



JUST ATONEMENT INC.

justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

**Just Atonement Inc.**

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Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Georgia.

*Summary of Conclusions*

1. Climate change in Georgia has already affected and will continue to impact human rights. This includes water-related consequences such as sea level rise, glacial melting, and access to drinking water. Climate change will also heavily impact Georgia's agricultural sector, which the country depends on. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** This makes climate change an existential threat that must be addressed.
2. Strained relations with Russia continue to impact Georgia. This main issue arises out of the relationship between Georgia, Russia, and the two territories of South Ossetia and Abkhazia.
3. Protests in Georgia highlight the general citizenry's displeasure with certain aspects of Georgia's democratic mechanisms. Among them are relations with Russia as well as the



ruling party's power.

4. Protest suppression tactics have been used in recent months, including the usage of tear gas, rubber bullets, and water cannons. Georgians' ability to assemble appears to be not entirely protected.
5. The LGBTQ+ community in Georgia suffers from broad discrimination from society and the government. Current protections against anti-LGBTQ+ violence and discrimination are insufficient and need to be corrected.

### *Analysis*

#### *Impacts of Water-Related Climate Change on Human Rights*

6. Water-related effects resulting from climate change are multi-faceted. As climate change continues, sea levels will rise, which will cause Georgia's Black Sea coastline to recede. Georgia depends on revenue generated by tourism, which is largely driven by its beaches. Without Georgia's Black Sea beaches, those relying on beach tourism will be faced with an economic crisis, infringing on their right to self-determination and right to dignified work. Disappearing beaches would not only affect the owners of those businesses, but also the everyday workers who may not have savings to rely on. The inability to freely pursue economic development due to climate change will have a very direct impact on these individuals.
7. Sea level rise resulting from climate change will also lead to losses for those with beachfront properties, clearly infringing on the right to property. These homes could be destroyed completely if sea levels rise to high enough levels, leading to massive economic losses and even displacement. It is also possible that individuals with beachfront properties are part of the beach tourism industry, handing them multiple challenges as a result of sea level rise.
8. Georgia has numerous glaciers it depends on for water, which have retreated dramatically as global temperatures rise. They are a crucial source of freshwater, and as the rate of melting increases, the source shrinks. Further, the faster pace at which glaciers are melting has the effect of altering river flows, which in turn further influences access to water. The ability to obtain drinkable water is a key aspect of maintaining the right to life.

#### *Impacts of Climate Change on Agriculture and Human Rights*

9. Agriculture is the backbone of the Georgian economy and of many communities' livelihoods. Climate change threatens the life source of these individuals, and thus



infringes on their rights to life and self-determination.

10. Georgia's agriculture sector is already being affected by climate change, and the consequences will continue to worsen as climate change escalates. Around 50% of the population is employed by agriculture. Agriculture is especially relied on by Georgia's poor for their livelihood. The damage to agriculture results from extreme weather patterns such as flooding, landslides, mudflows, and droughts. Flooding, landslides, and mudflows threaten to physically destroy entire systems of agriculture. Droughts limit water availability, which in turn creates dismal conditions for food growth. Altered river flows could also have an impact on agriculture, whether by providing an excess amount of water or not enough.
11. In 2000, a drought caused \$460 million in damage to Georgian agriculture. In 2015, a landslide in Tbilisi caused \$100 million in damage. Neither of these numbers are small or insignificant, especially if those being affected are living in poverty.

*Impacts of the Conflict between Georgia and Russia on Human Rights*

12. Human rights concerns are present as a result of the Georgia-Russia conflict in the regions of South Ossetia and Abkhazia. Russia recognizes the independence of these states from Georgia, while the broader international community does not. In 2008, a war between Georgia and Russia occurred over these territories. Within the same year, there was a cease fire, which came with certain obligations on both sides. Russia claims its actions are consistent with international law and the terms of the cease fire. However, there have been various allegations from Georgia and other UN member states that Russia is violating the cease fire.
13. These allegations state that Russian forces remain within South Ossetia and Abkhazia through a tactic called "borderization," which involves control over fences and signs that mark the borders between the two territories and the rest of Georgia. Allegations have been made that these borders are physically moved further into Georgia, permitting South Ossetia and Abkhazia to increase their territories while decreasing the size of the rest of Georgia. These actions have been condemned by the United States, the European Union, and the broader international community. Nevertheless, allegations of borderization have continued, even amidst the global COVID-19 pandemic.
14. The consequences of this alleged borderization have the ability to directly impact the citizens of Georgia. Borderization affects the right to self-determination and the right to liberty of movement. Georgian citizens near the South Ossetia borders have found themselves suddenly in a different territory, affecting their lands and businesses. This impacts the ability to work, obtain food, and provide themselves with an adequate standard of living.
15. Agriculture is further affected in communities near or on the borders, as farmers are afraid of going near them due to the threat of detention, despite their right to liberty and their right to be free of arbitrary detentions. As a result, less land is used and less food is



produced. The existence of borders restricts local communities' access to orchards, pasture, and farm land which may be in or near those lines.

16. Georgian citizens may be unable to reach their families and communities on the other side of the borders, infringing on their right to not be subjected to arbitrary interference with one's family.
17. Particularly relevant to the present, there have been allegations of residents of South Ossetia being unable to cross the border when seeking medical help. During a pandemic where access to medical care is widespread and urgent, this is a potentially troublesome violation of the right to life.
18. The fear of being arrested at these borders threatens the right to be free of arbitrary detentions. The ability to cross from South Ossetia or Abkhazia into the rest of Georgia is restricted and monitored. This has worsened local economic conditions by limiting movement of resources. Georgians living in South Ossetia have been denied access to medical care, education, and family visits within the rest of Georgia. If individuals do try to cross the border, there is a likelihood of being detained or fined by authorities.

#### *Protests Against the Government*

19. Georgia's strained relationship with Russia influences its democratic processes. Georgia has shown a strong desire to join the European Union and NATO, and distance itself from Russia. This appears to be generally well-received within Georgia, and dissent arises when these goals are not pursued.
20. Beginning on June 20, 2019, opposition against Georgia having a closer relationship with Russia began to materialize in the form of large protests. Those protests were sparked by Sergei Gavrilov, a member of Russia's lower house of parliament, when he was seen entering the Georgian parliament. There were around 10,000 protestors in the Georgian capital of Tbilisi showing their opposition to Russian influence.
21. Recent protests in Georgia further highlight issues within the Georgian government. First, the electoral system disproportionately favors the ruling party. Second, the ruling Georgian Dream party did not uphold their promise to pursue electoral reform. The latter sparked protest in November 2019. Third, Georgia's judiciary is made up of judges who tend to appoint their supporters and prevent independent judges from joining. The issues within Georgia's democratic institutions impact the right to self-determination, the right to take part in the conduct of public affairs, and the right to equal access to public service.

#### *Protest Suppression*

22. In response to the widespread protests beginning summer of 2019, the government and police have been involved in protest suppression. During the 2019 protests in Tbilisi, police were documented using disproportionate and indiscriminate force to disperse the masses. Police used rubber bullets and tear gas, two weapons which can cause serious



injury and even death, threatening the protestors' right to life. Water cannons were utilized in December 2019 when protestors attempted to block the entry to the parliament building. Hundreds were injured throughout these protest suppression efforts through the various months in which they occurred. Individuals were also detained for protesting, violating their rights to freedom of expression and peaceful assembly.

23. It appears there is a lack of accountability for such violations by law enforcement, with no repercussions to the police resulting from them.

#### *LGBTQ+ Rights*

24. The first ever Georgia Pride march was scheduled for June 2019. However on May 31, 2019 the Interior Ministry issued a statement saying that the march could not be held outdoors, citing the risks to people participating. Homophobic groups also became involved, planning to organize a violent counter-protest. They formed vigilante civil guards tasked with assaulting anyone who was perceived to be part of the LGBTQ+ community or an ally. Public organizers and allies of this Pride march received death threats. To escalate the danger to those planning on participating in Pride, law enforcement refused to protect those in the march.
25. The actions of law enforcement, the government, and homophobic groups directly impact the right to life of those in the LGBTQ+ community and their allies. Further, putting these obstacles in place limits the LGBTQ+ community from exercising their full freedom of expression.
26. As a response to this broad lack of support, around 40 activists held a Pride march outside the Interior Ministry about a month after the original was to take place.

#### *Recommendations*

27. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** Issues affecting climate change need to be addressed and corrected. Fossil fuel consumption needs to decrease worldwide. Greenhouse gas emissions need to be dramatically cut back around the globe. The most important way to address water and agriculture related climate change consequences happening in Georgia is to work at stopping and reversing climate change everywhere.
28. Regarding sea level rise, it is important to prepare. Flooding precautions should be put in place in seaside communities, and there should be plans for a managed retreat if it becomes necessary. This is especially important in areas where there are homes or crucial infrastructure at risk.
29. Regarding melting glaciers, reports of water access have not pointed to this being an immediate issue yet. Nevertheless, alternate sources of water should be explored and prepared.



30. The role that agriculture has in Georgia's economy is significant. There should be more monetary assistance put towards agriculture. Access to food and water should be ensured throughout the country, especially poor communities. The Georgian government and international organizations are crucial in bridging the gap that exists in communities struggling with such resources.
31. The allegations of borderization should be addressed and investigated. Ideally, South Ossetia and Abkhazia borders should not be so heavily monitored. Further, those lines should not be drawn in the middle of an individual's property or in a way that divides a community.
32. Checkpoints at these border should be removed. Georgian citizens should be free to move within their own country without fear of being detained or fined.
33. The international community should work towards creating a path for Georgia to join NATO and the European Union.
34. A more equitable and just democratic system should be pursued by allowing parties outside the ruling party to hold power.
35. The use of tear gas, rubber bullets, and water cannons should be banned. This includes their usage by law enforcement during protests. Weapons like these are meant to appear less harmful because they are labeled as non-lethal. However, these weapons *can* actually be lethal or at least cause serious injury. Such weapons at the hands of law enforcement are extremely dangerous and their use should be prohibited.
36. The right to peaceful protest in Georgia should be fully recognized and protected. This includes protests against the government as well as any future Pride marches.
37. LGBTQ+ rights should be recognized throughout Georgia. Discrimination on the grounds of LGBTQ+ status should be prohibited. The organizing of a Pride march should be supported once the COVID-19 pandemic is under control.

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### **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Eva Vivero (Denison University 2019, New York University School of Law 2022)*