

United Nations reports on 'corruption, impunity, hate speech, influence on judiciary' in Georgia

BY LIZA MCHEDLIDZE

The United Nations Human Rights Committee has published another report on Georgia on July 27, expressing concerns regarding the current situation in various areas and calls on the government to work towards solutions to these problems.

Office of the Public Defender

The UN Human Rights Committee states that it is concerned about the low level of implementation of its recommendations by public and private individuals.

The committee states that the state should provide sufficient human and financial resources to the Public Defender's Office, so that the Ombudsman can implement his mandate effectively and independently.

Anti-corruption measures

The Committee is concerned about the facts of corruption and bribery and their impunity. The non-investigation of cases involving high-ranking officials is particularly worrying. According to them, the reason for impunity is insufficient independence of law enforcement bodies and courts.

The committee calls on the Georgian authorities to take the necessary measures and investigate corruption cases in a timely, independent and impartial manner. Also review the legislation and ensure its effective implementation.

The fight against impunity and past cases of human rights violations

The Committee is also concerned about the slow progress in the investigation of human rights violations during and after the 2008 armed conflict. He also notes that there is no progress in the "prison riot" cases of 2006 either. The Committee expresses serious concern at the process of trying criminals, which they say creates an environment of impunity.

Gender equality

According to the UN committee, although the authorities have taken some measures to promote gender equality, violence against women, domestic violence and increased representation of women in parliament, the committee remains concerned that women from particularly vulnerable groups are still not adequately represented in decision-making positions in public life.

Discrimination based on sexual orientation and gender identity

The Human Rights Committee is concerned about the facts of discrimination, violence, harassment and attacks against lesbian, gay, bisexual and transgender people. Specifically, we are talking about the violence against this group, their human rights defenders and journalists at the Tbilisi Pride March on July 5-6, 2021.

The Committee notes that even more disturbing is the homophobic and transphobic rhetoric by politicians, public figures and religious figures that goes unpunished.

It also calls on the state to take adequate measures to prevent homophobic and transphobic discourse by politicians and public figures. Also to adopt legislation, which will make the process of gender recognition fast, transparent and accessible for people.

Hate speech and hate crimes

The report also talks about intolerance, hate speech and hate crimes against minorities and vulnerable groups, including women, ethnic and religious minorities, the LGBTQI+ group and migrants. According to the committee, such cases are often carried out by radical right-wing groups. The Committee is concerned about the lack of reporting and investigation of such crimes.

In this regard, the Human Rights Committee calls on the Georgian authorities to fight against intolerant, stereotypical attitudes and hatred among them, through public awareness campaigns and special training of law enforcement agencies.

Violence against women

The Human Rights Committee states that it is concerned about the lack of reporting of violence against women, especially sexual violence, and the low number of investigations and prosecutions of these cases. In addition, according to the committee, it is alarming that the victim is not sufficiently protected and does not receive proper, including psychological, assistance. It should be noted that a victim of domestic violence receives asylum only if he has received the status of a victim. It is also important that Georgian legislation does not recognize the absence of consent as one of the important elements of rape. In addition, the definition of crimes against dignity is not clearly written.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment

In this part of the report, the Committee states that it is concerned about the speedy manner in which the Office of the State Inspectorate was abolished without consultation and the chilling effect of this fact on other independent human rights institutions. The Committee is concerned that the investigation of allegations of ill-treatment and torture by law enforcement officers is, in many cases, not under the heading of inhuman or degrading treatment, but under the heading of excessive force.

The report also talks about the murder case of Temirlan Machalikashvili in 2017, around which, according to the committee, no effective investigation has been conducted to this day.

Administrative detention

The UN Human Rights Committee is concerned about issues not provided for in the Code of Administrative Offenses. Among them, according to the committee, the reporting standards in case of administrative crimes are unclear, the detainee has no right to appeal the decision, the administratively detained often do not receive legal guarantees, including they do not have access to legal advice and the right to appear before a judge in a timely manner. All this, according to the committee, increases the risks of ill-treatment, both during arrest and captivity.

The Committee calls on the Georgian authorities to bring the Code of Administrative Offenses into line with the UN Convention.

Treatment of IDPs

The Human Rights Committee says it is alarming to report that approximately 52% of internally displaced families are still waiting for asylum, with many families living in municipal buildings, schools and camps - sites unsuitable for long-term living, often without water, electricity or sewage systems.

According to the committee, it is also worrying that the poverty rate among IDPs is high, monthly social assistance is insufficient and IDPs do not have proper access to services.

The committee calls on the authorities to provide sustainable housing for the internally displaced and to improve the living conditions in the collective settlements. It also calls for the creation of income opportunities



and the strengthening of financial assistance programs.

Judicial independence and fair trial

The Committee remains concerned about the lack of independence and impartiality of the Georgian judiciary. According to them, they are particularly concerned about the lack of transparency in the process of choosing and appointing judges, as well as the concentration of power in the Supreme Council of Justice.

According to the committee, the fact that the Council of Justice appoints and dismisses an independent inspector is also problematic, which calls into question the inspector's independence.

This part of the report also talks about politically motivated crimes, including the arrest of Nika Melia and Mikheil Saakashvili. The Committee states that in the case of Saakashvili, reports that his trial is being conducted in violation of the principles of a fair trial are disturbing.

Right to private life

One of the issues in the committee's report is the right to private life, the situation surrounding which the human rights committee also assesses with concern. According to the committee, the lack of defense mechanisms against the invasion of the right to privacy through surveillance and access to personal data is a cause for concern.

The Committee is particularly concerned about reports of an operational-technical agency that conducts electronic surveillance and has both regulatory and monitoring powers. It should also be noted that this agency is not sufficiently independent from the State Security Service.

"The President's veto of proposed procedural amendments to the Criminal Code is noteworthy, but the Committee is dis-

appointed by this legislative effort to increase the scope and duration of covert investigative activities that could seriously infringe on the right to privacy," the report states.

In this case too, the Human Rights Committee calls on the Georgian authorities to bring the law on covert investigative actions into line with the agreement concluded with the United Nations.

Freedom of expression

The report also talks about problems related to freedom of expression. The Committee states that it is concerned about polarization in the media and the government's use of administrative, financial and judicial means of pressure on the media, including the change of ownership or management of critical media outlets and the initiation of criminal prosecutions against media outlets and their employees.

According to the committee, the number of threats, violence and attacks against journalists, human rights defenders and government critics has increased sharply in recent years. According to the committee, government officials often participate in this type of impunity.

The UN committee says it is also concerned about political influence on the National Communications Commission and possible restrictions on media freedom.

"The state should redouble its efforts to prevent and prohibit public figures and private actors, including members of radical groups, from interfering with the legitimate exercise of freedom of expression by journalists, artists, writers, human rights defenders and government critics," the report reads.

In this subsection, the UN calls on the Georgian authorities to impartially and promptly investigate the cases of July 5-6, 2021, as well as the cases of Afghan Mukhtarli.

These are some of the articles of report published by the UN.

Georgian Dream and the opposition start working separately to fulfill the 12 demands of the European Union.

By MALKHAZ MATSABERIDZE

One of the 12 recommendations of the European Union refers to the reduction of polarization in the political life of the country, although "Georgian Dream" and the part of the opposition, which the government calls "radical opposition", started working on the implementation of these recommendations separately. The reason for this is the distrust towards Georgian Dream. The "radical" opposition is convinced that Georgian Dream only creates an imitation of working to fulfill demands.

Today, the Georgian media is full of scandalous information spread by one of the former heads of SUS, Soso Gogashvili, who blames the government of "Georgian Dream" and Bidzina Ivanishvili personally. The campaign, the main message of which is simple - the West wanted to involve Georgia in the war. The new letter of Bidzina Ivanishvili, who mentioned that she met the US ambassador Kelly Degnan on March 21, helped to "strengthen" this version. All this will continue and will probably become even more extensive, but this should not overshadow the most important

topic for Georgia today - the implementation of 12 recommendations of the European Union to obtain candidate status.

Fulfillment of 12 EU recommendations to obtain candidate status. On July 1, "Georgian Dream" presented a plan for the implementation of 12 points put forward by the European Union and called on the opposition and the non-governmental sector to get involved in the work. This proposal was accepted by Girchi, Citizens, European Socialists and Gakharia's party for Georgia. The influential part of the opposition, which is represented by the three parties "National Movement", "Strategy Agmashenebeli" and "Lelo", refused to join the working groups created by the government. They see in the plan proposed by the government only a delay of time and an imitation of the work process, and they have arguments for this.

According to them, the government has preconditions, "deoligarchization does not concern Ivanishvili; For them, depolarization actually means silencing the opposition; It does not apply to constitutional amendments (reduction of the electoral threshold); In the court year There is no clan; It turns out

that out of 12 points, "four fundamental issues will not be fulfilled a priori", - says Giorgi Vashadze, the leader of "Strategy Agmashenebeli".

The mentioned three parties started a parallel process - meetings of thematic groups, which aims to develop draft laws meeting the recommendations of the European Union. It should be noted that Gakharia's party "For Georgia" also participates in this format. The first meeting with the participation of these opposition parties and the non-governmental sector was held on July 25. The mentioned part of the opposition is not going to work with "Georgian Dream" on the recommendations of the European Union until the committee and session discussions.

Non-governmental organizations presented their action plan for obtaining the status of a candidate for the European Union. This plan was introduced to the diplomatic corps and political parties on July 27. However, "Georgian Dream" did not participate in the meeting. Non-governmental organizations have joined the working groups of the government and the opposition, hoping that the parallel work will eventually cross over.

It is clear that the three opposition parties and the non-governmental sector, no matter how good draft laws they develop, will not be able to pass them without "Georgian Dream", which controls the majority of votes in the parliament. In the end, it is in the parliament that the paths of the government and the opposition will cross regarding the implementation of the 12 recommendations of the European Union. The opposition will register its developed alternative bills in the parliament and the ruling party will still have to work on them.

The beginning of separate work by a part of the opposition was criticized by the government. According to Gia Volski, the vice-speaker of the parliament, this part of the opposition is the group that "considers destabilization as the main task".

On June 23, the European Council granted the status of a candidate for EU membership to Ukraine and Moldova with accompanying conditions, but not to Georgia. Before that, on June 17, the European Commission published its conclusion, where it set 12 conditions for Georgia to receive candidate status. In order to fulfill these points, the European Union requires the

joint work of the government and the opposition, the involvement of all parties, which is a necessary condition for depolarization.

A concrete step towards depolarization would be to complete the constitutional changes. First of all, it concerns the reduction of the electoral threshold from the existing 5% to 2%. Those small opposition parties who received 1% to 3% of the votes according to the official results of the 2020 elections are interested in this. This is the case with all the existing parliamentary parties except "Georgian Dream" and "National Movement".

The constitutional amendment was adopted in the first reading. Completing this change would be an important step toward the electoral reform and depolarization outlined in the EU recommendations.

In the fall, when the time for the parliamentary session comes, the government and the opposition should have their plans for implementing the 12 recommendations ready. No one can say that I am working anymore. The situation seems to be such that the views regarding the implementation of the recommendations will be different and the time for protests will come again.

The News in Brief

PREPARED BY MESSENGER STAFF

The commission presented 5 candidates for the chairmanship of the CEC to the president

On July 30, 2022, the competition commission for the selection of candidates for the chairmanship and membership of the Central Election Commission of Georgia selected and presented the candidates for the chairmanship and membership of the Central Election Commission to the President of Georgia for election to the Parliament of Georgia.

According to the relevant protocol, 5 candidates submitted applications for the vacant post of CEC chairmanship: Revaz

Egadze, Giorgi Kalandarishvili, Giorgi Shaishmelashvili, Nanuli Bebia, Tamar Alfidze.

Not a single candidate was rejected by the commission.

10 people applied for vacant positions of CEC membership, 3 of them were rejected due to incompletely submitted documents.

According to the president's administration, in accordance with the current legislation, the president will present the candidates selected by the commission to the parliament for approval within 7 days.

Russia has reduced or stopped gas supplies to 12 EU countries, Ursula Von Der Leyen says

According to the President of the European Commission, Ursula Von Der Leyen, Russia has reduced or stopped gas supplies to 12 EU countries.

As Von Der Leyen pointed out, the collective agreement of the EU member states to reduce gas consumption by 15% is very im-

portant, as it will help the EU to replenish its reserves before winter.

"We have to prepare for a big reduction or complete cessation of Russian gas. Now the EU communicates with more reliable partners. The EU receives more and more gas from Norway, the Persian Gulf countries and the Caspian Sea region, and the results are already visible," she said.

In addition, the EU's top representative for foreign affairs and security policy, Joseph Borrell, said that EU member states' gas purchases from Russia have decreased by 2 times.

"Before the war, the import of Russian gas was 40%, now it is 20%... No one can ask the European economy to reduce the import of [Russian] gas in one hour," Borrell said.

On July 26, the European Commission made a decision to voluntarily reduce gas consumption by 15%, which will come into force on August 1 of this year and will be effective until March 31, 2023. The refusal of Russian gas is connected with the invasion of Ukraine and the start of a large-scale war.

The government plans to announce a new tender for the Anaklia port project

By LIZA MCHEDLIDZE

The Government of Georgia plans to purchase consulting services for the preparation of a new tender for the Anaklia port project. The Anaklia Port Development Agency has already published information about simplified procurement on the website of the State Procurement Agency.

The cost of purchasing consultations is 1 million GEL.

In particular, the cooperation talks are with the legal firm White & Case, the Rotterdam consulting center and the company MTBS. Anaklia Development Agency cooperated with the mentioned companies in previous years.

"It is advisable to continue cooperation with consultants of similar international experience, which saves the agency

additional unreasonable financial resources and time, and it is also possible to sign contracts with new highly qualified/reputable international financial and/or consulting and/or legal companies, which It is one of the main prerequisites for the successful implementation of the project", the document reads.

In addition, the document mentions that "the consulting group should implement the measures stipulated by the legislation for the development of Anaklia deep-water port as soon as possible".

The Government of Georgia terminated the contract with the Anaklia Development Consortium in January 2022. On July 30, it became known that the Anaklia Development Consortium and the main foreign investor will file lawsuits against Georgia in international arbitration.

Weather

Monday, August 1

Day Partly Cloudy
High: 35°C

Night Partly Cloudy
Low: 22°C

Tuesday, August 2

Day Partly Cloudy
High: 36°C

Night Clear
Low: 22°C

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43, Chovelidze st., Tbilisi, 0108, Georgia
Founded by Prof.

Zaza Gachechiladze

Tamar Gachechiladze

Publisher

Mob.: +995 599 565621; +995 577 760000
E-mail: messenger@messenger.com.ge
http://www.messenger.com.ge/

Nino Metreveli

Commercial Director

Mariam Mchedlidze

Editor-in-Chief

Khatuna Gogichaishvili

Layout Designer, Photographer

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