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Georgian condom brand 'Aiisa' wins case against Georgia in ECHR

THE CONDOM BRAND WAS FINED FOR 'UNETHICAL' DESIGNS



► Aiisa was fined for 'unethical' designs

BY NIKA GANTSEMLIDZE

The European Court of Human Rights has found violations of Article 10, freedom of expression, in the case of Aiisa. The founder of the condom startup Ani Gachechiladze, whose rights were defended by GDI, won the case in the ECHR against Georgia.

The dispute concerned fines imposed on Aiisa in Georgia and court rulings in various instances in Georgia, which found that the labels and images on condom packaging violated the law on advertising and were unethical in that they insulted religion.

The European Court of Human Rights has clarified that the rulings rendered by the Georgian courts indicate that the views of the Georgian Orthodox Church on ethics have a predominance when it comes to different values guaranteed by the Georgian constitution and conventions.

The statement also reads that "in a pluralist democratic society those who choose to exercise the freedom to manifest their religion must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith".

The lawsuit against Aiisa was filed by a political union called Georgia Idea, citing that the usage of Georgian historical monuments was "unethical" and was violating religious symbols. The Georgian Idea was also saying that the condom maker was violating "generally accepted human and moral norms".

In 2018, the city court fined the company €500 and gave it one week to remove the products from the market. Aiisa then addressed the Court of Appeals, which did not change the ruling of the City Court.

According to Mari Kapanadze, director of the GDI Civil and Political Rights Program, this decision by ECHR is particularly important in light of the fact that "in recent years and now [in Georgia] there is a tendency to restrict freedom of expression."

One of the first to criticize the company

for these designs was the Georgian Patriarchate, which issued a special statement calling the products 'a blasphemy' against the Georgian church.

Prior to the hearing of the European Court of Human Rights, the Ombudsman of Georgia also assessed the decisions of the Georgian court regarding the Aiisa's case, an illegal restriction on freedom of expression. "Restrictions on freedom of expression cannot be based primarily on the argument that religious or historical

symbols and phrases are used in inappropriate contexts," a Georgian human rights defender wrote in a 2019 report.

The European Court of Human Rights found that in 3 of the 4 cases the decision of the national court violated Article 10 of the Convention of Human Rights, which deals with freedom of expression, and in 1 case it abstained from the final decision. The decision of the European Court of Human Rights was published yesterday, on July 22.



► ECHR announced its decision yesterday, on July 22

NGOs address Parliament Speaker over violence against female MPs



► At yesterday's sitting of the Parliamentary Bureau, Papuashvili denied violence against Bokuchava and addressed Dekanoidze, saying that 'violence is not allowed against women, men, or anyone.'



► Tsilosani takes the initiative to clarify the issue of violence against women MPs by the Gender Council of the Parliament.

BY NATALIA KOCHIASHVILI

During the July 18 special session of the parliament, when the Minister of Internal Affairs Vakhtang Gomelauri was preparing to address the tribune, MPs Shalva Papuashvili and Irakli Zarkua used physical force against female MPs Tina Bokuchava and Nona Mamulashvili, who arrived at the rostrum and did not allow the minister to continue his speech. The hearing failed; Media representatives and opposition MPs brought photos and posters of Lekso Lashkarava to the session hall. They demanded the resignation of PM Irakli Gharibashvili and the Interior Minister, which led to a controversy in the parliament.

The protest of the opposition and the journalists was followed by a verbal confrontation between the majority and the members of the opposition. In particular, one of the UNM Bokuchava, tried to get to the speaker's seat, however, Georgian Dream's Shalva Papuashvili, used force to remove her from the territory. Other MPs, including Levan Mgaloblishvili, verbally abused MP Ana Tsitlidze.

Women MPs from the United National Movement appealed to the Ethics Council of Parliament over the incident. Parliament Speaker Kakha Kuchava told a bureau meeting on July 22 that the issue would be discussed by the Ethics Council and the Gender Equality Council. Asked whether Mamulashvili violated the Code of Conduct by climbing the table, Kordzaia said that her behavior was completely within

the scope of freedom of expression. Bokuchava doesn't rule out appealing to the court.

Thirty NGOs and political organizations addressed the Speaker of Parliament over this issue as well. The signatories of the statement consider that the silence and inaction of Kuchava is unacceptable, which encourages violence. They called on him to use all available mechanisms for an adequate response, 'so that the abusive MPs Shalva Papuashvili and Irakli Zarkua are held accountable for their abusive and violent actions against female MPs.'

"The situation is aggravated by the fact that Shalva Papuashvili and Irakli Zarkua do not even realize the violent nature and essence of their actions. Unfortunately, Irakli Kadagishvili, a member of the Ethics Council of the Parliament, also made an unqualified statement; The actions of Papuashvili and Zarkua should be evaluated by the members of the Ethics Council," the statement reads.

The statement reads that Levan Mgaloblishvili physically re-

stricted the movement of Tsitlidze and Bokuchava, and the latter was deprived of a protest poster. The footage confirming the above was spread by all media outlets.

They write that human rights organizations and activists have been fighting for gender equality for many years and violence against women politicians undermines the success of the fight for equality. According to NGOs MPs from the highest legislature have publicly and demonstratively encouraged the violent treatment of women; "The public was shown that a woman's 'unacceptable' protest might be suppressed by a man with physical force."

The authors of the statement wanted to read the text in front of the tribune in front of the Parliament, but they were not allowed to do so by the Parliamentary Security Service and were not allowed in the building. As Kuchava explained later, they were restricted because of the security regime, which has been in force since 2016 and is valid when there is a danger of disrupting the session.

At yesterday's sitting of the Parliamentary Bureau, Shalva Papuashvili denied violence against Bokuchava: "On my part it was not violence, it was the suppression of direct aggression from Ms. Tina, which could not be stopped by 2 bailiffs," he said, adding that preventing Bokuchava's aggression was not only his right but also his 'moral obligation.'

According to Zarkua, climbing on the parliamentary table is ethically unacceptable for him; everyone has the opportunity to protest, 'although it has its forms.'

"To me, this is an insult to the voters, including their constituents. On the contrary, I helped nicely with the arrival... Everyone had the opportunity to express their protest, vision, opinion or task, but it is. It is not necessary to run barefoot on tables. It is unacceptable and I will continue it like this, it does not matter who is offended," Zarkua said, adding that he didn't have to insult anyone. According to him, the code of ethics was violated by the people

'who tried to do somersaults at the tribune.'

MP Nino Tsilosani, Chairperson of the Parliamentary Gender Equality Council, has taken the initiative to discuss whether there was violence against abovementioned 3 MPs on July 18 in the Parliament of Georgia. According to Tsilosani, representatives of NGOs that were not allowed to enter the parliament on July 22 will also be invited to the sitting.

"Let's gather in a closed working format and I present our arguments, as well as hear your arguments as to why, in your opinion, it was violence against women," speaking at the parliamentary bureau session, she said that members of the opposition were engaged in discrediting issues of violence against women. According to Tsilosani, saying that no one can touch a woman, even when she may have committed a crime and the bailiff is trying to stop her, it deceives society into believing that a woman has the right to everything, which is the worst interpretation of this issue.

THE NEWS IN BRIEF

PREPARED BY THE MESSENGER STAFF

Senator Jim Risch: I am more and more concerned about the steps taken backwards in Georgia

"I am more and more concerned about the steps taken backwards in Georgia. More than 50 journalists have been beaten in recent weeks - one of them died as a result of injuries," Jim Risch, a member of the US Senate Foreign Rela-

tions Committee, said at the committee meeting.

The senator also spoke about the appointment of Supreme Court judges, noting that this was contrary to the April 19 agreement.

"Several judges were appointed to the Supreme Court against the April 19 agreement. I know Senator Shaheen shares my concern in this regard, we have had a number of discussions about it.

I hope we will work with the Georgian government to discuss these issues," the Senator said.

Giga Bokeria: The final decision of the opposition regarding mayoral candidates will be made public in a couple of days

According to Giga Bokeria, Chairman of European Georgia, his party considers it necessary to coordinate and reach an agreement on the mayoral and City Assembly candidates for the self-government elections both in Tbilisi and other big cities.

"We, European Georgia, our

political team, consider it necessary to coordinate and agree on mayoral candidates for these elections in Tbilisi, as well as in other major cities. In our opinion, it is late to reach this agreement, but it is better late than never.

Therefore, we hope and so we plan that in just a couple of days all these questions will be answered. The persons you have named have been the subject of absolutely legitimate consideration throughout this period, and the final decision will be made public in a couple of days," Bokeria said.

FRIDAY JULY 23
 Day ☀️ Mostly sunny
 High: 30°C
 Night 🌙 Clear
 Low: 21°C

SATURDAY JULY 24
 Day ☁️ Rain
 High: 29°C
 Night 🌧️ Cloudy
 Low: 21°C

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Georgia in US State Department 2021 Investment Climate Statements

By NATALIA KOCHIASHVILI

The US Department of State's Report on Investment Climate 2021, published this week, covered Georgia among many other countries. The report provides a detailed overview of Georgia's high ranking in various international organizations, the country's legislation, the state of the economy and financial sector, political situation, and security environment. The document reads that Georgia, located at the crossroads of Western Asia and Eastern Europe, is a small but open market that derives benefits from international trade, tourism, and transportation.

Despite being susceptible to global and regional shocks, the country's sweeping economic reforms since 1991 have produced a relatively well-functioning and stable market economy. The average growth rate was over 5% from 2005 through 2019, and rankings improved impressively in global business, governance, corruption, and other indexes: Georgia ranks 7 in the 2020 World Bank's Ease of Doing Business index, 12 in the Heritage Foundations' 2021 Economic Freedom Index, 8 in the Economic Freedom of the World of Frazer Institute, and 45th in Transparency International's Corruption Perception Index.

The summary of the report also underlines that fiscal and monetary policies are focused on low deficits and inflation, and a floating real exchange rate, although the latter has been affected by regional developments, like sanctions on Russia, and a stronger dollar.

The pandemic reversed some of the past gains and placed significant pressure on the domestic currency and local economy. Georgia's economy contracted 6% in 2020 with steep losses in tourism. According to the World Bank, Georgia "has a sound macroeconomic framework, attractive business environment, and robust public financial management arrangements that are expected to support the post-COVID recovery. Georgia's governance indicators typically exceed Europe and



► US Department of State's Investment Climate Statements provide country-specific information on the business climates of more than 170 countries and economies that are, or could be, markets for U.S. businesses of all sizes.

Central Asia and upper-middle-income country averages."

The Georgian Gov't Program 2021-2024 Toward Building a European State, which outlines economic policy priorities for quick recovery, stresses the gov't's commitment to property rights protection and business-friendly policies, such as low taxes, pledges to invest in human capital, and to strive for inclusive growth. It emphasizes Georgia's geographic potential as a trade and logistics hub along the New Silk Road linking Asia and Europe via the Caucasus.

Investment Climate Report 2021 names transit and logistics as priority sectors in Georgia since it seeks to benefit from increased East/West trade through the country. It addresses the Baku-Tbilisi-Kars railroad which has boosted Georgia's transit prospects and the gov't has looked for ways to enhance trade.

"Overall, business and investment conditions are sound. However, there is an increasing lack of confidence in the judicial sector's ability to adjudicate commercial cases independently or in a timely, competent manner, with some business dispute cases languishing in the court system

Table 1: Key Metrics and Rankings

Measure	Year	Index/Rank	Website Address
TI Corruption Perceptions Index	2020	45 of 180	http://www.transparency.org/research/cpi/overview
World Bank's Doing Business Report	2020	7 of 190	http://www.doingbusiness.org/en/rankings
Global Innovation Index	2019	63 of 131	https://www.globalinnovationindex.org/analysis-indicator
U.S. FDI in partner country (\$M USD, historical stock positions)	2019	N/A	https://apps.bea.gov/international/factsheet/
World Bank GNI per capita	2019	4,780 USD	http://data.worldbank.org/indicator/NY.GNP.PCAP.CD

► Photo: Screenshot from State Dept web

for years." reads the report. Other companies complain of inefficient decision-making processes at the municipal level, shortcomings in the enforcement of intellectual property rights, lack of effective anti-trust policies, accusations of political meddling, selective enforcement of laws and regulations, including commercial laws, and difficulties resolving disputes over property rights. The document underlines that the Georgian gov't continues its work to address these issues, and despite remaining challenges, the country ranks high in the region as a good place to do business.

The section on corruption re-

ports that Georgia has succeeded in combating low-level corruption, although the issue of what Transparency International called "elite" corruption is still problematic when high-ranking officials use legal loopholes to enrich personal wealth, status, or accountability. Although the evidence is largely fragmented, this form of corruption or the perception that it exists can undermine public confidence in Georgian institutions and the investment environment.

Later on, the document focuses on the controversial issue of Anaklia port. According to the State Dept report, 4 years after the gov't awarded the contract to build a

new port in Anaklia to a group of international investors, including a U.S. company, it terminated its contract with the group for the development of a deep-sea port in 2020. "The investor group alleges gov't actions against the project led to financial difficulties and eventual contract termination. Despite the gov't's claim that it remains committed to the construction of a deep-sea port in Anaklia, investors and local business leaders doubt that commitment." The report also indicates that separately, logistics and port management companies in Poti and Batumi have started the development and expansion of both the Batumi and Poti Ports. In 2020, logistics companies will complete 2 new terminal projects and a 3rd will be underway – a multimodal terminal in Batumi and new terminals and increased storage in Poti, currently the largest port in Georgia with plans to increase deep-water capacity.

Besides this information, in its report State Dept informs that the U.S. and Georgia work to increase bilateral trade and investment through a High-Level Dialogue on Trade and Investment and through the U.S.-Georgia Strategic Partnership Commission's Economic, Energy, and Trade Working Group. Both countries signed a Bilateral Investment Treaty back in 1994, and Georgia is eligible to export many products duty-free to the US under the Generalized System of Preferences program.

Importantly, the document addresses Georgia's geopolitical situation and Russia's occupation of the Georgian territories of Abkhazia and South Ossetia, areas over which the central gov't of Tbilisi doesn't have effective control.

"The US supports Georgia's sovereignty and territorial integrity within its internationally recognized borders and does not recognize the Abkhazia and South Ossetia regions of Georgia as an independent. Tensions still exist both inside the occupied territories and near the administrative boundary lines, but other parts of Georgia are not directly affected." the report read.

USAID and Adjara Group Launch New Partnership

TBILISI, GEORGIA – July 21, 2021 – USAID/Georgia Mission Director Peter Wiebler and the directors of Adjara Group signed a Memorandum of Understanding (MOU) affirming their commitment to jointly advancing sustainable and inclusive economic development. Under the MOU, USAID will partner with Adjara Group to strengthen the competitiveness of key sectors in Georgia's economy, including hospitality, creative industries, and agriculture.

USAID's Growing Emphasis on Private Sector Engagement

The MOU reflects USAID's strategy to expand and deepen engagement with the private sector to advance sustainable development in Georgia. Namely, this includes supporting Geor-

gia to strengthen its resilience against malign influence, build citizen-responsive institutions, and achieve inclusive economic growth. USAID looks forward to partnering with Adjara Group to develop workforce skills in key sectors, generate inclusive employment, support local business development, source local produce, and co-invest in sustainable tourism in Abastumani and the wider Samtskhe-Javakheti region.

"This initiative with Adjara Group will help USAID strengthen our ability to support inclusive economic growth in Georgia's communities," said USAID/Georgia Mission Director Peter Wiebler. "The company has proven its commitment to investing in its employees and in the communities where it operates. Together,

we will create and co-finance initiatives that create high-value jobs and strengthen resilience in Georgia's regions. This is a core priority for USAID as we support broad-based, inclusive economic growth that benefits people all across the country."

"Creating an enabling environment for Georgia's increased employability and economic growth has always been one of our ultimate priorities. Inclusivity, a shared value approach, regional development, and empowerment of local communities are fundamental to all of our main directions. Today, we are glad to deepen our strategic partnership with USAID and advance the Holding's capacity for further contributing to the development of Georgia's tourism, agricultural and creative in-

dustries" – the Board or Directors of Adjara Group. About USAID in Georgia: As the leading development agency of the U.S. Government, USAID supports Georgia to build the capacity to plan, finance, and implement its own solutions to development challenges. USAID has worked in Georgia since 1992, supporting the country's transformation into a democracy that is increasingly integrated into Western political, security, and economic institutions. More than 35 USAID programs strengthen Georgia's resilience to malign influence, consolidate democratic gains through enhanced citizen responsive governance, and enable high-value employment through increased economic growth. For more information, please visit: <https://www.usaid.gov/georgia>.

About Adjara Group:

Adjara Group is a leading Georgian holding, which operates as a decentralized corporate structure uniting three directions – hospitality, development, and agriculture. It has gained worldwide recognition for creating and managing award winning hotels, multifunctional spaces, and restaurants and bars. Moreover, one of the biggest agricultural and farming companies in Kakheti, Georgia, is also being operated as part of the holding and plays a key role in developing the industry. With an aim of contributing to the development of Georgian economy and setting new standards in hospitality, agriculture, and context-driven development, the holding creates innovative, inclusive, and environmentally sustainable projects for locals, as well as international travelers.

The Ambassador of the Republic of Bulgaria to Georgia, H.E. Dessislava Ivanova held a farewell party on July 21. *The Messenger* wishes H.E. Dessislava Ivanova all the best and every success in her future career.



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