Defender addressed Glovo App Georgia LLC with a recommendation on the elimination of discrimination in labour relations due to trade union membership, and reflected the standards already established by the Office in this case as well.³³ Glovo restricted the applicant's access to the application on the grounds that he spoke openly about the couriers' problems and demanded an appropriate response. The Public Defender recommended the company to immediately restore the applicant's access to the application. It is welcome that after receiving the recommendation, Glovo restored the courier's access to the application.

In addition, later, on July 4, 2023, the Public Defender of Georgia also addressed Wolt Georgia with a recommendation. The company blocked two couriers from the app for publicly speaking about problems and engaging in other protest activities. At the same time, the Public Defender evaluated the SMS message sent by Wolt Georgia to other 142 couriers, by which the company urged them to refrain from participating in the protest activities, as discriminatory. Based on the above, the Public Defender requested Wolt Georgia to immediately restore the couriers' access to the application.³⁴

The Public Defender, as a national anti-discrimination mechanism, has reviewed the cases of discrimination against persons employed through all three platforms (Bolt, Glovo, Wolt) and has established relevant legal standards.

³² Additionally, see <https://cutt.ly/twFAQ4jr>

³³ Public Defender's recommendation of March 15, 2023 to Glovo App Georgia LLC <https://rb.gy/b6i7gc>

³⁴ Public Defender's recommendation of July 4, 2023 to Wolt Georgia LLC <https://shorturl.at/fgkzL>

5.2. Discrimination based on trade union membership and dissenting opinion

The Public Defender believes that the problematic trends identified in terms of trade union activities are worth attention. In his opinion, the failure to eliminate them creates the risks of creating/strengthening the kind of environment in the workplace, which may incite discriminatory treatment in labour relations on the grounds of trade union membership.

In the reporting year, the Public Defender's Office conducted proceedings in several cases simultaneously, which were related to the violations of the rights of trade unions and their members by the employers and alleged discrimination on the grounds of trade union membership. The Public Defender considered the cases as a whole, taking into account the common characteristics and the problematic trends identified in terms of collective labour disputes.³⁵

As a result of studying the cases, on September 4, 2023, the Public Defender of Georgia addressed the Advisory Board of the Chief Labour Inspector of the Labour Inspection Service to develop recommendations aimed at the proper protection of collective labour rights and prevention of discrimination on the grounds of trade union membership, which, inter alia, include: *a) Proactive provision of information by the Labour Inspection Service, promoting the protection of collective labour rights and a work environment free from discrimination on the grounds of trade union membership; b) Development of guidelines for the prevention of violations arising from collective labour relations and prevention of discrimination on the grounds of trade union membership; c) Determination of supervision of the situation of discrimination on the grounds of trade union membership as a strategic direction during the inspection of the workplace.*³⁶

It is also significant that the Public Defender filed an Amicus Curiae brief to the Tbilisi City Court relating to the case of discrimination on the ground of dissenting opinions against a cameraman employed in Formula LLC.³⁷ The applicant indicated that he was subjected to discriminatory treatment on the ground of dissenting opinions, since the opinion on the increase of remuneration and strike became the prerequisites for the application of disciplinary penalties and his dismissal.

³⁵ *In particular:* Application of the Health, Pharmaceutical and Social Care Workers' Independent Trade Union (respondent - Emergency Coordination and Urgent Assistance Center LEPL); Application of Tamila Gabaidze, representative of citizen N.N. (respondent - Emergency Coordination and Urgent Assistance Center LEPL); Applications of JSC Trade Union of Employees in Agricultural Farming, Trade and Industry of Georgia (respondent - Evolution Georgia LLC) and (respondent - Sairme Mineral Waters LLC).

³⁶ General proposal of the Public Defender of September 4, 2023 to the Advisory Board of the Labour Inspection Service <https://shorturl.at/hJNP2>

³⁷ Public Defender's opinion of the friend of the court (amicus curiae brief) of August 4, 2023 filed with Tbilisi City Court:

<https://ombudsman.ge/geo/sasamartlos-megobris-mosazrebebi/sakhalkho-damtsvelis-sasamartlos-megobris-mosazreba-shromit-urtiertobebshi-ganskhvavebuli-mosazrebis-nishnit-diskriminatsiis-sakmeze>

In the Amicus Curiae brief, the Public Defender introduced to the court the national and international human rights standards relevant to the case, which are essential for the elimination of discriminatory practices on the ground of dissenting opinions and for the realization of collective labour rights. According to the Public Defender, the court case in question may be of particular importance in the field of human rights protection, since the negative attitudes of employers towards the opinions expressed by employees regarding working conditions or the collective activities implemented to improve the working conditions may be associated with significant threats in the process of protecting socio-economic rights.

5.3. Age as hindrance in labour relations

Age-based discrimination remains a challenge in the process of combating discrimination. The practice of the Public Defender in the reporting period revealed the case of discrimination based on age in labour relations. In particular, a person employed in the Emergency Management Service of the Ministry of Internal Affairs of Georgia, despite the fact that he had been performing his official duties diligently and conscientiously, was dismissed from his position due to reaching the age limit. The Public Defender considered it important to file the opinion of the friend of the court (Amicus Curiae brief) with the Administrative Cases Collegium of Tbilisi City Court.³⁸

The Public Defender provided the court with the discrimination test/standards in labour relations and the rule of distribution of the burden of proof in cases related to discrimination; reflected the practice of international institutions related to the cases of different treatment based on age (*combined with health status*) and the difference between cases, where such treatment is justified on the one hand, but constitutes discrimination on the other hand. It is noteworthy that the Public Defender also provided the court with information on the standards relating to the use of special and temporary measures. Finally, the Public Defender discussed whether the professional integration of older workers is ensured in the workplace by setting the age limit.

6. Discriminatory treatment in the field of services

In the reporting year, the disparity in the field of provision of services was evident in many directions. In particular, the Public Defender identified cases of discriminatory treatment in the medical and educational fields.

³⁸ Public Defender's opinion of the friend of the court of April 6, 2023 relating to discrimination based on age and health status in labour relations, available at: <https://rb.gy/93441x>

In addition, at the beginning of the reporting year, the Public Defender received about 30 reports regarding the restriction of access of Georgian citizens to receiving various goods and services. Especially problematic was the case when, in an announcement published in Russian about the sale of an apartment in Batumi, a person engaged in real estate activity, allegedly, indicated that *the apartment would not be sold to Georgians*. The Public Defender called on real estate agents and organizations to refrain from discriminatory treatment on any grounds and to observe the principle of equality in their activities.³⁹

6.1. Medical sphere

The Public Defender has repeatedly discussed discriminatory attitudes of medical institutions and individual doctors. Unfortunately, 2023 was not an exception in this direction. In one of the cases, the medical institution denied the father to stay overnight with his child in the clinic on the grounds that the mothers of other children in the ward might feel uncomfortable. The Public Defender discussed a similar case back in 2015 as well and noted that similar stereotypical attitudes limited men's ability to contribute to the upbringing of their children and to equally share the burden imposed on parents. The Public Defender addressed the clinic with a recommendation and called to ensure equal treatment and to take disciplinary measures in case of violation of the obligation of equal treatment, by raising the awareness of its employees.⁴⁰

The Public Defender also discussed the termination of antenatal services for a pregnant woman. The medical institution refused to provide the service to the woman due to a critical post about the clinic published by her husband on the social network.⁴¹ Speaking to the woman, the clinic representative pointed to the right of a private company to decide whom to serve. It is significant that, taking into account the practice of the Public Defender, it is quite common for subjects of private law to refer to private autonomy as an argument justifying discriminatory treatment.⁴² It should be taken into account that any private company/institution, which offers public services to users within the framework of a contractual relationship,⁴³ is obliged to follow the principles of lawfulness,⁴⁴ good faith⁴⁵ and equal treatment.

³⁹ Statement is available at: <https://bit.ly/3va5Oza>

⁴⁰ Public Defender's recommendation of March 15, 2023 to L.J. and the company on establishing discrimination based on gender. Available at: <https://bit.ly/3THFnel>

⁴¹ After the post was published, the husband was contacted by the representatives of the clinic and asked to delete the post and apologize publicly, which he refused to do.

⁴² One of the basic principles of civil-legal relations is the principle of private autonomy, which implies the freedom of a person to choose a contractor and establish a relationship in accordance with common desires and expectations. Law of Georgia, Civil Code of Georgia, Article 319.

⁴³ Law of Georgia on the Elimination of All Forms of Discrimination, Article 2, paragraph 10, subparagraph g.d).

⁴⁴ Law of Georgia, Civil Code of Georgia, Article 115.

⁴⁵ Law of Georgia, Civil Code of Georgia, Article 8, paragraph 3.

6.2. Educational field

In the reporting year, the Public Defender discussed the issue of student's freedom of expression for the first time. The university administration suspended the student's status due to the publication of a critical post on the social network regarding the environment in the university. The ethics commission of the university assessed the student's behavior as an action aimed at causing and inciting a personal or other kind of conflict and as a dishonest attitude towards the name, prestige, symbolism and business reputation of the university.

The Public Defender discussed whether the content of the student's public post exceeded the scope of freedom of expression and whether it could actually be punished with disciplinary action, as well as whether the principle of proportionality was observed when applying disciplinary responsibility. According to the Public Defender's assessment, the student did not violate the standards of freedom of speech or expression by spreading his opinion publicly, therefore, he addressed the university with a recommendation and called on it to avoid similar cases and conduct activities in accordance with the principle of equality in the future.⁴⁶

Problems were also identified in the financing of higher education fees for the convicts. It is true that there is a social programme in the Special Penitentiary Service, within the framework of which the higher education fees are financed for the purpose of promoting rehabilitation and resocialization of convicted students, but this programme only applies to student convicts involved in the digital learning format, but leaves students using the correspondence education format out of the programme. Despite the fact that the new Penitentiary Code has been adopted, which essentially improves the access of convicted persons to the right to education, taking into account the information provided by the Ministry of Justice,⁴⁷ no specific steps are planned to be taken in the direction of financing the higher education tuition fees for the convicted students involved in correspondence education.

7. Incitement to discrimination

Making homo/transphobic statements, using hate speech and inciting discrimination in the media in various areas of public life remains a significant challenge. Attitudes containing stigma and stereotypes towards women, persons with disabilities and members of the LGBT+ community are firmly entrenched

⁴⁶ Public Defender's recommendation of September 7, 2023 to the Georgian National University (SEU) LLC, regarding the establishment of direct discrimination on the ground of different opinion. Available at: <https://bit.ly/41HiwS5>

⁴⁷ Correspondence No. 11389 of the Ministry of Justice of Georgia of October 9, 2023; Correspondence No. 14400 of the Ministry of Justice of Georgia of December 21, 2023.

in society. Consequently, public expressions inciting sexist, homo/transphobic or other kind of discrimination further reinforces negative attitudes towards vulnerable groups, the fight against which is the responsibility of each member of society.

Accordingly, the Public Defender calls on especially public persons, employers, and journalists/media representatives not to allow the spread of discriminatory statements and to pay special attention to their role in overcoming stereotypes and stigma in society and promoting the establishment of the idea of equality in the country.

For example, last year, the practice of the Public Defender included a case of discriminatory, in particular, homophobic attitude towards a person receiving a service in the medical institution. The Public Defender negatively assesses the attitude and, in general, calls on medical institutions to retrain administrative staff and doctors on issues of equality.⁴⁸

During the same period, discriminatory statements and expressions containing sexist content against women involved in the public, political, and social spheres were concerning.⁴⁹ The Public Defender condemns sexist attitudes and expressions inciting discrimination against socially active women, which undermine human honor and dignity, diminish the importance of women's participation in public life, and reinforce the wrong and humiliating stereotypes established in society regarding the role of women. While the low political participation of women in Georgia still remains a challenge, such actions create a hostile environment for female politicians and generally aggravate the political environment.

It should be noted that according to subparagraph "n" of Article 3 of the Code of Ethics of the Member of Parliament of Georgia, "Offensive, obscene, sexist, discriminatory speech, statement, action, or other use of hate speech is not permissible for the Member of Parliament." However, the Code of Ethics of the Member of Parliament of Georgia does not provide for effective or efficient mechanisms against the use of hate speech by Members of Parliament. Unfortunately, at this stage, the co-chairmen of the Ethics Council of the Parliament of Georgia have not been elected. Therefore, these issues cannot be discussed under the format of the Council.⁵⁰

⁴⁸ Case No. N10764/23 studied by the Public Defender's Office of Georgia.

⁴⁹ Irakli Beraia to Teona Akubardia: "*An opportunity to take selfies with people like that and post them on Facebook, to enter the airport lounges and act gluttonously. Those who know this person will understand very well what I am talking about. And therefore I call upon this person to refrain from mentioning my and my committee's name with her long tongue that has been everywhere.*" October 31, 2023. Available at: <https://www.youtube.com/watch?v=zyb7RiCYptM>

⁵⁰ The Public Defender pointed to this problem in previous years as well, including in the 2022 parliamentary report. See the Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2022, pp. 152-153. Available at: <https://bit.ly/41DVAmU>

In addition, the Public Defender of Georgia, based on the information spread in the media, became aware of the video that Lasha Arsenidze, a member of the Tribune political party, shared on the social network. In the video, he addresses representatives of specific ethnic groups with obscene words,⁵¹ which, according to the Public Defender, incites stereotypical and discriminatory attitudes towards this specific group.

8. Investigation of hate crimes

Similar to the previous year, the cases studied by the Office still showed challenges in terms of investigation and criminal prosecution of bias motivated hate crimes allegedly committed based on the intolerance. The reason for this is, on the one hand, improper fulfillment of the positive obligations by law enforcement officers in terms of protecting the equality of vulnerable groups, and, on the other hand, by the ineffective response to criminal acts committed by extreme right-wing radical violent groups and their leaders. In the applications received by the Public Defender, the applicants again pointed to the lack of trust in law enforcement officers, as well as their practice of using terminology inciting discrimination and expressing homophobic attitudes or sentiments.

On October 4, 2023, unidentified individuals painted the symbol of the Christian religion - a cross - and a Russian flag on the door of the apartment of civil activist Samira Bairamova.⁵² This case is being investigated by the Special Investigation Service on the basis of the first part of Article 156 of the Criminal Code.⁵³ Samira Bairamova has not yet been identified as a victim, nor have charges been brought against a specific person at this stage.⁵⁴

The crimes committed against LGBT+ persons, based on alleged intolerance, again involved physical and verbal abuse, beatings and threats to kill. In one of the cases⁵⁵ studied by the Public Defender, a transgender woman refused to cooperate with the law enforcement agency in the future on the grounds that when providing information regarding the incident, the investigator made offensive and transphobic statements towards her. In this regard, the Ministry of Internal Affairs informed the Office that the General Inspection Service had studied the specified issue, but the fact of disciplinary misconduct had not been found.⁵⁶ An investigation of the violence against the applicant was initiated under the article of violence (126.1 of the

⁵¹ Video available at: <https://shorturl.at/fhAF4> [last accessed: 28.12.2023].

⁵² Available at: <https://bit.ly/3RYZ6F9>

⁵³ Letter SIS 7 23 00024232 of the Special Investigation Service of December 28, 2023.

⁵⁴ Letter No. 13/2244 of the Prosecutor's Office of Georgia of January 16, 2024.

⁵⁵ According to the application No. 8557/23 received by the Public Defender's Office on July 24, 2023, an unknown person attacked a transgender woman, physically and verbally abused her and threatened to kill her.

⁵⁶ Correspondence MIA 1 23 02462566 of the Ministry of Internal Affairs of Georgia of August 23, 2023.

Civil Code).⁵⁷ No victim status has been granted to the applicant.⁵⁸ In another case,⁵⁹ applicants explained that the law enforcement officers who arrived at the scene of the incident did not seize the video recording saved in the applicant's mobile phone, which showed the attack and the identity of the attackers, as evidence. The video also showed how the patrol police officer was trying to remove the attackers. However, the applicants were informed that the attackers had fled and could not be identified. In connection with this case, the Public Defender's Office was informed by the investigative bodies that the investigation into the physical violence⁶⁰ was ongoing.⁶¹ Based on the court ruling, in order to identify the persons who committed the alleged crime, the video material was seized from the mobile phone of the applicant,⁶² although no specific person has yet been identified, nor has the criminal prosecution been initiated.⁶³ The applicants were granted victim status.⁶⁴ The motive of intolerance has not been identified in any of these cases.

In the reporting period, cases of aggression and attacks against Jehovah's Witnesses standing near a stand were also revealed. The Public Defender's Office became aware of one of such cases through media reports.⁶⁵ In the settlement of Tsmindatskali in the city of Gori, an aggressive man called Jehovah's Witnesses standing near a stand to leave the area, after which he threw their religious items on the road and physically assaulted one of them. The investigation was launched in the Special Investigation Service under subparagraph a) of part 2 of Article 156 of the Criminal Code.⁶⁶ Another attack on Jehovah's Witnesses standing near a stand took place in the capital, in the vicinity of Galeria Tbilisi.⁶⁷ In addition to the attack, in the application sent to the Public Defender, Jehovah's Witnesses also pointed to the behavior of the police officers. According to them, during the interview, police officers tried to record only the fact of verbal abuse in the interview report, as long as in case of referring to physical violence, they would have

⁵⁷ Letter MIA 8 24 00056060 of the Ministry of Internal Affairs of Georgia of January 9, 2024.

⁵⁸ Letter No. 13/2244 of the Prosecutor's Office of Georgia of January 16, 2024.

⁵⁹ According to the application No. 8141/23 received by the Public Defender's Office on July 12, 2023, during the night hours of on June 3, 2023, in Tbilisi, in the vicinity of 8 Vashlovani Street, the applicants were attacked on homophobic grounds in the presence of other people.

⁶⁰ According to subparagraph b) and c) of the first part of Article 126 of the Criminal Code.

⁶¹ Letter MIA 6 23 02540186 of the Ministry of Internal Affairs of Georgia of August 31, 2023 and letter MIA 8 24 00056060 of January 9, 2024.

⁶² Letter MIA 6 23 02540186 of the Ministry of Internal Affairs of Georgia of August 31, 2023.

⁶³ Letter No. 13/2244 of the Prosecutor's Office of Georgia of January 16, 2024.

⁶⁴ Letter No. 13/56288 of the Prosecutor's Office of Georgia of August 15, 2023 and Letter No. 13/2244 of January 16, 2024.

⁶⁵ Information is available at: <https://bit.ly/3EnNiF1>

⁶⁶ In this case, Jehovah's Witnesses were given victim status, and the arrested person was charged with persecution due to belief and religious activities. On October 13, 2023, the criminal case was sent to Tbilisi City Court for consideration. Letter SIS 7 23 00024232 of the Special Investigation Service of December 28, 2023; Letter No. 13/2244 of the Prosecutor's Office of Georgia of January 16, 2024.

⁶⁷ Application No. 10835/23 of September 7, 2023.

to start a criminal investigation.⁶⁸ The investigation of the case continues under the supervision of the Special Investigation Service.⁶⁹ The Jehovah's Witnesses have not been identified as victims and no charges have been filed against any specific person.⁷⁰

An alleged flaw relating to the classification of a case was revealed in the context of the investigation into the violence against Mikheil Mshvildadze.⁷¹ On June 27, 2023, Mikheil Mshvildadze was attacked by an unknown person who hit him repeatedly, which caused his physical pain. The Ministry of Internal Affairs launched an investigation into the case under the first part of Article 126 of the Criminal Code, which pertains to beating or other violence. The Public Defender considers that the Prosecutor's Office, which did not change the classification of the case, **left the discriminatory motive of the alleged crime without a legal assessment.** According to the Public Defender's position, beating and violence, motivated by unacceptability and hatred of a specific person's opinion or view, should be classified under a special article, namely, as a persecution carried out by the use of physical violence due the expression of an opinion.⁷² This very kind of action is criminalized by Article 156 of the Criminal Code, and it represents a crime not only against human health and physical integrity, but also against human equality.

An identical problem could be identified in the case of violence against Zurab Girchi Japaridze on June 17, 2023.⁷³ Zurab Girchi Japaridze also allegedly became a victim of violence because of expression of his position and political opinion, affiliation. The Ministry of Internal Affairs launched an investigation into the case under the first part of Article 126 of the Criminal Code. However, in this case too, there was likely a reason to continue the investigation under part 2 of Article 156 of the Criminal Code, into the persecution on the ground of expression of an opinion. When the alleged motive for the attack on Zurab Girchi Japaridze became known for the investigation, **the Prosecutor's Office should have given the criminal case to the Special Investigation Service for further investigation, according to the criminal jurisdiction, and the investigation should have continued under special classification.**

It is necessary to establish a consistent practice in similar cases, where the persecution of a person on various grounds will not remain without a legal assessment, and the will of the State will be clearly expressed in the process of dealing with criminal actions containing discrimination, since the classification

⁶⁸ The Ministry of Internal Affairs did not inform the Public Defender's Office whether the General Inspection Service had studied the alleged misconduct by police officers. Letter No. 13-1/9255 of the Public Defender's Office of September 14, 2023; Letter MIA 1 23 02931772 of the Ministry of Internal Affairs of Georgia of October 6, 2023 and letter MIA 8 24 00056060 of January 9, 2024.

⁶⁹ Letter MIA 8 24 00056060 of the Ministry of Internal Affairs of Georgia of January 9, 2024.

⁷⁰ Letter No. 13/2244 of the Prosecutor's Office of Georgia of January 16, 2024 No. 13/2244.

⁷¹ The criminal case materials were fully studied by the Public Defender's Office.

⁷² Article 156 of the Criminal Code, part 2, subparagraph a).

⁷³ The criminal case materials were fully studied by the Public Defender's Office.

of similar cases is not only a formality, but it is of great importance for restoring a person's damaged dignity.⁷⁴

Information obtained about the above-mentioned cases indicates that the identification of the motive of intolerance by the investigation appears to be one of the challenges in the investigation and prosecution of crimes committed on the motive of intolerance. Considering that the identification of the motive of intolerance and the correct classification during the investigation of a crime are essential not only for the administration of justice in a specific criminal case, but also for the prevention of similar crimes in the future, for overcoming distrust towards law enforcement agencies and for the correct processing of statistical data, the Public Defender believes that the law enforcement authorities should strengthen efforts in this direction.

9. Activities of the Public Defender in terms of protection of the right to equality

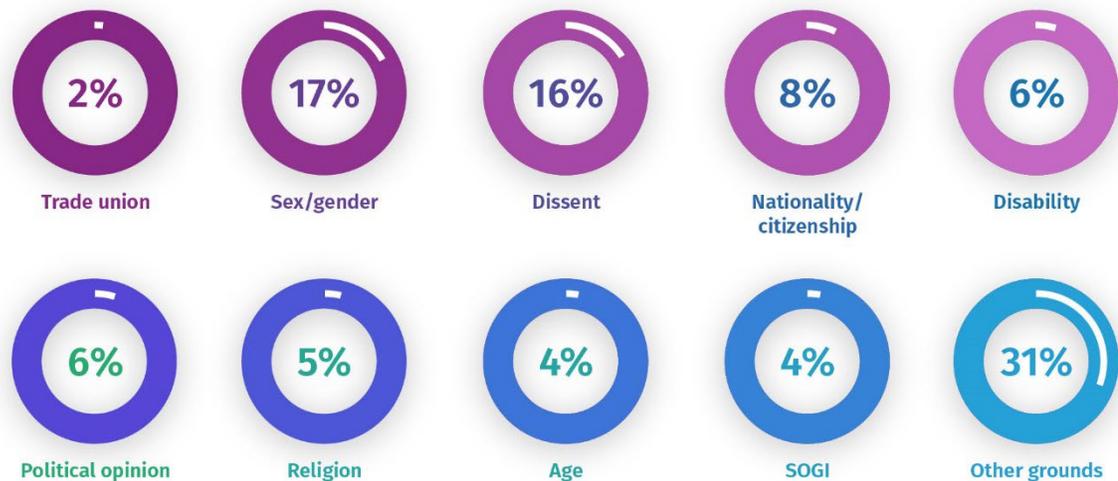
In 2023, the Public Defender continued to actively study the cases of alleged discrimination and engage in educational activities to raise public awareness of equality issues.

9.1. Individual cases

In the reporting period, the Public Defender studied 122 cases of alleged discrimination, the most of which - 17% concerned alleged discrimination on the grounds of **sex/gender**, 16% - **dissent opinion**, 8% - **nationality/citizenship**, 7% - **disability**, 6% - **political opinion**, and 5% - **religion**. 4 - 4% of the applicants indicated discrimination on the grounds of **age, sexual orientation and gender identity**, and in 2% of cases the applicants indicated the ground of **trade union membership**. Discriminatory treatment on **other grounds** was relevant in this reporting period as well and made up the most - 31% of the applications.

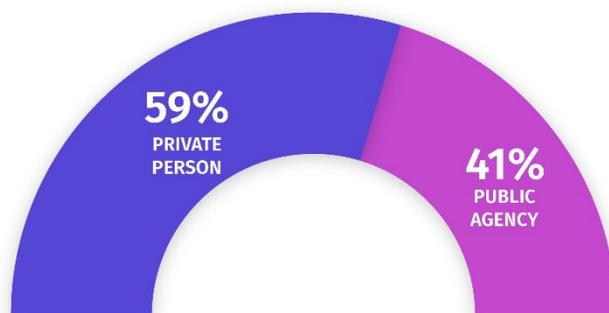
⁷⁴ 2023 Report of the Criminal Justice Department of the Public Defender's Office.

PROTECTED GROUNDS



As for the representation, 23% of the applicants applied to the Public Defender Office’s through a representative, of which 5% were member organizations of the Coalition for Equality.⁷⁵ The majority of the applicants - 77% - applied to the Public Defender without a representative. In the reporting period, as in previous years, most of the applications - 59% were related to alleged discrimination in public institutions, while 41% of the applications indicated unequal treatment in the private sector.

Respondents by fields



⁷⁵ Coalition for Equality members are: Open Society Foundation Georgia (OSFG); Social Justice Center; Rights Georgia; Sapari Union; Georgian Young Lawyers Association (GYLA); Women's Initiatives Supporting Group (WISG); Partnership for Human Rights (PHR); Georgian Democracy Initiative (GDI); Tolerance and Diversity Institute (TDI); Human Rights Center (HRC); Equality Movement.

In 2023, the Public Defender issued 5 recommendations, 2 general proposals and 3 amicus curiae briefs on equality issues. Regarding 6 cases, despite the fact that discriminatory treatment could not be established, based on factual circumstances, the Public Defender considered it necessary to clarify a number of issues related to the right to equality for the respondents.

9.2. Informational-educational activities

In 2023, employees of the Equality Department actively continued their informational and educational activities relating to the right to equality and the mandate of the Public Defender in this direction. In addition, as already mentioned, the Public Defender of Georgia, with the support of the Open Society Foundation, prepared an electronic course on equality, which is mainly tailored to the needs of employees of local self-government bodies, although anyone can take it. The purpose of the course is to raise awareness of the right to equality and non-discrimination, and to help people elected to or employed in local government bodies to perceive the essence of equality, to proactively detect, eliminate and prevent various forms of discrimination.⁷⁶ The electronic course has been available on the Public Defender's website since February 2023, and as of December 31, 2023, 980 people registered for the course,⁷⁷ 547 of whom received electronic certificates as a result of successfully completing the course. In addition, with the support of the USAID Rule of Law Program, a three-month campaign was launched relating to the prevention of and response to sexual harassment in the workplace.⁷⁸

In the reporting period, a total of **72 informational meetings/trainings** were held throughout Georgia and **1 633 people's** knowledge was raised about equality issues. It is important that during the educational meetings, special emphasis was placed, inter alia, on the essence of sexual harassment, the importance of its prevention and the need to develop an internal response mechanism.

Most of the information meetings were held in the regions of Georgia. Meetings were held in **26 municipalities of 4 regions** (Adjara, Guria, Samegrelo, Imereti).⁷⁹ 659 civil servants employed in local self-government bodies and 497 civic education teachers were provided with detailed information on the prevention of sexual harassment and incitement to discrimination. In the same regions, employees of the Equality Department carried out meetings with employers, representatives of civil society and members of

⁷⁶ The electronic course is available at <https://rb.gy/j438gy>

⁷⁷ According to the statistical information, out of 980 persons registered for the course, 691 are civil servants, and 289 are representatives of the private sector. The data by gender are as follows: female - 727, male - 252, other - 1. Age category: under 18 - 6, 18-24 age category - 86, 25-44 age category - 541, 45-60 age category - 283, and over 60 years old - 62.

⁷⁸ Additionally, see the introduction.

⁷⁹ Available at: <https://bit.ly/3RYdk9e>

the LGBT+ community. The meetings also gave the representatives of the Public Defender an opportunity to better study the situation on the ground regarding the realization of the right to equality.

It is significant that in the reporting period, representatives of the private sector actively expressed their desire to cooperate with the Public Defender. At the initiative of the APM Terminals Poti, employees of the Equality Department provided information to the employees of the company on discrimination in labour relations and Public Defender's practice. An information meeting of similar content was also held with the employees of the Bank of Georgia's Human Resources Management Department.⁸⁰ The Public Defender welcomes the initiatives and willingness of the private companies to actively engage in the activities aimed at raising knowledge on equality issues.

It is noteworthy that with the involvement of the Equality Department of the Public Defender's Office, more than 80 reviewers involved in the process of approving school textbooks were trained.⁸¹ Trainings were also held for the representatives of supermarkets⁸² and employees of the Mental Health and Drug Addiction Prevention Center⁸³ on the standards of protection against discrimination available in the country, equal treatment in labour relations, incitement to discrimination and sexual harassment. For the fourth time, the Public Defender's Office participated in the Equality Week, which is held annually on the initiative of the Council of Europe. Within the framework of the Week, meetings were held with the employees of Samegrelo Zemo-Svaneti municipality⁸⁴ and students in the Adjara region.⁸⁵

In total, during 2023, employees of the Equality Department met with 699 employees of local self-government bodies, 581 representatives of the educational field, 32 members of the LGBT+ community, 106 young people, 61 representatives of the civil society and 154 representatives of private companies. The total number of participants in the meetings amounted to 1 633.

Conclusion

The universality of the principle of equality is a concept recognized by both international community and the Georgian state, which serves to eliminate any discrimination on any grounds, for which the states must ensure the implementation of the idea of equality in practice in all spheres of public life. The obligation to fulfill this requirement applies equally to both public and private legal entities and individuals.

Despite a number of positive changes made to the legislation of Georgia, achieving equality is still problematic for certain vulnerable groups, which is caused by the fragmentation of the steps taken by the

⁸⁰ Available at: <https://bit.ly/3TH9DGm>

⁸¹ Available at: <https://bit.ly/3RWA21I>

⁸² Available at: <https://bit.ly/3H054iU>

⁸³ Available at: <https://bit.ly/3TGNVIH>

⁸⁴ Available at: <https://bit.ly/3NJ2tO3>

⁸⁵ Available at: <https://bit.ly/484RGWB>

State to ensure equality and, in fact, the lack of proper understanding of the importance of non-discrimination at the institutional level.

Every year, ineffective response to crimes committed against the LGBT+ community, failure to take into account the needs of women and persons with disabilities during the provision of medical and other services, improper realization of information about the principle of equality in the education system, sexual harassment and discrimination of employees in labour relations, spread of stereotypes and stigmas by officials, which promote discrimination, hinders the real process of achieving equality, which, in the end, does not change the picture from year to year.

In the process of eliminating all forms of discrimination, not only the State has an huge responsibility, but also the role of society, civil sector, private sector and every citizen is very important. The Public Defender expresses his hope that in 2024, the situation will change significantly in terms of improving the equality situation in Georgia, and the respondents will take appropriate measures to effectively implement the recommendations and general proposals issued by him.

Recommendations

To the Parliament of Georgia:

- Ensure the practical enforcement of the Code of Ethics through an effective mechanism, and in cases where Members of Parliament use language inciting discrimination, implement disciplinary sanctions as outlined in the Code of Ethics.

To the Government of Georgia:

- Ensure access to buildings, infrastructure, information and means of communication for persons with disabilities, develop a national accessibility plan and standards for accessibility of information and communication in a timely manner.

To the Ministry of Internal Affairs of Georgia:

- Ensure effective enforcement of the legislation on sexual harassment in public spaces and timely, effective and complete response to the cases of sexual harassment;
- Provide intensive and continuous training programs for employees of the Ministry of Internal Affairs on issues of sexual harassment in public spaces.

To the Prosecutor's Office of Georgia:

- Provide continuous training programs for employees to enhance their qualifications in the investigation of crimes motivated by intolerance.

To the Ministry of Justice of Georgia:

- Draft changes to make it possible to extend the social programme provided for by Order No. 864-No. 100/N of September 6, 2022 on Approval of Procedures for Receiving Academic Higher Education by Convicted Persons to student convicts involved in correspondence education.

To the Ministry of Education and Science of Georgia:

- Collaborate with the appropriate legal entities of public law to revise the professional development scheme for teachers of non-Georgian schools/sectors, identify their specific needs, and plan appropriate activities that will give them the opportunity to change their status in a timely and effective manner.
- Ensure promotion of the official language programme and expand the geographical area of this programme so that to cover all the territorial units densely populated by national minorities and introduce teaching components adapted to the needs of the older generation representing ethnic minorities.

To the Ministry of Education and Science of Georgia and the National Center for Teacher Professional Development:

- Inform and train school teachers on the psychological aspects of educational approaches and strategies aimed at promoting the physical and psychological well-being of children with special educational needs.

**COMBATING AND
PREVENTING
DISCRIMINATION
AND THE SITUATION
OF EQUALITY**

2023 Special Report on