

How Emergency Measures Affected Protests in Georgia



How were people impacted by the emergency measures limiting their right to freedom of peaceful assembly?

- The law limited the number of individuals that can assemble or gather first at 10 people, and later this number was further restricted to 3 people.
- Human rights monitors and journalists could not get permits to be able to leave their homes in order to observe protests during curfew hours.
- Other limitations, such as curfews or bans on public transport limited the possibility to organize or join protests.
- Disproportionately high fines for attending protests after curfew hours and restrictions on where to set up tents had a chilling effect on protesters.



European Center for
Not-for-Profit Law



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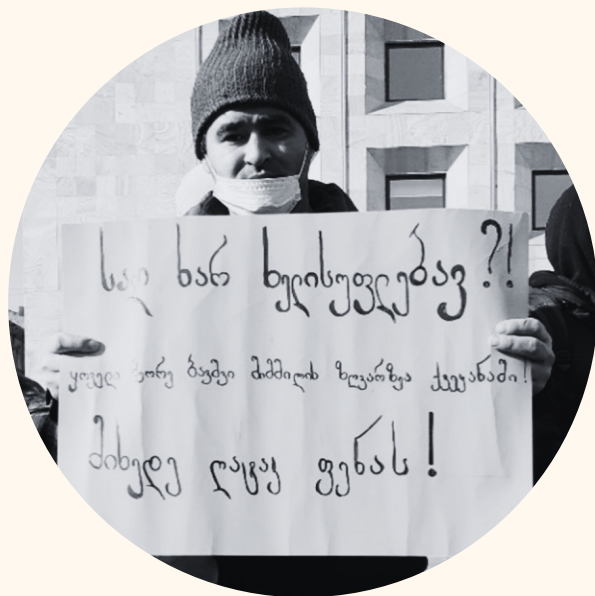
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Timeline of restrictions

March 31, 2020: After the related Order and Decree was approved by the Parliament, the President of Georgia declared state of emergency and imposed restrictions on a number of human rights, such as the right to respect for private and family life (e.g. meetings are suspended in penitentiary establishments) and the right to liberty (government bodies can detain the persons who violate the rules of quarantine or isolation). The President delegated authority to the government of Georgia to restrict freedom of movement and right to property without setting necessary boundaries and defining the scope for the restriction. It also restricted all assemblies, giving the government the power to set exceptions (this power was not used by the government which meant all assemblies remained restricted). Georgia derogated from its obligations related to freedom of assembly under international human rights treaties.



February 11, 2021: The Constitutional Court of Georgia delivered a decision in relation to the amendments to the Law on Public Health, which confirmed the power of the government to restrict freedom of movement, right to property and gatherings for social purposes under quarantine measures. There was criticism of the reasoning of the Court as the restrictions were [framed vaguely](#) and the Parliament has granted government with unlimited legislative power.



May, 2020: The Parliament amended the Law on Public Health to authorize the government to set additional restrictions on human rights during the epidemic on the grounds to protect the health of the population. The new amendments created high risks of abuse of authority by the government and disproportionate human rights restrictions as they did not envisage checks and balances, such as parliamentary oversight over the process.



How were measures eventually aligned with international standards?



Responses from national human rights institutions

The Ombudsman submitted a complaint, after which specific criteria for the interference into the human rights were defined in the law. The specific criteria set that the restriction of human rights must be: a) made for the protection of the values envisaged by the Constitution of Georgia; b) envisaged by the law or normative act; c) necessary for the democratic society; d) non-discriminatory; e) proportionate; and f) the value protected by the restriction must exceed the damage done by it.

Government removing disproportionate fines

Disproportionate fines to those that violate emergency measures are no longer applied after the Government adopted the Law on Exemption from Administrative Penalty and Law on Amnesty in August 2021, quoting the worsening socio-economic context as a justification for the laws. People that were fined for violating the emergency measures, but have not yet paid, are exempted from the obligation.



CSO advocacy against curfew

Since February 2021, CSOs in Georgia were vocal it is necessary to terminate curfew whilst other emergency measures are also being eased. The curfew was terminated on July 2021.