

## GEORGIA 2014 HUMAN RIGHTS REPORT

*Note: Except where otherwise noted, figures and other data do not include the occupied regions of South Ossetia and Abkhazia.*

### EXECUTIVE SUMMARY

The constitution of Georgia provides for an executive branch that reports to the prime minister, a unicameral parliament, and a separate judiciary. The government is accountable to parliament. The president is the head of state and commander in chief. Parliamentary elections in 2012 marked the first democratic transfer of power since the country's independence. In the October 2013 presidential election, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) concluded that the vote "was efficiently administered, transparent and took place in an amicable and constructive environment." While the election results reflected the will of the people, observers raised several concerns, including allegations of political pressure at the local level, inconsistent application of the election code, and limited oversight of campaign finance violations. Security forces reported to civilian authorities.

The most important human rights problems reported during the year were the following: societal/interpersonal violence, including domestic violence and politically motivated violence; increased societal intolerance of members of minority groups, as reflected in hate speech, interference with religious worship, and intimidation that prevented freedom of assembly; and persistent shortcomings in the legal system that led to incomplete investigations, premature charging of suspects, and inappropriate use of pretrial detention.

Other problems reported during the year included abuse by law enforcement officials; substandard prison conditions; allegations of political influence in the administration of justice; allegations of improper electronic surveillance; pressure on opposition figures to withdraw from local elections; and substandard living conditions for internally displaced persons (IDPs). Disability rights and trafficking in persons remained problems. Problems persisted with workers' fundamental freedom of association, interference with collection of dues, and the failure to honor previously agreed collective bargaining agreements. The government failed to establish a labor inspectorate as required by the 2013 labor code.

The government took steps to promote accountability; some opposition parties called the government's investigation and prosecution of former officials politically motivated, while nongovernmental organizations (NGOs) and the UN Human Rights Committee highlighted the importance of avoiding the appearance of political retribution. As of December, since 2012 the government had charged approximately 45 mid- or high-level former government officials, including former president Mikheil Saakashvili, the opposition United National Movement (UNM) general secretary, former minister of internal affairs, and prime minister Ivane "Vano" Merabishvili, and former minister of internal affairs, defense, and corrections Bachana "Bacho" Akhalaia, with crimes including obstruction of justice, misappropriation of government funds and money laundering, blackmail, privacy intrusion, and abuse of power. Of the 45 cases, 15 involved high-level officials. The government charged four of these 15 former government officials with torture or other physical abuse. The government also prosecuted its own former first deputy minister of internal affairs, finding him guilty of releasing a secretly obtained videotape of a journalist's private life made by the previous administration in an attempt to discredit him.

De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside central government control. These authorities continued to be supported by several thousand Russian troops and border guards occupying the areas since the 2008 armed conflict between Russia and Georgia. A cease-fire remained in effect in both Abkhazia and South Ossetia, although violence occurred in both areas. Russian border guards restricted the movement of the local populations. While there was little official information on the human rights and humanitarian situation in Abkhazia and South Ossetia due to limited access to these regions, many allegations of abuse persisted.

De facto authorities continued to restrict the rights, primarily of ethnic Georgians, to vote or otherwise participate in the political process, own property, register businesses, and travel. The de facto South Ossetian authorities refused to permit most ethnic Georgians driven out during and after the 2008 war to return to South Ossetia. With the exception of the International Committee of the Red Cross (ICRC), de facto authorities did not allow international organizations regular access to South Ossetia to provide humanitarian assistance. Russian "borderization" of the administrative boundary lines of the occupied territories of Georgia intensified during the year, separating Georgian residents from their communities and undermining their livelihoods.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

During the year the government conducted investigations into several killings allegedly committed by current and former government officials. According to NGOs there were no cases reported during the year of the government or its agents committing arbitrary or unlawful killings.

In May a Kutaisi city court sentenced one inmate of the Prison No. 14 in Geguti to 11 years of deprivation of liberty in connection with the May 2013 death of prisoner Levan Kortava. In September the court found six additional inmates guilty of beating Kortava and causing him severe physical injury resulting in his death. The court also found the six guilty of belonging to the “criminal underworld” and sentenced each to 14 to 20 years in prison. As of November the case continued against former employees of Prison No. 14 charged with abuse of power and concealing a crime.

In March the Prosecutor General’s Office indicted three former high-level officials of the defunct Ministry of Internal Affairs’ Constitutional Protection Division, including former division head Davit “Data” Akhalaia in his absence, for premeditated murder, abuse of power, and falsification of evidence in a 2006 incident involving the deaths of Murad Gorgadze, the brother of an inmate, and Gorgadze’s friends, Marad Artmeladze and Roman Surmanidze. The Prosecutor General’s Office alleged Data Akhalaia planned the operation to scare other prisoners. The courts also sentenced Data Akhalaia, as well as other high-ranking officials from the Constitutional Security Division, Oleg Melnikov, Geronti Alania, and Soso Topuridze, to three years and nine months in prison for severely beating three police officers while serving in the previous government.

In August former Ministry of Internal Affairs official Oleg Melnikov pled guilty to murder and falsifying testimony in connection with the high-profile killing of Sandro Girgvliani in 2006. Melnikov, who made a plea bargain with the court, testified that, following the murder, he acted on orders from former president Saakashvili, General Prosecutor Zurab Adeishvili, and the head of the Department of Constitutional Security, Data Akhalaia, when he signed falsified testimony in order to mitigate civic unrest following Girgvliani’s death. The opposition UNM party alleged that Melnikov made a deal with authorities and denied the involvement of former officials in the crime. In 2011 the European Court of Human Rights (ECHR) ruled that senior officials had not only failed to conduct an effective investigation into his death but also that the various government

branches, including the Ministry of Internal Affairs, prosecutors, the judiciary, and the president, “acted in concert in preventing justice from being done.” In October the court sentenced former internal affairs minister Ivane “Vano” Merabishvili to three years in prison after finding him guilty of abusing power and concealing evidence in connection with an investigation into the killing of Sandro Girgvliani. In November prosecutors charged Saakashvili with abuse of power, alleging he conspired with former senior officials to obstruct justice in the Girgvliani case.

Some NGOs expressed concern regarding the March 23 death of a former official from the defunct Constitutional Protection Department (CPD) of the Internal Affairs Ministry, Shalva Tatukhashvili, who testified as a witness in the government’s case against former CPD head Data Akhalaia. Tatukhashvili’s family claimed investigators tortured him, but authorities denied the claims. Authorities also alleged Tatukhashvili declined protection under a witness protection program. The Georgian Democracy Initiative, Transparency International/Georgia, the Media Development Foundation, and the Tolerance and Diversity Institute called for an independent investigation of the case.

Human Rights Watch reported that more than five years after the 2008 war in South Ossetia, the government had not effectively investigated international human rights violations committed during the conflict. In its fourth periodic report, the UN Human Rights Committee remained “concerned about the slow progress in investigating, identifying, and prosecuting perpetrators of human rights violations committed during or in the immediate aftermath of the 2008 conflict, including cases of enforced disappearances, indiscriminate and disproportionate attacks against civilian population and other protected persons, unlawful detention, inhuman treatment, and destruction and appropriation of property that may constitute war crimes and crimes against humanity.”

## **b. Disappearance**

Observers did not report any politically motivated disappearances, abductions, or kidnappings in unoccupied Georgia or connected to the conflict in Abkhazia or South Ossetia during the year. Reliable information from the separatist regions, which were outside government control, remained difficult to obtain. There continued to be reports of abductions along the administrative boundary lines of both occupied regions.

Government and Abkhaz commissions on missing persons reported that nearly 2,000 Georgians and Abkhaz remained missing as a result of the 1992-93 war in

Abkhazia. During the year the ICRC chaired a new coordination mechanism between Georgian and Abkhaz participants to clarify the fate of these individuals. South Ossetian de facto authorities reported that 116 persons were still missing from conflicts in 1991 and 2008. The ICRC continued to assist authorities to inform the families of the whereabouts of missing relatives.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the constitution and law prohibit such practices, there were reports that government officials employed them. NGOs and the Public Defender's Office reported complaints of abuse by penitentiary officials and police continued, despite progress since the 2012 change in government.

According to the public defender's *Situation of Human Rights and Freedoms in Georgia* report for 2013, there were no cases of torture recorded in prison facilities, and the number of inmate deaths noticeably declined in 2013. During the year, however, NGOs reported that while challenges in the penitentiary system remained, they also noted torture and inhuman treatment of convicts and detainees no longer represented a widespread problem. On December 10, the Georgian Young Lawyers' Association (GYLA) criticized the penitentiary system for insufficient responsiveness to alleged abuses. NGOs including GYLA stated insufficient public oversight of the system exacerbated the problem. In November the public defender called for an investigation into possible mistreatment of two individuals in Prison No 8 in Gldani after representatives of his office alleged they witnessed them bruised and chained together while lying on the floor wearing wet clothes. As of the end of the year, the prosecutor's investigation continued.

During the year NGOs and the Public Defender's Office documented dozens of cases outside the prison system of police officers mistreating and beating detainees, denying them access to sanitation, or withholding permission to contact a lawyer. GYLA reported that individuals periodically showed signs of physical injuries upon admission to police detention facilities, although it was unclear how and when they sustained the injuries. NGOs, international observers, and the public defender criticized the government's lack of investigation into alleged instances of police officers' excessive use of force. The UN Human Rights Committee expressed concern regarding the pending status of investigations dating from 2006 into the excessive use of force by law enforcement and prison officers and the mistreatment of prisoners.

The Investigative Department of the Ministry of Corrections investigated 29 cases concerning exceeding of official powers, abuse of power, negligence, and violation of prison establishment regulations from 2012 to November. As of the end of the year, the General Inspection Unit of the Ministry of Corrections reported issuing 47 reprimands, 22 severe reprimands, 16 warnings, 28 rebukes, and 33 dismissals. The ministry enhanced its investigative and inspection capabilities, and its monitoring unit conducted planned and unannounced visits.

Following the public broadcast in 2012 of videos of officials engaging in apparent torture at Prison No. 8 in Gldani, the chief prosecutor and Ministry of Justice opened an investigation into prisoner abuse in the penitentiary system that continued during the year. A special task force in the Prosecutor General's Office fielded approximately 2,000 citizen requests for accountability for such abuse. The office's investigation uncovered systematic torture and mistreatment of inmates in almost every prison in the country during the previous administration. During the year authorities continued to investigate and prosecute prison abuse. GYLA criticized some of the investigations into inhuman treatment of prisoners and exceeding authority as ineffective.

In January the Prosecutor General's Office charged Bachana "Bacho" Akhalaia, who formerly held posts as minister of internal affairs (2012), of defense (2009-12), and of corrections (2005-08), and Megis Kardava, former head of the military police department and former director of Prison No. 7, with torture and exceeding official powers in the so-called Navtlughi special operations. Prosecutors alleged the defendants participated in beating six prisoners to extract confessions for an investigation into an attempted escape from Prison No. 1 in Rustavi. In October the courts found both Davit Akhalaia and Megis Kardava guilty as charged and sentenced them to 10 years in prison. The court also found two other former interior ministry officials, Levan Kardava and Giorgi Mazmishvili, guilty of the premeditated murder of three persons in the same operation and sentenced them each to 11 years in prison. As of November the case continued against Davit Akhalaia, the former head of the constitutional protection department, and Giorgi Dgebuadze, the former head of one of the department's units, regarding their role in the operation. After his 2012 arrest, the courts reached a ruling in three of five cases related to Bacho Akhalaia. He was acquitted of two charges and pardoned by former president Saakashvili following his conviction for authorizing excessive use of force in response to a 2006 prison riot in which seven prisoners were killed.

According to the Prosecutor General's Office, regarding prison staff, authorities initiated two investigations into allegations of torture, two into inhuman treatment,

and 15 into excess of official power during the year. Authorities also investigated 27 employees of the Ministry of Internal Affairs during the year. Of these, three were charged with torture, four with inhuman treatment, seven with intentional unlawful arrest, and 25 with exceeding official authority. Recent legislative amendments increased judges' ability to follow up the suspicion of abuse. In July parliament adopted an amendment to streamline the process for judges to report suspicion of illegal treatment of defendants. During the year the EU special advisor to Georgia on human rights, Thomas Hammarberg, highlighted continuing concerns with law enforcement agencies, including their insufficient accountability and oversight and the absence of an independent and effective complaint system.

In January, the Tbilisi City Court sentenced former military police chief Megis Kardava to seven and one-half years in prison for his involvement in the torture of Vice Colonel Davit Londaridze and Giorgi Gorelashvili. In the same case, the court found three former officials of the Department of Corrections guilty of sexual assault and torture in the 2011 death in detention of Colonel Sergo Tetradze, whom prosecutors alleged died of a heart attack as a result of torture and sexual abuse in custody. In July the Prosecutor General's Office charged former minister of defense Bacho Akhalaia with torture, organization of sexual abuse, and abuse of official power for his role in Tetradze's death.

In August the Prosecutor General's Office announced criminal charges against Saakashvili and Merabishvili for abuse of power in ordering the 2005 violent attack that resulted in the hospitalization of opposition Member of Parliament Valeri Gelashvili, who belonged to the opposition Republican Party. In November the prosecutor filed additional charges against Saakashvili and Merabishvili, charging them with organizing deliberate, severe damage to Gelashvili's health, following an independent forensic investigation that concluded Gelashvili sustained life-threatening injuries. The prosecutor also charged the former head of the Ministry of Internal Affairs' Special Operations Department, Erekle Kodua, and unit head Gia Siradze with exceeding official authority for using violence and arms as well as with intentional grave damage to health and armed robbery in conjunction with the attack on Gelashvili.

Individuals detained in South Ossetia who later returned to undisputed Georgian territory reported incidents of mistreatment and abuse in Ossetian detention centers. Mistreatment included inflicting cigarette burns and beatings. Human rights observers estimated that half of the individuals detained by South Ossetian de facto authorities experienced some form of abuse. Due to limited access to Russian-occupied South Ossetia, these reports were difficult to confirm.

## **Prison and Detention Center Conditions**

The Public Defender's Office, the European Instrument for Democracy and Human Rights, and many NGOs continued to report poor conditions in some prison and pretrial detention facilities. The public defender noted that newly constructed facilities met international standards, while some old facilities still in use were inhuman and deteriorating. Such facilities lacked adequate health care and exposed those incarcerated to insufficient ventilation. The public defender noted widespread amnesty and liberalization of criminal law reduced the prison population and improved inmate conditions. Human rights experts continued to highlight the absence of additional alternatives to detention and incarceration to reduce the number of persons sent to detention centers and prisons.

Physical Conditions: As of the end of the year, according to the Ministry of Corrections and Legal Assistance, the inmate population was 10,372, compared with 8,931 in 2013 and 19,349 in 2012. Of the total inmate population, 1,507 were in pretrial detention. The drastic decline in the inmate population was attributable, in part, to the January 2013 release from prison of 190 inmates identified as political prisoners and 3,000 additional inmates; shortened sentences for thousands of other inmates; and presidential pardons. The Ministry of Corrections and Legal Assistance reported the Presidential Pardoning Commission pardoned 787 prisoners (compared with 1,164 in 2013).

Despite the release of thousands of prisoners in recent years, the Council of Europe's commissioner for human rights, Nils Muiznieks, reported that detention facilities continued to struggle with problematic conditions. According to Ministry of Corrections and Legal Assistance's data available in December, 27 prisoners died in the penitentiary system during the year, compared with 22 in 2013. According to the public defender, the average age of deceased prisoners was 44.

In February hundreds of prisoners went on a hunger strike in Geguti Prison in western Georgia. According to media reports, some of the prisoners resorted to self-injury to protest alleged beatings by guards. The Ministry of Corrections and Legal Assistance stated that it sent representatives to monitor the situation and that 17 inmates who received medical assistance at civil hospitals were in healthy condition. The public defender called on authorities to investigate the alleged mistreatment immediately, but as of November no investigation was underway.



Some prison and pretrial detention facilities lacked adequate sanitary facilities. In its 2013 report, *Situation of Human Rights and Freedoms in Georgia*, the Public Defender's Office noted the state failed to provide for effective protection of the health and personal safety of inmates in its charge. The office also reported health care of prisoners and effective medical examinations continued to be a problem. According to the public defender, mechanisms in detention facilities were insufficient to protect victims from mistreatment, repeated abuse, or intimidation. Juvenile facilities did not meet international standards for health care and living conditions.

The public defender's 2013 report also noted conditions in temporary detention isolation cells continued to be a problem and that detainee registration records in temporary detention centers were often incomplete or erroneous. These facilities were intended to hold detainees accused of crimes and awaiting a hearing for up to 72 hours and were not built to provide long-term detention. The public defender noted numerous problems in the majority of the country's temporary detention facilities, including inadequate space, ventilation, natural light, heating, sanitation, and access to medical services. In some instances administrative detainees were not provided bedding or access to showers.

The UN Committee on the Elimination of Discrimination against Women reported female inmates had limited access to prolonged family visits as well as a lack of gender-sensitive, accessible, and evidence-based drug treatment for those who used drugs.

In its June report, *Conditions of Persons with Disabilities in Penitentiary Establishments, Temporary Detention Isolators, and the Institution for Involuntary Psychiatric Treatment*, the public defender noted that the needs of persons with disabilities, including for medical services, were not taken into account in prisons and temporary detention centers. The report also found flaws in the majority of institutions, including keeping statistical data and registering the needs of persons with disabilities. The Ministry of Corrections and Legal Assistance subsequently created a special medical unit for the treatment of prisoners with disabilities.

Administration: According to the public defender, records on registering and distributing detainees in temporary detention centers were often incomplete or erroneous.

Most prisons had Georgian Orthodox Christian chapels but no specific nondenominational areas for worship. Representatives from the Muslim and

Jewish communities reported no problems with Muslim or Jewish prisoners worshipping according to their beliefs within penitentiaries.

Authorities generally permitted prisoners to submit complaints without censorship to judicial authorities as well as to the Public Defender's Office, NGOs, international organizations, and lawyers. Prisoners also requested investigations of inhuman conditions. Authorities opened investigations into such allegations but in many cases never officially completed them, filed charges, or took other disciplinary action against officials alleged to have committed abuses.

Independent Monitoring: The government permitted independent monitoring of prison conditions by international organizations and some local and international human rights groups. The national preventive mechanism operating under the Public Defender's Office had access to penitentiaries and carried out planned and unscheduled visits. Some NGOs, citing the constitution, criticized the government for lack of a public oversight mechanism of the penitentiary system. The Public Defender's Office noted that although the Ministry of Corrections and Legal Assistance and the Ministry of Internal Affairs granted the office's representatives access to prisons and temporary detention facilities, there were allegations the ministries deliberately avoided responding to inquiries regarding surveillance camera records. The public defender asked parliament to grant his office photograph and video recording authority during monitoring visits to prisons. As of December parliament had not acted.

The ICRC had full access to prisons and detention facilities in undisputed Georgian territory and some access to prison and detention facilities operated by de facto authorities in Russian-occupied areas of Abkhazia and South Ossetia. The Council of Europe's Committee for the Prevention of Torture also conducted periodic visits to the country.

Observers reported prison conditions in the two separatist regions to be chronically substandard, although overcrowding reportedly was not a problem.

Improvements: EU special advisor to the country Hammarberg and local NGOs criticized the use of detention for administrative offenses. In August parliament adopted a bill reducing the maximum time allowed for detention for administrative offenses from 90 days to 15 days, which led to a decrease in the number of detainees being held for administrative offenses. The change also gave administrative detainees the right to legal representation (and to be advised of this right), and to have statements given before the reading of rights excluded as

inadmissible evidence. According to the Ministry of Internal Affairs, 871 persons served terms of administrative detention in temporary detention isolation cells during the year, compared with 1,124 in 2013.

During the year the Ministry of Corrections and Legal Assistance increased its per capita health expenditure from 315 lari to 1,330 lari (\$180 to \$760), strengthened daily minimum diet and nutrition requirements for prisoners, increased salaries by 60 percent to recruit more-qualified medical personnel, and made improvements to prison medical facilities and services. During the year there were 4,204 referrals to prison and civilian hospitals, compared with 400 to 1,280 referrals annually before 2012.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but the government's observance of these prohibitions was uneven.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs has primary responsibility for law enforcement and controls the police force. During times of internal disorder, the government may also call on the armed forces. Additionally, the Ministry of Finance has its own investigative service with police powers in financial investigations. There were some reports that security force members committed abuses with impunity (see section 1.c.), although the government took steps to foster accountability during the year. The public defender documented cases when use of force by police exceeded permissible limits.

On February 28, a court found former minister of internal affairs Ivane "Vano" Merabishvili guilty of ordering the deliberate use of excessive force in dispersing an antigovernment protest in 2011 and sentenced him to four years and six months in prison. In July the Prosecutor General's Office charged former president Saakashvili, along with Ivane "Vano" Merabishvili, former Prosecutor General Zurab Adeishvili, former minister of defense Davit Kezerashvili, and former mayor of Tbilisi Giorgi Ugulava with exceeding official authority for involvement in a violent dispersal of antigovernment protests in 2007 and a raid and seizure conducted against Imedi TV and other assets owned at the time by Badri Patarkatsishvili. The prosecutor alleged Saakashvili ordered the dispersal and ordered senior government officials to deprive Patarkatsishvili of ownership of Mtatsminda Park and Imedi TV due to its critical coverage of the government.

NGOs and the public defender maintained the incidence of police abuse was higher than the number of cases investigated by the prosecutor general and that failure to conduct systematic investigations and pursue convictions of all alleged abusers contributed to a culture of impunity.

According to the Ministry of Internal Affairs, its General Inspection Service imposed more disciplinary actions on law enforcement officers during the year than in 2013. Forms of punishment included reprimands, demotions, and dismissals. There were 2,796 such actions during the year, compared with 1,686 in 2013. The ministry also reported that it charged 32 officers with various crimes during the year, compared with 18 in 2013. The crimes included four cases of misappropriation or embezzlement, three cases of exceeding official powers and hooliganism, three of negligence, and three of bribery.

The Prosecutor General's Office manages all criminal investigations into allegations of torture and mistreatment by government officials. Prosecutors must investigate the use of force by police when a detainee sustains injuries during an arrest. The law requires the office to open an investigation when it receives information about a possible violation, even if from an anonymous source. If prosecutors conclude after investigation that charges are not warranted, their decision can be appealed to a higher level within the office. In many cases the Prosecutor General's Office continued investigations indefinitely without issuing any findings. In cases that were completed, the office often concluded the use of force by police was reasonable or that there was insufficient evidence to bring criminal charges against individual officers. EU special advisor Hammarberg reported that following the Prosecutor General's Office's separation from the Ministry of Justice, there was a lack of institutional oversight over the prosecutor's performance. Hammarberg also observed that Prosecutor General Office officials had promoted staff linked to the "notorious" Constitutional Protection Department of the Internal Affairs Ministry, which was abolished in 2012.

The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations. The Prosecutor General's Office and the Ministry of Internal Affairs' general inspector investigate all security force killings and evaluate whether they occurred in the line of duty or were otherwise justifiable.

During the year the police academy provided basic training for 377 new police officers, including 55 patrol officers, 191 district officers, and 131 border police.

From January through November, 55 groups were trained in human rights related issues. The human rights curriculum expanded in duration and scope and covered the legal basis for the use of force, proper crowd control, prohibition of torture, hate-crime investigation, use of negotiations for managing critical situations with the goal of employing lawful force as a last resort, identification of trafficking cases, and police ethics. The police academy also conducted specialized training on human rights in cooperation with international partners, including an expert mission on crowd management issues that discussed the role of police during lesbian, gay, bisexual, or transgender (LGBT) events.

### **Arrest Procedures and Treatment of Detainees**

Law enforcement officers must have a warrant to make an arrest except in exceptional cases where less restrictive alternative measures are not available. According to the criminal procedure code, an arrest warrant can be obtained only where probable cause can be shown that a person committed a crime punishable by imprisonment and that the individual may abscond or fail to appear in court, destroy evidence, or commit a new crime. GYLA criticized the fact most arrests were made without a warrant based on “immediate necessity” and that courts later substantiated police action in almost all cases. The public defender considered unsubstantiated arrest warrants to be a systemic problem characteristic of most courts. According to the Ministry of Justice, there were no reports during the year of officials holding detainees without judicial review for longer than the 72 hours permitted by law.

Upon arrest a detainee must be advised of all legal rights. Any statements made after arrest but before a detainee is advised of rights are inadmissible in court. The arresting officer must immediately take the detainee to the nearest police station, and the detainee must be indicted within 48 hours or released. The arresting officer must make a record of the arrest immediately after bringing the detainee to the police station. The record should indicate the detainee’s identity, place and time of arrest, the circumstances of arrest, the legal basis for the arrest, the physical condition of the detainee at the moment of arrest, and the crime police suspect the detainee committed. The record must be signed by the arresting officer and the detainee, with a copy given to the detainee and attorney.

According to the Public Defender’s Office, the use of pretrial detention increased by 2 percent compared with 2013. According to Supreme Court statistics, as of the end of the year, courts detained defendants in 32 percent of criminal cases (26

percent in 2013), granted bail in 60 percent (67 percent in 2013), and used other noncustodial measures in 8 percent of criminal cases (6.5 percent in 2013).

In its court-monitoring report covering the period from January to August, GYLA reported that judges continued a tendency to give more consideration when imposing preventive measures (instead of automatically approving the request of the prosecution). For example, between January and August, courts ordered bail in 34 percent of criminal cases where the prosecution requested imprisonment. GYLA reported that before 2012, courts had granted 100 percent of the prosecution's motions for imprisonment. GYLA reported that in 55 percent of the criminal cases where the prosecution requested bail, the court ordered the defendant to pay less than the prosecution requested.

As of December of the 15 high-level former officials (president, prime minister, minister, deputy minister, mayor, governor, or member of parliament) indicted for crimes committed while in office, six were awaiting trial: one was in pretrial detention, two had been released on bail, and three were at large and wanted. As of December an estimated 30 mid-level former government officials (head or deputy head of a department, service, center, or office within a ministry, municipal-level *gamgebeli* (executives), and Adjara regional minister or deputy minister) had been charged with crimes committed while in office. As of December authorities did not prosecute two, one was acquitted, and six were found guilty, five of whom were in jail and one of whom was still at large. Of the nearly 20 cases awaiting trial, authorities released more than half of the individuals on bail, and an estimated one-fourth each were either wanted or in pretrial detention.

The law permits property bonds and other alternatives to bail. The application of these standards, however, was inconsistent and largely dependent on the nature of the case.

In January NGOs released a joint statement expressing concern over authorities' inadequate response to former prime minister and minister of internal affairs Merabishvili's December 2013 allegation that penitentiary officials took him from his cell to an unknown location, without the presence of his lawyer, where then Prosecutor General Otar Partskhaladze reportedly threatened to harm his family and degrade his living conditions in detention if he did not testify against former president Saakashvili and help prosecutors in their investigation into the 2005 death of former prime minister Zurab Zhvania. NGOs noted a limited response by authorities and inconsistent statements regarding the length of time that video evidence related to the allegation was stored. The Ministry of Corrections and

Legal Assistance and Prosecutor General's Office denied the accusations and were slow to launch investigations. The Ministry of Corrections' investigation concluded there was no evidence Merabishvili was taken from his cell for such a meeting. At the same time, however, the ministry stated that it had not saved video recordings that would have revealed whether Merabishvili had been moved. The public defender called for a parliamentary commission investigation and noted the failure of the ministry's internal probe to address uncertainties.

While a detainee has the right to request immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel, the government did not always respect these rights. NGOs reported several instances during the year of prolonged interrogation of detainees without rest and without the presence of counsel.

An indigent defendant charged with a crime has the right to counsel appointed at public expense, and all indigent persons appeared to have been represented by legal aid counsel at their detention and bail hearings. Many defendants were not represented by counsel at detention because they made too much money to qualify for appointed counsel and too little money to afford to hire a private lawyer. The Legal Aid Service is a separate and independent entity managed by a nine-member board. The Georgian Bar Association appoints three members to the board, while NGOs and academia appoint two, and the High Council of Justice, the Ministry of Justice, the Legal Aid Service Bureau, and the Public Defender's Office each appoint one. During the year the Legal Aid Service accepted 10,243 cases, compared with 11,764 in 2013.

By law detainees facing possible criminal charges have the right to notify their families of their location within three hours of their arrest, and those charged with administrative offenses have the right to notify family upon request. Detainees frequently reported to the Public Defender's Office that authorities prevented them from contacting family members after detention. The law requires the Prosecutor General's Office to approve requests by detainees in pretrial detention to contact their family.

Arbitrary Arrest: The public defender did not report cases of arbitrary detention of individuals during the year. Opposition party members alleged that the government engaged in politically motivated arrest and detention. Civil society groups raised concerns in certain instances.

The UNM criticized authorities for arresting former Khoni municipal executive Zurab Jibukhaia and his former deputy, Besarion Chelidze, on charges of squandering state-owned property, abuse of authority, and forgery in connection with an incident regarding illegally cut wood. The UNM criticized the arrest as politically motivated, as Jibukhaia was in the running to be the UNM's candidate for regional executive for Khoni. NGOs noted that the detention of active members of the opposition UNM party before the June local elections for crimes allegedly committed several years previously raised questions about the motives for the arrests. The two were held in pretrial detention from their arrest in February until their trial in November, when the court found Jibukhaia, Chelidze, and Nikoloz Kirtadze, who was supposed to benefit from the scheme, guilty of fraud and embezzlement.

In late October the Prosecutor General's Office arrested and placed in pretrial detention five defense ministry officials for alleged embezzlement associated with the 2013 procurement of a classified fiber-optic cable contract (see section 4). On November 4, seven NGOs reported that based on the information provided by the defense ministry and the prosecution, it was "difficult to identify the signs of a crime at this stage." On the same day, Defense Minister Irakli Alasania characterized the arrests as politically motivated; the prime minister fired him within hours. The Free Democrats party subsequently left the Georgian Dream ruling coalition.

Nineteen NGOs considered the two-day detention of the director of the Institute for Development of Freedom of Information, Giorgi Kldiashvili, on December 12 to have been illegal. In a December 18 statement, the NGOs noted that the prosecutor could not justify the two-day detention, and the court ruled that the Ministry of Internal Affairs' Department of Criminal Police had violated the law by detaining him.

De facto officials of the separatist territories and Russian officials continued to detain many individuals in the Russian-occupied areas of Abkhazia and South Ossetia on charges related to their "illegal" crossing of the administrative boundary line. Russian border guards along the administrative boundary line with Abkhazia typically enforced the boundary-crossing rules imposed by de facto authorities by fining and releasing detained individuals. Along the South Ossetian administrative boundary line, Russian border guards frequently transferred individuals to the de facto authorities. De facto authorities released most individuals within five days but held some considerably longer. Georgian authorities also detained a number of Russians near the administrative boundary on various charges, including illegal



entry into the country. (Entering the occupied territories from Russia is against Georgian law.)

There were reports of arbitrary arrests of ethnic Georgians, particularly in Tskhinvali and Gali regions of South Ossetia and Abkhazia. Detainees reported they were not given a reason for their arrest nor were they seen by a prosecutor. Human rights groups alleged de facto authorities arbitrarily detained ethnic Georgians and held them in order to negotiate prisoner exchanges between de facto officials and Georgian authorities.

Pretrial Detention: Although the law provides safeguards for a speedy trial through strict time limits for detentions, hearings, and trials, OSCE/ODIHR trial monitors identified inadequate substantiation of detention decisions and delays in a number of high-profile cases involving former government officials in pretrial custody. Other trial observers noted these problems also continued in more typical cases. Pretrial detention at times was lengthy, and NGOs noted uneven application of the standards to grant bail or require detention. EU special advisor for the country Hammarberg and the Parliamentary Assembly of the Council of Europe expressed concern regarding the continued widespread use of pretrial detention.

The Ministry of Corrections and Legal Assistance reported approximately 15 percent of the penitentiary system's population consisted of pretrial detainees. Lawyers noted courts sometimes used ECHR standards to justify their rulings. Nevertheless, prosecutors and judges often did not articulate a reasoned and specific justification for requesting or ordering detention.

Court monitors expressed concerns regarding the prosecution's ability to use legislative loopholes to prolong detention of accused persons for an extended period: each new set of charges restarts a nine-month clock, and prosecutors often waited to file new charges until the pretrial detention clock was about to expire on the original charges.

Some opposition parties criticized the pretrial detention of opposition figures as political retribution. For example, UNM considered the detentions of former minister of internal affairs Ivane "Vano" Merabishvili and former mayor of Tbilisi Giorgi "Gigi" Ugulava as such. Prior to his detention Merabishvili had served as the UNM's general secretary, and Ugulava served as the UNM's campaign manager for the local elections prior to his arrest.

Court monitors noted the arrest and pretrial detention of “Vano” Merabishvili (see section 1.e.) appeared to meet international standards of due process.

In July authorities detained “Gigi” Ugulava, at the Tbilisi airport on charges of “organizing of coercion and group action” against the chairman of Marneuli District Election Commission on June 5, allegedly to hamper the chairman’s legitimate activities. Prosecutors also charged Ugulava with laundering illegal income and using forged official documents. Ugulava, who was previously charged with embezzlement of state funds in large quantity, remained in pretrial detention with two trials underway and one trial pending. The prosecutor called for Ugulava’s custody rather than bail, asserting he violated the original bail terms when he attempted to leave the country. A Tbilisi City Court ordered pretrial detention, and the court of appeals rejected an appeal against Ugulava’s pretrial detention as inadmissible. The UNM alleged Ugulava’s detention ahead of crucial local election runoffs was intended to incapacitate the country’s main opposition party. GYLA and Transparency International/Georgia asserted Ugulava’s arrest violated the pre-election moratorium, lacked proper justification, and contradicted requirements prescribed under the law. They called on law enforcement agencies to clarify the urgency behind Ugulava’s case. Justice Minister Thea Tsulukiani contended that Ugulava attempted to flee the country and thus did not have immunity under the moratorium. Ugulava and his defense argued his purchase of a return ticket, which was published by local media, indicated his intent to return to Georgia the same day. As of December the cases against Ugulava were still pending.

Amnesty: The government granted amnesty to 17 offenders, probationers, and individuals serving conditional sentences during the year. By the end of the year, the Standing Commission for Early Conditional Release and the Local Council of the Ministry of Corrections and Legal Assistance had granted 894 inmates early conditional release and community service to 29 inmates. In 2013 authorities gave 1,490 inmates early conditional release.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, and there were some indications of increased judicial independence, challenges to judicial independence remained. The Prosecutor General’s Office largely refrained from public criticism of the judiciary. EU Special Advisor on the country Hammarberg reported that despite increased judicial independence, better-substantiated judgments, increased transparency in the courtrooms, and a democratically elected

High Council of Justice, progress in the judiciary remained fragile. Judges typically applied higher standards to requests from prosecutors to institute wiretaps, search residences, and detain defendants before trial in cases involving former government administration officials.

According to the NGO Coalition for an Independent and Transparent Judiciary, key challenges to judicial independence included flawed judicial selection processes for Supreme Court justices and the chief justice and unclear procedures for disciplining judges. Under implementation of 2013 reforms, 10 judges were selected in May for a three-year probationary period on the High Council of Justice, after which they can be considered for life appointments.

According to ODIHR's December trial monitoring report, GYLA, Article 42 of the Constitution, the Georgia Bar Association, and the chief justice of the Supreme Court criticized the probationary period and the related annual evaluation of probationary judges required by 2010 constitutional amendments that took effect in October 2013, claiming they risked undermining judicial independence.

GYLA and Transparency International/Georgia noted increased transparency of the High Council's activities but expressed concern about deficiencies in selecting judges and decision-making procedures. In their High Council of Justice monitoring report covering January to December 2013, GYLA and Transparency International/Georgia noted that along with the standard of justification for decisions, the law does not regulate an array of procedural issues, particularly the summoning of an interested party, timeframes for decision making, and examination of factual circumstances, which would have secured more transparent decision making. The report also assessed the procedures for appointment of judges as problematic and disorderly, due to ambiguous and flawed legislative regulations.

Court observers noted that judges enforced criminal procedure code standards for ensuring in-custody appearances for defendants within 72 hours of arrest. Judges held prosecutors to the code's standards for disclosing case evidence to the defense, and complaints of failure by the prosecution to disclose evidence in a timely or complete manner were limited. Observers, however, noted judges struggled at times with language in the criminal procedure code that allows the defense to request assistance from the court in obtaining court-ordered evidence. Judges also showed some reticence in following up on complaints from defendants regarding alleged actions by police or prosecutors that affected the defendant's

access to counsel, ability to call defense witnesses at trial, or ability to fully cross-examine police or prosecution witnesses at trial.

Court observers noted some improvement in courts' adjudication of both high-profile and more typical cases. For example, during GYLA's court monitoring covering the period from January to August, the percentage of rulings upholding unsubstantiated motions for preventive measures, which included pretrial detention, continued to decrease.

The code on administrative offenses continued to lack sufficient due process provisions. Shortcomings included not providing for the presumption of innocence and not requiring a judge to apply a standard of proof, such as beyond reasonable doubt. Reports from the UN Human Rights Council and the public defender highlighted insufficient due process rights for administrative detainees. Problems included inadequate time to prepare a defense (sometimes as little as 10 minutes), failure to admit defense evidence or witness statements, and complete reliance on statements made by police officers.

The Prosecutor General's Office and the Ministry of Justice are responsible for disciplinary action for violations of the ethics code by prosecutors. During the year authorities subjected 14 prosecutors from the Prosecutor General's Office to disciplinary actions, ranging from notice to reprimand. During the year the Prosecutor General's Office assumed primary disciplinary and prosecutorial authority over prosecutor misconduct.

### **Trial Procedures**

During the year investigations into former government officials continued, and the judiciary conducted trials in which former officials, including former ministers Vano Merabishvili and Bacho Akhalaia, were defendants.

In its periodic review for Georgia issued July 30, the UN Human Rights Committee expressed concern about tens of thousands of complaints submitted to the Prosecutor General's Office in connection with human rights abuses committed before the 2012 elections, including unfair trial, torture and mistreatment, and illegal expropriation. While acknowledging the importance of providing victims of human rights abuses with an effective remedy, avoiding impunity for such abuses, and combating corruption, the committee expressed concern that the number of cases against former officials may create the perception of political retribution. While urging authorities to avoid the appearance of political retribution, the

committee expressed concern that a number of investigations into past abuses were still pending, including the violent dispersal of peaceful demonstrations in November 2007.

Similarly, in an August 1 joint statement in response to the announcement of criminal charges against former president Saakashvili, five NGOs stated the government has an obligation to investigate past crimes to prevent future abuses, noting in particular the importance of investigating the excessive use of force against protesters in November 2007. Nonetheless, the five NGOs stressed the importance of demonstrable adherence to the principles of political neutrality, independence, and rule of law by law enforcement agencies, especially the Prosecutor General's Office. The NGOs noted their questions about the high-profile cases, in particular questioning why Saakashvili was initially summoned as a witness and then immediately charged. Highlighting the need for due process, the NGOs stressed the importance of providing information to the public throughout the investigation process so that citizens can monitor the authorities' compliance with the law and upholding the presumption of innocence by avoiding political statements that could influence the investigation.

International observers of the high-profile trials of former officials reported that both the prosecution and defense were able to present their positions but also noted that officials' public statements about trials and investigations still underway at times undermined the government's adherence to the legal requirement of presumption of innocence. The court convicted Merabishvili in several cases, including in connection with the violent suppression of demonstrations in 2011. In the case the judge supported her decision with a 66-page opinion, citing ECHR.

On January 15, the Prosecutor General's Office began an investigation into allegations by witness Goderdzi Jolokhava that Bacho Akhalaia's family and close friends exerted pressure on him in attempts to force him to change his original testimony.

According to ODIHR's December trial monitoring report, the judicial and case selection process lacked transparency and was thus subject to manipulation. The report also observed judges were sometimes transferred between courts during proceedings without justification. Local trial observers reported such problems in more typical cases.

Despite the existence of a legal framework that adequately protects one's right against self-incrimination, according to ODIHR's December trial monitoring

report, prosecutors at times called defendants to the stand to testify. Local trial monitors noted similar problems in more typical cases.

The report also noted courtroom problems that undermined public confidence, such as unprofessional behavior by lawyers and prosecutors and passivity among judges.

During the year jury trials were available in Tbilisi, Kutaisi, and Batumi for all cases of aggravated murder and for defendants who committed crimes while holding public office. Jury selection proceedings became open to the public.

Defendants may waive the right to a jury trial and seek instead a bench trial with a judge. Other former government officials who went to trial during the year waived their rights to jury trial in favor of a bench trial by a judge.

After authorities expanded the scope of jury trials geographically by region and jurisdictionally by crime/identity of defendant, jury trials were scheduled to go into universal application at the end of the year. Citing concerns about infrastructure, resources, and the viability of the institution in the country, the government did not meet its implementation timeline and limited any further expansion of jury trials until October 2016.

Defendants have a right to a public trial (except where national security, privacy, or protection of a juvenile is involved) and to be present at their trial. GYLA noted some defendants had a difficult time understanding judges' explanation of their rights. This was especially problematic in cases in which defendants represented themselves. According to the constitution and the criminal procedure code, the state must provide an interpreter at no cost to an individual who does not have command of the language. In its court monitoring covering the period from January to August, GYLA reported the court ensured effective interpretation in all 57 cases it observed.

The law allows for trial in the absence of the defendant in certain cases in which the defendant has left the country. Defense counsel has the right to meet individuals accused of a crime without hindrance, supervision, or undue restriction.

NGOs and court monitors reported frequent delays in scheduling trials. The total length of pretrial detention from the time of arrest until the final court judgment should not exceed nine months. Criminal cases were delayed or postponed most

commonly based on requests from the parties trying to negotiate a plea bargain, or because a witness did not appear as scheduled to give testimony.

In September parliament adopted amendments to the criminal procedure code that expanded defense rights. The amendments allow the defense the possibility of seeking evidentiary materials through a number of investigative measures, such as search and seizure.

NGOs, the Georgian Bar Association, and opposition members of parliament criticized parliament's decision to postpone until the end of 2015 adoption of amendments to the criminal procedure code that would have introduced new rules on the questioning of witnesses. The new rules stipulate that witnesses are not required to answer questions from police and that all interviews outside the formal context of the court system are to be voluntary in nature.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. GYLA court monitors generally found the defense was passive in typical cases but was often more active than the prosecution in cases against former senior officials. Defendants and their attorneys have access to the prosecution's evidence relevant to their cases at any point during criminal proceedings and may make copies. The prosecution must disclose all evidence to the defendant no later than five days before the pretrial hearing. Court observers reported that the prosecution generally complied with these rules, but there were incidents in which the prosecution failed to turn over exculpatory information.

While a defendant has the right of appeal a conviction, appeals under the administrative and criminal codes were difficult to make. Under the criminal procedure code, defendants have one month to file an appeal. In criminal cases courts were allowed up to two weeks to provide court records to defense attorneys, thus reducing the attorneys' time to prepare an appeal. Administrative sentences that entail incarceration must be appealed within 48 hours and within 10 days otherwise. In administrative cases courts provided records three days after the trial, thus forcing attorneys to prepare appeals of cases involving incarceration without the court's written judgment.

The law allows defense attorneys to file an appeal on behalf of criminal defendants. Human rights monitors reported that court decisions in administrative trials were often "perfunctory" and that courts rejected criminal trials appeals without an adequate explanation. Other factors impeding meaningful appellate

review included a lack of internal judicial independence such that lower court judges inappropriately sought guidance from superior court judges on their cases, a lack of timely verbatim transcripts of lower court proceedings, and inadequate legal justifications for judicial decisions.

By law a court must certify that a plea bargain was reached without violence, intimidation, deception, or illegal promise and that the accused had the opportunity to obtain legal assistance. In July changes in the plea bargaining provisions of the criminal procedure code established more safeguards for due process, including the removal of a no contest plea and allowing charge bargaining. The changes include a new evidentiary standard for plea agreements stipulating evidence must be sufficient to find a defendant guilty, without a full trial of a case, and must satisfy an objective person that the crime was committed by the defendant.

According to the Supreme Court, the use of plea bargaining continued in 70 percent of cases during the year, down from 90 percent in 2013. In its court monitoring covering the period from January to August, GYLA reported no significant improvements to the process but noted the court was more involved in reviewing plea bargains. GYLA identified the percentage of plea bargains that ordered punishment continued to decrease but added that the average amount of a fine increased.

The UN Human Rights Council noted progress in reforming the juvenile criminal system, but it remained concerned regarding the lack of juvenile chambers with trained judges to ensure juveniles are treated in a manner commensurate with their age, specific needs, and vulnerability.

### **Political Prisoners and Detainees**

The UNM opposition party and family members of prisoners alleged the government held political prisoners and detainees.

The government permitted international and domestic organizations to visit persons claiming to be political prisoners or detainees, and several international organizations did so freely during the year, reporting no problems with access or serious humanitarian concerns.

### **Civil Judicial Procedures and Remedies**



The constitution provides for an independent and impartial judiciary in civil matters, but there were concerns about the professionalism of civil judges and transparency in their adjudication. The constitution and law stipulate that a person who suffers damages resulting from arbitrary detention or other unlawful or arbitrary acts, including unlawful human rights violations, is entitled to bring a civil action. Individuals have the right to appeal court decisions involving the alleged violation of the European Convention on Human Rights by the government to the ECHR after they have exhausted domestic avenues of appeal.

### **Regional Human Rights Court Decisions**

During the year the ECHR ruled in favor of the government in one case involving alleged violations by the state of the European Convention on Human Rights. According to the Ministry of Justice, during the first nine months of the year, citizens filed 65 applications against the country in the ECHR.

### **Property Restitution**

There were concerns about the lack of due process and respect for the rule of law in a number of property rights cases. After the 2012 parliamentary elections, numerous former business owners and individuals claimed officials from the former government illegally deprived them of their property. The public defender confirmed there were hundreds of cases of incorrect asset seizure during the previous administration. NGOs also reported several cases in which groups claimed the former government improperly used eminent domain or coercion to seize property at unfairly low prices. Transparency International/Georgia reported that between 2004 and 2012, in addition to state companies, municipalities, and self-governing cities, private individuals and companies gave valuable land to the state free of charge or for a token price of one lari (60 cents). According to the public defender's *Situation of Human Rights and Freedoms in Georgia* report for 2013, despite violations of the right to property, the state took no significant measures to investigate such incidents and restore breached rights. The report also noted hundreds of persons still awaited consideration of their complaints filed with the Prosecutor General's Office.

In Abkhazia the de facto legal system prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving IDPs of their property rights in Abkhazia.

In a 2010 decree South Ossetian de facto authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property held in the Akhlagori region. The decree also declared all property in Akhlagori belongs to the de facto authorities until a “citizen’s” right to that property is established in accordance with de facto legislation, effectively stripping ethnic Georgians, displaced in 2008, of their property rights in the region.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting nonconsensual electronic surveillance or monitoring operations without a warrant. NGOs, media outlets, and others reported the government did not respect these prohibitions.

In late November parliament passed and the president signed into law a bill providing greater oversight to the government’s use of surveillance. The new law provides additional checks on the Ministry of Internal Affairs by requiring both court approval and authorization of the personal data protection inspector for access to information obtained through surveillance. NGOs criticized the law for not providing adequate protection of civil liberties.

Following the 2012 parliamentary elections, authorities announced the Ministry of Internal Affairs under the Saakashvili administration had archived approximately 26,000 audio and video recordings made without court authorization of the meetings and conversations of politicians, journalists, civil society representatives, and citizens. In addition to the government copies, it remained unclear whether the individuals who made the recordings and other individuals retained copies. Some of the recordings, which allegedly dated from 2007, included videos of individuals’ private lives taken for blackmail purposes. In September 2013 a commission consisting of government and civil society representatives oversaw the destruction of the private-life video recordings. On January 31, the same commission determined two of 635 remaining surveillance archive discs would be destroyed and decided to submit the remaining discs to the government prosecutors to investigate who created the files. Some experts believed the criminal code required the government to retain the videos if they contained evidence of a criminal offense.

In May former first deputy minister of internal affairs Gela Khvedelidze, an official from the current administration, received a conditional one-year sentence

for breach of privacy rights. Authorities charged Khvedelidze in May 2013 with releasing a secretly obtained videotape of a journalist's private life in an attempt to discredit him. The Prosecutor General's Office planned to appeal the court's decision, claiming Khvedelidze's sentence did not match the severity of his crime. According to the prosecution, the Ministry of Internal Affairs under the Saakashvili administration recorded the video, which had been in the ministry's possession prior to its destruction in September.

During the year EU special advisor to the country Hammarberg, some opposition figures, NGOs, and media outlets expressed concern about government surveillance.

In March a group of NGOs led a campaign, "This Affects You Too: They Are Still Listening," to lobby for strengthened checks and balances over government surveillance and to prevent arbitrary actions by law enforcement agencies. On May 1, the campaign refuted claims by the prime minister that NGO advocacy of a surveillance law based on international standards was directed against the state. The campaign also accused law enforcement officials of continuing to engage in what it termed "illegal surveillance."

On May 6, executives at television broadcaster Rustavi-2 announced their station had been the target of illegal electronic surveillance. According to Nika Gvaramia, the station's director, a Ministry of Internal Affairs source provided him with video and audio footage, allegedly shot in June 2013, which showed his office, his deputy's office, and the newsroom head's office. No surveillance devices were found on the premises after the disclosure, but Gvaramia claimed small apertures detected in the ceiling suggested cameras had been previously installed. Rustavi-2 released brief segments of the recorded footage, some of which showed the news director discussing details of the news program with colleagues in her office, while another clip showed Gvaramia discussing official business in his office. Prosecutors opened an investigation into the illegal surveillance on May 6, and the Prosecutor General's Office issued a preliminary report on May 9 alleging that surveillance cameras were possibly installed by Special State Protection Service (SSPS) personnel who had visited the station's premises in 2012 under orders from former president Saakashvili. Gvaramia disputed the prosecutors' findings in an unscheduled press conference, claiming that the country's current government--not the previous administration--was responsible for the surveillance.

On May 10, Rustavi-2 television's "Different Accents" talk show broadcast short excerpts of secretly recorded telephone conversations of current and former high-

ranking officials, lawmakers, and businessmen, claiming they served as proof that illegal surveillance was taking place under the country's authorities. Rustavi-2 had previously announced it would broadcast the clandestine audio recordings, and the show's host said an "anonymous source" had provided the tapes. Shortly before the broadcast, the Prosecutor General's Office issued a statement warning that disclosure of private communication, including by media, constituted a criminal act. Hours later the Prosecutor General's Office issued a second statement declaring the opening of an investigation into the illicit collection and distribution of private records. The investigation continued as of November.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and citizens generally were free to exercise these rights, although there were allegations the government at times did not adequately protect them. The country's indicators improved substantially in International Research and Exchanges Board's (IREX) *2014 Media Sustainability Index for Europe and Eurasia*. At the same time, parliament's protracted process of selecting all nine members of the recomposed board of the Georgian Public Broadcaster (GPB) contributed to allegations of continued government interference with state-funded television and radio outlets. At year's end journalists and others also raised concerns about possible government interference with privately owned Maestro TV, the country's third-largest television broadcaster.

Freedom of Speech: Individuals were generally free to criticize the government publicly and privately.

Press Freedoms: Independent media were very active and expressed a wide variety of views. In their joint assessment of the media environment during the period preceding the June municipal elections, the International Society for Fair Elections and Democracy, Transparency International/Georgia, and GYLA found the media environment to be balanced and unhindered. The report nevertheless pointed out several incidents in the regions where journalists were not always allowed to attend candidates' events and pose questions. There were also several cases of verbal confrontation between government representatives and media over the dissemination of critical campaign materials.

Television continued to be the most influential medium and the primary source of information on current events for more than 80 percent of the population. Major television media continued to be politically biased in general, although to a lesser degree than in previous years. Government officials periodically criticized some journalists, alleging pro-opposition bias. Broadcast media continued to improve in providing more balanced reporting during elections, further consolidating the overall positive trend since the highly polarized television coverage of the country's 2012 parliamentary elections.

In its assessment of the media environment before and during the June municipal elections, the local NGO Charter of Journalistic Ethics found that broadcast media provided objective, balanced coverage of candidates and their political parties and deemed the coverage sufficient for citizens to make well-informed choices at the ballot box. A representative from the NGO reported that its monitoring group did not receive any calls on its election hotline reporting electoral complaints.

Parliament's protracted process of selecting a complete set of new members to the reformed governing board of trustees of the GPB remained politically controversial. In October the Parliamentary Assembly of the Council of Europe (PACE) expressed concern about politicization of the public broadcaster and parliament's difficulties in appointing an independent and impartial board of trustees to oversee its work. PACE criticized the majority and the minority in parliament for attempting to politicize the composition and work of the board of trustees and the public broadcaster. Media observers claimed that majority parliamentarians used the selection process to prevent selection of candidates nominated by minority parliamentarians and thereby diminished the plurality of voices on the new board. In May parliament selected enough new trustees to form a quorum, but at the end of the year, the board still lacked two members. The GPB's former trustees continued to challenge their removal from the governing board in late 2013. On April 4, the Constitutional Court ruled in their favor, declaring unconstitutional the provision in the law used to remove them from their functions. Parliament sought to keep the newly selected members and simultaneously appoint a provisional governing body with a purely advisory function, a measure that the former trustees also called unconstitutional.

Following the 2013 impeachment of its former chair, the Georgian National Communications Commission (GNCC)--the regulatory body responsible for enforcing the broadcasting legislation--on May 19 elected a new chair for a three-year term. This was the first time that GNCC commissioners elected the body's chair. GNCC members approved Vakhtang Abashidze, the only candidate for the

position, who previously served as GNCC chair from 2000 to 2004 and was re-elected to the GNCC as a commissioner on March 5.

The GNCC issued broadcast licenses as either a “general license” for news and political programming or a specialized license that strictly limited content, thereby giving the commission substantial control over programming content.

The availability of information on television station ownership and the financial transparency of stations continued to improve. In its June report, *Media Ahead of the 2014 Municipal Elections*, IREX Georgia noted that media ownership transparency had improved and political control over the media diminished. According to IREX’s *2014 Media Sustainability Index for Europe and Eurasia*, the country registered marked improvements in the business management and plurality of news sources categories, reflecting increasing transparency of media ownership in the country. The report attributed the improvements to the 2013 amendments to the Law on Broadcasting, which require media outlets to submit highly detailed reports summarizing their activities and funding and post them on their websites. Transparency International/Georgia asserted the data that broadcasters provided under the new requirements still lacked sufficient clarity, particularly with respect to identifying their financing.

Violence and Harassment: There were no reports during the year of physical and verbal assaults of journalists by police, or confiscation of journalists’ cameras by authorities.

According to GYLA the Prosecutor General’s Office did not disclose updates on cases of violations of journalists’ rights between 2008-12, despite requests for the information during the year. In 2012 GYLA appealed to the Prosecutor General’s Office to complete the investigations of 38 criminal cases in connection with such violations. According to information GYLA obtained from the Prosecutor General’s Office in 2013, eight of the cases remained pending with the Ministry of Internal Affairs. The ministry determined that 13 cases did not constitute illegal interference in journalistic activities and terminated 15 cases due to the absence established criminal acts. The court decided three of the original cases; only one established that illegal interference in journalistic activities had occurred.

Media watchdog groups reported no new confirmed instances of verbal or physical abuse of journalists. While one journalist was physically assaulted in Tbilisi, the grounds for the attack remained unclear at year’s end.

Libel Laws/National Security: There were no reports that the government invoked libel laws or national security to suppress the publication of material criticizing government policies or public officials.

In February the Ministry of Finance's Revenue Service asked TV MR GE, the country's sole television ratings measurement company, to share a list of names and addresses of the approximately 330 households throughout the country with equipment to measure citizens' viewing preferences. TV MR GE denied the request, arguing the information was confidential and its disclosure would undermine the credibility of the company and its ratings. The Revenue Service subsequently opened an assets audit of TV MR GE. On March 20, TV MR GE suspended operations, claiming the audit interfered with its ability to function. On March 18, five NGOs issued a statement highlighting the risk that outside possession of the confidential data could pose, with rating results being potentially influenced or manipulated, and households exercising self-censorship by avoiding channels critical of the government for fear of retribution. Five television stations and more than a dozen advertising agencies also released a joint statement warning against harming the country's television advertising market. Between February 24 and April 3, the Revenue Service petitioned the court three times for confidential data from TV MR GE, but the court never granted the petitions.

Censorship or Content Restrictions: There were no reported instances of specific government officials or opposition politicians influencing editorial or programming decisions through their personal connections with media personnel or by directing advertising through their personal connections with businesses. On December 22, however, several leading journalists and producers resigned from Maestro TV, the country's third most popular national television outlet, after the ouster of its deputy director and anchor Nino Zhizhilashvili. Zhizhilashvili stated she was forced to resign by the majority shareowner of Maestro, the Russia-based Georgian millionaire Kote Gogelia, who allegedly told her "she had crossed all red lines." The former host of Maestro's main evening news program and anchor of a weekly television journal, Vakho Sanaia, who had quietly resigned in September, posted a note on his Facebook reporting that the director of the station had told him several times before his departure that his reports were fueling confrontation with the authorities.

Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by de facto authorities and Russian occupying forces.

### **Actions to Expand Press Freedoms**

On March 7, parliament approved amendments to the election code that allow journalists to appear at polling places throughout election day; the law previously prevented journalists from returning to a polling place once they had departed.

### **Internet Freedom**

Outside Abkhazia and South Ossetia, the government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. During the year Freedom House rated the country's internet freedom status as "free." According to Freedom House, 43 percent of the population had access to the internet. High prices for services and inadequate infrastructure remained obstacles to access, particularly for individuals in rural areas or with low incomes.

Insufficient information was available about internet freedom in Abkhazia and South Ossetia.

### **Academic Freedom and Cultural Events**

There were no confirmed reports of government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law generally provide for freedom of assembly, and authorities routinely granted permits for assemblies. While the government generally respected freedom of assembly, on occasion police arrested or failed to protect participants in peaceful assemblies from counter protesters. Human rights organizations expressed concern about provisions in the law, including the maximum prison term of 90 days for blocking streets "artificially" and "deliberately," either by protesters or using "various types of constructions and/or objects," and the requirement that political parties and other organizations give five days' prior notice to local authorities to assemble on a public thoroughfare, thereby precluding spontaneous demonstrations. Following Constitutional Court rulings in 2011 and 2012, the law no longer permits bans of demonstrations by one person or



noncitizens or of rallies within 65 feet of courts, government agencies, and ministries.

LGBT rights organizations refrained from publicly observing the International Day against Homophobia and Transphobia on May 17 due to safety concerns following events at the 2013 rally, when thousands of counterdemonstrators led by priests from the Georgian Orthodox Church attacked peaceful participants, forcing police to evacuate them. On May 16, the Public Defender's Office stated that the government's failure to hold perpetrators responsible for attacks on rally participants in 2013 prevented LGBT persons and their supporter NGOs from fully exercising their right to freedom of assembly (see section 6).

### **Freedom of Association**

The constitution and law provide for freedom of association, but the government's respect for this right was selective. There were allegations of pressure on political opposition figures and supporters, central and local self-government employees, teachers, and union members, including surveillance and actual or threatened job loss (see section 7).

Throughout the pre-election campaign, there were reports of aggression from individuals targeting members of the UNM opposition and insufficient protection of the freedom of association by security officials. For example, in April NGOs conveyed concern about several acts of verbal and physical aggression by Georgian Dream supporters to disrupt meetings organized by UNM representatives in Anaklia, Batumi, Tbilisi, Telavi, and Tskaltubo. The media reported an incident in which Georgian Dream supporters verbally confronted UNM representatives and pelted their vehicles with eggs. The International Society for Fair Elections and Democracy (ISFED), in its *Third Interim Pre-election Monitoring Report*, noted the negative trend of acts of physical confrontation detected during the pre-election period. Throughout the pre-election period, ISFED reported one act of physical violence, against a UNM leader assaulted due to his political activities, and four acts of violence by Georgian Dream supporters against UNM figures. ISFED criticized law enforcement authorities for failing to respond adequately to the incidents.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation of citizens, but de facto authorities and Russian occupying forces limited this freedom in Abkhazia and South Ossetia. The government cooperated with the UN Office of the High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law imposes limitations on foreigners moving into and out of Abkhazia and South Ossetia. There were no reports that Georgian authorities unduly restricted any international humanitarian organizations. Russian and Abkhaz de facto authorities limited international organizations' ability to operate in Abkhazia. Russian and South Ossetian de facto authorities blocked virtually all international organizations, including humanitarian organizations, from regular access to South Ossetia.

De facto authorities and Russian forces in the occupied regions of Abkhazia and South Ossetia restricted the movement of the local population across the administrative boundaries for medical care, pension services, religious services, and education. These restrictions were tightened by increased Russian "borderization" of both administrative boundary lines, which further stymied freedom of movement and created physical barriers separating friends and families and obstructing access to agricultural land, water supplies, and cemeteries, all of which negatively affected the lives and livelihoods of the adjacent population. Russian military forces and de facto militias limited the ability of international observers to travel in Abkhazia to investigate claims of abuses. South Ossetian de facto authorities continued to refuse humanitarian access to most international organizations.

The situation in the Gali region, Abkhazia, remained tense, due to the effective disenfranchisement of ethnic Georgians in Gali during the snap "presidential" election on August 24 and the uncertainty surrounding the legal rights of ethnic Georgians in Gali under the new Abkhaz "administration." In May, Abkhaz de facto authorities suspended the issuance of "passports" to residents of the Gali district, citing the need to investigate improper passport issuances to residents who possess Georgian citizenship. Without such "passports," it was difficult for the

residents of Gali to cross the administrative boundary line into undisputed Georgia. In July the former acting “president” and speaker of the “Abkhaz parliament,” Valery Bganba, instructed the de facto interior ministry to compile a list of residents of predominantly ethnic Georgian populated eastern districts, whose Abkhaz “passports” were deemed by the legislative body as having been illegally issued. The ministry compiled the data and sent it to the “central election commission.” As a result 22,787 authorities removed residents of predominantly ethnic Georgian-populated districts of Abkhazia from voters’ lists before the election and effectively disenfranchised.

On May 1, authorities introduced new regulations regarding the South Ossetia crossing regime, which effectively resulted in issuance of fewer crossing permits. There were some high-profile cases, including the case of the bishop in Nikozi, Metropolitan Meupe Isaiah, of persons who were told that while they could leave South Ossetia, they would not be allowed to return, effectively denying them freedom of movement.

### **Internally Displaced Persons (IDPs)**

The UNHCR estimated that 282,130 IDPs from the conflicts in 1992-93 and 2008 were in the country during the year. Additionally, as of June the UNHCR counted 146,535 persons as being in an “IDP-like” situation needing protection and humanitarian assistance. This number included individuals who returned to Abkhazia, South Ossetia, and areas adjacent to the administrative boundary with South Ossetia and Abkhazia as well as those displaced in the 2008 conflict who were subsequently relocated. Various agencies, including the government, the UNHCR, and NGOs, employed different methods in estimating the number of IDPs. The government conducted an IDP reregistration exercise during the year but had not released results at year’s end.

Most IDPs displaced in 2008 received formal IDP status under national legislation. IDP status, however, was not established for some individuals who claimed to have been displaced in the conflict. These individuals, described by officials as “IDP status seekers,” included persons who had never been registered with Georgian authorities, such as persons who had never been registered at birth or were displaced from regions that before 2008 were not under government control; persons whose departure from South Ossetia could not be established as having been caused by the conflict; and persons who could not prove their former residence in the occupied territories. The Ministry for Internally Displaced Persons from the Occupied Territories, Refugees, and Accommodations (MRA)

continued to provide monthly allowances for IDPs, promote their socioeconomic integration, and create conditions for their return in safety and dignity.

The government's priority was durable housing for the remaining 40,000 families. Despite the MRA's system of housing allocation (adopted in 2013), IDPs remained poorly informed about the housing allocation process.

During the year the government took steps to rehabilitate, purchase, or build new housing, or offer cash payments in lieu of providing housing to IDPs from the conflicts in the early 1990s and 2008. Many IDP households--primarily those displaced in conflicts in the 1990s--nonetheless continued to live in substandard or squalid buildings and were in areas with insufficient access to services and economic opportunities. The public defender identified access to running water, heating in the winter, and unemployment as continuing problems for IDP households.

Abkhaz de facto authorities continued to prevent repatriation of the approximately 235,000 persons displaced by the 1992-93 war, despite their 1994 agreement with Georgia, Russia, and the UNHCR, which called for the safe, secure, and voluntary return of IDPs who fled during the war. Approximately 45,000 of these IDPs, many working as seasonal laborers, returned to the Gali and Oчамchire regions of lower Abkhazia, but Abkhaz de facto authorities refused to allow the return of IDPs to other regions. Authorities prevented IDPs living elsewhere in the country from reclaiming homes in Abkhazia, based on a 2008 "law" that expropriated all "abandoned property" from the 1992-93 war.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

While the law was amended in 2012 to bring the legal framework for asylum closer to international standards, the UNHCR and other monitors reported that flaws remained in the asylum adjudication and refugee status determination system. Authorities approved relatively few asylum applications, and recognition of refugee status appeared to be linked to political concerns, for example, fear of provoking recognition of the occupied territories.

As of midyear 292 persons had applied for asylum, while 716 persons applied for asylum in the country in 2013. The vast majority of asylum seekers were from

Iraq, Ukraine, and Syria. During the first half of the year, 14 asylum seekers received refugee status and 24 received complementary protection. Between July and September, the country experienced a significant increase in applications for asylum.

Employment: According to the UNHCR, Syrians, the majority of whom had humanitarian status, did not have access to legal employment.

Access to Basic Services: The government provided almost no integration assistance for recognized refugees, so many relied on limited support from international agencies, such as the UNHCR. The only reception center offering adequate condition for asylum seekers in the country had a capacity of 60 places; with the increase in asylum seekers over the previous two years, the facility was overwhelmed.

Durable Solutions: The government continued to facilitate the local integration of Chechen refugees through naturalization and cooperation with the UNHCR to provide assistance with durable housing and livelihoods. During the year, however, the government rejected all applications for naturalization by Chechen refugees without providing an explanation for the denials. The government made efforts to assist with the local integration of an increasing number of refugees from the Middle East, primarily Iraqis and Syrians, but did not respond fully to the needs of these refugees.

### **Stateless Persons**

The law provides for citizenship at birth if one or both parents are citizens. It also gives citizenship to children of stateless individuals born on the country's territory. The law provides that an adult may become a citizen if he or she satisfies the following requirements: (a) has permanently resided on the country's territory during the previous five years; (b) knows the state language; (c) is familiar with its history and laws; and (d) has a job or owns real estate on the country's territory, conducts business, or owns shares in a Georgian company or industry. A person seeking naturalization is expected first to give up any previous citizenship. In certain cases the president can grant citizenship without these requirements (see section 6, Children).

As of August joint efforts by the UNHCR, partner NGOs, and the government resulted in the identification of 12,922 stateless persons in the country. The root cause for statelessness for 90 percent of these individuals was related to the

dissolution of the former Soviet Union. The remaining 10 percent became stateless after either renouncing Georgian citizenship or being unable to produce evidence of Georgian ancestry. The country made progress preventing and reducing statelessness. The country amended its laws, established procedures on stateless determination, and supported NGOs working on outreach and legal counseling addressing documentation gaps. Observers noted that stateless persons or persons at risk of statelessness who were members of minority and marginalized groups, such as Roma, had not been reached sufficiently and required special effort by authorities.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised during the year, although some problems persisted.

#### **Elections and Political Participation**

Recent Elections: In their final statement issued in January, the OSCE/ODIHR termed the 2013 presidential election efficiently administered and transparent and considered the electoral legal framework provided a sound basis for the conduct of democratic elections. The report noted the election took place in an amicable and constructive environment, with the fundamental freedoms of expression, movement, and assembly respected throughout the campaign. Domestic and international observers characterized the pre-election environment and media coverage as less polarized than in the 2012 parliamentary elections. Shortcomings included allegations of political pressure during the campaign, including on UNM representatives in local government, unclear and unevenly applied election code provisions, and insufficient campaign finance monitoring.

The National Democratic Institute, Transparency International, the International Republican Institute, GYLA, and ISFED considered the June municipal elections of city councilors, executive heads of local administrations, and mayors competitive, although there were some shortcomings related to pressure on candidates and violence against opposition party members. Observers noted improvements to the electoral legislation and administrative processes. While domestic and international organizations reported relatively few election-day violations, they highlighted shortcomings in the pre-election period. Such shortcomings included inconsistent application of the election code during

registration of mayoral candidates, allegations of political pressure on opposition candidates to withdraw, and violence against opposition party members and supporters. NGOs widely criticized the timing of the arrest and detention of former Tbilisi mayor and UNM campaign manager Giorgi “Gigi” Ugulava on July 4, just before the second round of elections.

During the pre-election period, 527 candidates from different parties withdrew their candidacy. The UNM, Nino Burjanadze-Unified Opposition, Christian Democrats, Nonparliamentary Opposition, and Way of Georgia parties and coalitions reported pressure on some of their candidates to withdraw from their races, as well as interference in campaign events. GYLA reported that up to 50 candidates from six different parties deregistered themselves due to outside pressure, particularly in Dmanisi, Tetrtskaro, Tsalka, Drakovi, Sarvani, and Marneuli. On June 14, ISFED, GYLA, and Transparency International criticized government investigations of complaints of threats to opposition candidates as inadequate and ineffective. As of November the Prosecutor General’s Office had opened only four investigations into the allegations, which included selective drug testing of opposition candidates and threats that candidates’ family members would lose their employment if the candidates did not withdraw. Transparency International, GYLA, and ISFED issued a joint statement calling the government’s response insufficient and ineffective.

The National Democratic Institute noted the level of violence observed appeared to be more serious and common than in recent election years, and there were allegations of government inconsistency in punishing those responsible.

NGOs reported four cases of alleged politically motivated physical assault and 15 cases of intimidation, mostly targeting the opposition. The Interagency Commission for Free and Fair Elections (IATF) chair and Justice Minister Thea Tsulukiani took a strong position against violence and intimidation, but in several cases, law enforcement authorities did not ensure peaceful and safe conduct of campaign events.

While the practice of using administrative resources for electoral advantage reportedly decreased, the problem remained a concern among opposition parties and citizen election monitors. ISFED and GYLA reported less abuse of administrative resources for electoral purposes from April 1 until June 15, compared with the 2012 and 2013 national elections. Observers noted, however, that increases of local budgets a few days prior to the official launch of the election campaign took place in several regions.

Voters directly elected 12 mayors, up from just one in the previous local elections in 2010. For the first time, voters directly elected executives in all 53 districts. Candidates needed 50 percent of votes to win (compared with 30 percent in 2010). In an unprecedented development, this necessitated run-off elections in 21 locations.

Political Parties and Political Participation: In the 2013 presidential election, members of the UNM opposition claimed investigations of opposition members for crimes such as misuse of government funds and money laundering were politically motivated. Following the 2012 parliamentary elections, some UNM officials stated they voluntarily changed parties in response to protests calling for the resignations of local UNM officials. These demonstrations allegedly prompted resignations and or defections to other parties as many previously UNM-affiliated politicians declared themselves independent or allied with the Georgian Dream Coalition.

In the four months after the 2012 parliamentary elections, ISFED reported politicians formed new political factions in 54 municipalities, resulting in the formation of a new majority, and GYLA reported 36 city council chairs resigned, more than 30 for personal reasons. Over the same period, 50 mayors resigned, 48 for personal reasons and two after the local city council impeached them. ISFED, Transparency International/Georgia, and GYLA believed some of the resignations responded to pressure from the Georgian Dream Coalition, either at the regional or national level.

After the 2012 parliamentary elections, there were a number of instances of newly appointed officials dismissing public servants, including city hall and mayoral staff members and school, cultural center, and fire department employees. According to ISFED estimates, there were 1,877 local resignations and dismissals between the October 2012 parliamentary elections and February 2013. In many cases dozens of employees submitted resignation letters the same day, which raised doubts about whether they resigned willingly or under pressure. Following the June election of a new Tbilisi Mayor, allegations of forced resignations prompted GYLA, ISFED, and Transparency International to issue a joint statement condemning the dismissals of public servants on alleged political grounds.

After the first round of local elections in June, the opposition UNM criticized the July 4 arrest and detention of former Tbilisi mayor and UNM campaign manager Giorgi “Gigi” Ugulava as politically motivated since it occurred immediately prior



to the second round of voting. The Ministry of Justice asserted that Ugulava attempted to flee the country and did not have immunity under a self-imposed moratorium on charges against political activists during the pre-election period.

Throughout the first six months of the year, opposition party activists were physically attacked in several cities throughout the country. On March 31, UNM Member of Parliament Nugzar Tsiklauri reported he was attacked by at least seven men armed with electroshock devices outside his home, who he believed attempted to kidnap him. His announcement prompted condemnation from the prime minister and calls by the public defender and NGOs for a quick investigation. Tsiklauri alleged the attack on him was an attempt by the authorities to coerce his silence following his allegation that two members of the prosecutor's office tortured Shalva Tatukhashvili.

On May 27, Zurab Tchiaberashvili, a member of the UNM political council and the party's representative in the IATF, was assaulted in a cafe in Tbilisi, reportedly due to his affiliation with the previous government. In response to the attack, GYLA and Transparency International released statements calling for all sides to refrain from violence and for the government to pursue a timely and objective investigation of the attack. Although authorities charged Tchiaberashvili's attacker with willful infliction of minor injuries, his lawyers asserted stricter charges should have been filed. In early May a businessman and the brother of a former Ministry of Internal Affairs official in the UNM government, Davit Kodua, was severely beaten in what the Prosecutor General's Office termed "a premeditated group attack motivated by revenge." There were complaints of inadequate government response to these allegations. EU Special Advisor Hammarberg noted authorities were not responding adequately to deter election-related violence.

Participation of Women and Minorities: There were 16 women in the 150-seat parliament. One of the five vice speakers was a woman, as were the chairs of parliament's human rights and procedural committees. There were three women in the 19-member cabinet and three women on the 14-member Supreme Court.

There were three ethnic Armenians, three ethnic Azeris, and one ethnic Ossetian in the new parliament, but no minority members in the Cabinet, Supreme Court, or Constitutional Court. Higher-level city managers included ethnic minority leaders.

Women remained underrepresented in local elections held during the year. In 12 mayoral races, only 10 of 87 first-round mayoral candidates were women. None of the women made it to the second round in mayoral races. Of the 262 candidates

for 59 executive heads of local administrations, only 10 were women. Voters elected one woman as executive head of a local administration. While most parties took advantage of a financial incentive to include women as 30 percent of their party-list candidates, most women were at the bottom of lists and thus were not elected.

According to the Central Election Commission, only Akhalkalaki and Ninotsminda in the ethnic-Armenian area of Javakheti had ethnic Armenian representation on municipal councils as a result of the local elections. All other officials elected in the local elections were ethnic Georgians.

De facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a “citizenship” law that forced ethnic Georgians to give up their citizenship in order to vote or participate in regional elections. Even those ethnic Georgians willing to apply for Abkhaz “passports” generally did not receive them in time to participate due to extensive delays. Ethnic Georgians in South Ossetia were also required to accept a South Ossetian “passport” and “citizenship” to participate in political life.

Abkhazia held de facto “presidential elections” in August. Due to the large number of IDPs whom authorities prohibited from voting, the contest was not considered free and fair.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government implemented the law effectively against low-level corruption. According to survey data, 4 percent of the population reported paying a bribe in 2013 to obtain a public service.

Corruption: There were some allegations of high-level corruption. During the year authorities indicted two former government officials above the level of office director on corruption-related charges. For example, on February 17, the court found Ivane “Vano” Merabishvili, a former minister of internal affairs, former prime minister, and UNM secretary general, guilty in two separate cases and sentenced him to five years’ imprisonment. In the first case, the court ruled Merabishvili engaged in voter bribery and misappropriated 5.2 million lari (\$2.9 million) from public funds on UNM activities in advance of the 2012 parliamentary elections. According to the court, Merabishvili spent the money on a government program to register unemployed citizens for training and

employment programs. Instead of taking part in this program, approximately 22,000 citizens allegedly received payment for performing various UNM campaign activities, including participating in campaign rallies and handing out UNM leaflets. The court also fined the codefendant, former health minister and former governor of the Kakheti region Zurab Tchiaberashvili 50,000 lari (\$29,000) for neglecting official duties but acquitted him of misspending and voter bribery.

In the second case, the court found Merabishvili guilty of violating the right to property through abuse of authority and embezzlement of 158,000 lari (\$90,000) while minister of internal affairs in 2009. The court ruled Merabishvili and his family used a privately owned villa without compensating the owner and renovated it with funds from the Ministry of Internal Affairs.

On July 29, the Prosecutor General's Office charged former president Saakashvili with embezzling 8.8 million lari (\$5.0 million) of public funds between 2009 and February 2013. The Prosecutor General's Office alleged that Saakashvili used funds allocated from the state budget to pay the SSPS, which provides security to high-ranking officials and their families. The Prosecutor General's Office asserted that the government classified SSPS spending as secret in 2009 to make expenditures allocated for Saakashvili's personal purposes unavailable for public scrutiny. According to the office, the expenditures included luxury hotels, spa resorts, cosmetic procedures, and clothing purchases. The former head of SSPS, Temur Janashia, also faced criminal charges in the case. As of November the Prosecutor General's Office was also investigating an expenditure of 20 million lari (\$11.4 million) between 2009 and 2012 from presidential and SSPS budgets.

During the fall the Prosecutor General's Office brought charges in two alleged cases of defense ministry corruption. In late October authorities charged five ministry officials with alleged embezzlement associated with the 2013 procurement of a classified fiber-optic cable contract. In another case, on November 3, the Prosecutor General's Office announced charges against six officials and civilians for alleged negligence in connection with a case in 2013 involving food poisoning that affected 858 members of the military, 90 of whom required hospitalization.

During the year the State Audit Office established a temporary consultative commission composed of representatives from local and international organizations to monitor legality and transparency of political financing. In June the office requested that the courts impose fines on three political parties after it discovered violations of legal reporting requirements. GYLA monitored the State

Audit Office's Service for Monitoring Financial Activities of Political Parties and reported no signs that the service discriminated between parties.

In its July report, *The Challenges of Public Internal Financial Control in Georgia*, Transparency International/Georgia noted negligence by ministries inventorying their financial as well as nonfinancial assets placed them at an extremely high risk of abuse. The report highlighted numerous gaps in the public internal financial control and financial accountability legislation and a lack of detail in budget programming. The report noted the lack of real program budgeting in the country was a major impediment to implementing public internal financial control. Transparency International/Georgia also noted risky manual accounting practices at some ministries and questionable procurement decisions.

During the year the government adopted several measures to increase efficiency, transparency, and public accountability of government agencies, including regulations regarding the allocation of monetary bonuses to civil servants and a regulation on the purchase and usage of government-owned vehicles, which contributed to the reduction of corruption. The Ministry of Justice Inspector General's Office actively enforced internal ethics and disciplinary rules in the Prosecution Service.

Financial Disclosure: The law requires public officials to submit yearly declarations of their own and their family members' financial incomes and property for tax inspection, which are posted online. The Bureau of Declarations received financial declarations, and the Prosecutor General's Office investigated government corruption cases.

Public Access to Information: The Institute for Development of Freedom of Information (IDFI) reported that during the year, public institutions "demonstrated more responsibility in terms of releasing public information." While the law provides for public access to government meetings and documents, the government sometimes did not provide access. In IDFI's May report, *Access to Information in the Public Institutions*, covering the period from October 2013 through March 29, public institutions responded to 444 out of 493 requests for information. The report noted public institutions were least responsive to requests for e-mail correspondence of senior officials. Four ministries, including the MRA, had a 100 percent response rate. At the other end of the spectrum, the Ministry of Internal Affairs had the lowest response rate at 30 percent. Twelve institutions, including the Ministry of Corrections and the Ministry of Defense, had a response rate higher

than 90 percent. The freedom of information law restricts third-party access to information on cases involving the government in international courts.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups in most cases operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs enjoyed close cooperation with the government, and officials were cooperative and responsive to their views, while others complained they had insufficient access to government officials and authorities ignored their views. Some senior officials made negative statements against NGOs that advocated for stronger checks and balances on government surveillance activities.

The major human rights problems that caused tension between the government and NGOs were insufficient oversight of surveillance, mistreatment of prisoners, and dismissals for alleged political motivations.

Government Human Rights Bodies: NGOs continued to view the Public Defender's Office, which is mandated to monitor human rights and investigate allegations of abuse, as the most objective of the government's human rights bodies. The public defender's authority does not include the power to initiate prosecution or other legal actions, but he can recommend action, and the government must respond. While the office generally operated without government interference and was considered effective, the public defender reported the government often responded partially or not at all to inquiries and recommendations. The public defender specifically reported the Ministry of Internal Affairs did not follow its recommendations.

The public defender has the right to make nonbinding recommendations to law enforcement agencies to investigate particular human rights cases. The public defender must submit an annual report on the human rights situation for the calendar year but also can make periodic reports, as the office deems necessary. Government offices must respond to all requests for information from the Public Defender's Office within 10 days. The office may not report on torture unless the victim gives clear consent.

De facto authorities in the occupied territories did not grant the office access to those territories. The parliamentary Committee on Human Rights and Civil Integration, the Ministry of Internal Affairs' Human Rights Division, and the

National Security Council's human rights advisor have mandates to investigate claims of abuse.

The law charges the prosecutor general with protection of human rights and fundamental freedoms. The Human Rights Unit of the Office of Chief Prosecutor monitored overall prosecution and supervision of compliance with national and international human rights standards. The unit reviewed statistical and analytical activities within the prosecution system and was responsible for considering and responding to human rights recommendations of national and international human rights institutions.

On October 30, the prime minister appointed the former deputy minister of corrections and legal assistance, Sopo Japaridze, as his adviser on human rights and gender equality issues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. The government did not always enforce these prohibitions effectively. On May 2, parliament adopted antidiscrimination legislation that prohibits discrimination against individuals based in part on ethnicity, religion, age, sexual orientation, gender identity, and political beliefs.

### **Women**

Rape and Domestic Violence: Rape is illegal, but criminal law does not specifically address spousal rape. Criminal cases of rape generally could be initiated only after a complaint by the victim. A first-time offender may be imprisoned for up to seven years, while a repeat offender or perpetrator of rapes of multiple victims may receive up to 10 years' imprisonment. If the victim is or becomes pregnant, contracts HIV/AIDS, or is subjected to extreme violence, the sentence may be increased to 15 years. If the victim is a minor in any of these cases, the sentence may be increased up to 20 years. During the year authorities initiated investigations in 33 rape cases, compared with 57 in 2013. Observers believed many instances of rape were unreported due to the social stigma for survivors and because police did not always investigate reports of rape.

Domestic and other violence against women remained a significant problem.

Penalties for domestic violence include community service for a period of between 80 and 150 hours. An act of domestic violence committed against a pregnant woman, a minor, a person with disabilities, or in the presence of a minor witnessing an act against a family member, or against two or more persons may be punished by community service for a period of between 100 to 200 hours, restriction of freedom for up to one year, or deprivation of freedom for up to one year.

The UN Committee on the Elimination of Discrimination against Women expressed concern at the growing number of women killed by their husbands or partners and women victims of other forms of violence. In December the public defender reported that more than 25 women were killed in cases of domestic violence during the first half of the year and criticized the government for failing to develop a strategy to combat violence against women. One prominent case involving a university lecturer killed by her former husband in October led to increased public attention to the problem.

According to the Ministry of Internal Affairs' statistics, authorities launched 636 investigations into domestic violence crimes as of September, compared with 399 in 2013. NGOs believed cases of domestic violence were underreported.

The public defender expressed concern that inadequate police response often led to secondary traumatization of victims. In most of the domestic violence cases addressed to the public defender, police limited their response to issuing verbal warnings and initiating preventive supervision, which did not provide actual protection from a recurrent abuse.

Domestic violence legislation mandates the provision of temporary protection measures, including restrictive orders separating a victim (and departments) from the abuser, provision of shelters, and restraining orders. According to the Ministry of Internal Affairs' statistics, police issued 817 restraining orders as of September. A court must approve a restraining order within 24 hours of a victim's application. Such orders prohibit the abuser from coming within 310 feet of the victim and from using common property, such as a residence or vehicle, for six months. A victim may request an unlimited number of extensions of a restraining order. The first violation of a restraining order results in an administrative fine, but a second offense is punishable under the criminal code. NGOs reported police avoided charging suspects with a second offense due to increased criminal accountability.

During the year Tbilisi police patrol inspectors, regional police officers, and prosecutors received domestic violence-related training. In July the Ministry of Internal Affairs created and trained two-person groups, composed of a man and a woman, within each police division to work on domestic violence prevention. The groups have the right to issue restrictive orders and take other necessary measures to prevent domestic crime.

Local NGOs and the government jointly operated a 24/7 hotline and shelters for abused women and their minor children, although space in the shelters was limited and only four of the country's 10 regions had shelter facilities. All adhered to the same general standardized regulations and generally provided the same services. There were no facilities or support services available for men. Shelters included crisis centers that offered domestic violence victims psychological, medical, and legal assistance.

Female Genital Mutilation/Cutting (FGM/C): The law does not have specific regulations on FGM/C. During the year there were no reports of FGM/C performed in the country.

Other Harmful Traditional Practices: Kidnapping women for marriage occurred in remote areas and ethnic minority communities, but it was very rare. Such kidnappings reportedly often were arranged elopements. Police rarely took action in these cases, although the law criminalizes kidnapping.

Sexual Harassment: Sexual harassment of women in the workplace was a problem. The law does not explicitly prohibit sexual harassment, and authorities rarely investigated complaints. According to the UN Committee on the Elimination of Discrimination against Women, patriarchal attitudes and stereotypes regarding family and societal roles remained deeply rooted.

Reproductive Rights: Couples and individuals have the legal right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so. They have the right to attain the highest level of reproductive health, free from discrimination and violence. Information was accessible so families and individuals could make reproductive decisions. Reports noted the absence of age-appropriate sexual and reproductive health and reproductive rights education in school curriculums.

Discrimination: The law provides for equality of men and women, but it was not always respected. NGOs stated that discrimination against women in the



workplace existed and that instances were underreported. The Gender Equality Law provides for the establishment of a national women's council, enhancement of women's security, equality in the labor market, and strengthening of women's political participation. The law also introduced gender-responsive planning and budgeting on the part of the government. The *National Action Plan on Gender Equality* for the years 2014-16 was drafted to provide for gender equality as a key consideration in fundamental areas of society, including health and social protection, education, economics, security, political participation, and environmental protection. The Public Defender's Office monitored gender equality cases.

Although some observers noted continuing improvement in women's access to the labor market, women were largely confined to low-paying, low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for men. According to the Office of the High Commissioner for Human Rights/UN Development Program-supported NGO Coalition, while 55 percent of students in higher education institutions were women, in the workplace they earned only half the average monthly salaries of men. As a result many women sought employment outside the country.

Gender-biased Sex Selection: According to the World Bank's most recent data, the gender ratio of children born in the country was 110 boys for every 100 girls. The skewing of the gender ratio was particularly acute for the birth of a woman's second or third child, but neither the public nor the medical society considered sex selection to be a serious problem. Few civil society organizations were aware of the problem of gender-biased sex selection or engaged in public education campaigns or other efforts to address the apparent societal bias in favor of male children.

## **Children**

Birth Registration: The law provides for acquisition of citizenship by birth on the country's territory. It applies to children of stateless individuals. According to UN Children's Fund (UNICEF) statistics, the births of 97 percent of children under age five in the country had been registered.

Romani children were usually born at home, and their parents frequently did not register their births with authorities. Since authorities require official identification to receive medical treatment and other public services, lack of identification and

the reluctance of parents to apply for such services could deprive Romani children of access to medical and other services.

Education: The quality of education fluctuated greatly between urban and rural areas and between Tbilisi and the regions. According to the government's assessment of the *National Concept for Tolerance and Civic Integration and Action Plan for 2009-14*, the school curriculum and textbooks included stereotyped material and lacked quality translations. In rural areas school facilities were often inadequate and lacked heating, libraries, and blackboards. Children of noncitizens often lacked the documentation necessary to register in school, impeding registration in some cases. The level of school attendance was low for children belonging to disadvantaged and marginalized groups, such as street children, children with disabilities, and children in foster care. The quality of education in the occupied regions of Abkhazia and South Ossetia, outside of the government's control, was reportedly poor.

Child Abuse: There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. According to the Ministry of Internal Affairs, authorities reported seven cases of rape, 56 cases of sexual intercourse with children under 16, and two cases of sexual abuse involving violence of children as of September.

Authorities referred children who had suffered abuse to the relevant community and government services in coordination with stakeholders, including police, schools, and social service agencies. In 2013 UNICEF reported that referrals increased 50 percent. The Ministry of Internal Affairs reported 74 cases of child abuse during the first nine months of the year. UNICEF reported that response by school professionals, police, and social workers to reported cases of violence against children was often inadequate due to cultural inclinations to avoid interfering in family affairs.

Early and Forced Marriage: The legal minimum age for marriage for both men and women is 18, although some exceptions were authorized at 16. According to the UN Fund for Population (UNFPA), 17 percent of women were married before the age of 18, but UNFPA noted the data were incomplete because most child marriages were not officially registered. Child marriages occur more frequently among certain ethnic and religious groups. According to UN Women, in the Kvemo Kartli region, 32 percent of women among ethnic minorities married before the age of 18, while 5 percent married at the age of 13-14, and 16 percent at the age of 15-16. In October parliament amended the criminal code to punish

forced marriage by two to four years' imprisonment. The amendments were scheduled to enter into force in April 2015.

Female Genital Mutilation/Cutting (FGM/C): The law does not have specific regulations on FGM/C. During the year there were no reports of FGM/C performed in the country.

Sexual Exploitation of Children: Commercial sexual exploitation of children and child pornography are punishable by up to five years' imprisonment. Street children and children living in orphanages were reportedly particularly vulnerable to exploitation. According to the Ministry of Internal Affairs, the number of exploitation cases was very small.

The minimum age of consensual sex is 16 years. The law includes an explicit statutory rape provision that classifies sexual intercourse with a juvenile as rape. Other sexual crimes carry increased levels of punishment if the victim is a juvenile. The criminal code criminalizes sexual intercourse with juveniles under age 16, provided the perpetrator is shown to be aware of the age of the victim. The penalty for violating the law is incarceration for up to nine years, and the government generally enforced this law.

Displaced Children: Difficult economic conditions contributed to the problem of street children, although it was unclear how many were geographically displaced. In 2007 UNICEF estimated that approximately 1,050 children lived and worked in the streets in the country's four main cities. More recent data were not available. The Public Defender's Office reported a lack of information about street children and noted inadequate resources were devoted to them.

There were unconfirmed reports that police harassed street children. Patrol police routinely transferred street children to 24-hour care centers, which lacked resources for treatment and rehabilitation of the children, many of whom were substance abusers or suffered from mental disorders.

The government had not finished replacing large-scale orphanages with smaller foster-parenting arrangements. In 2013, according to UNICEF, authorities reintegrated approximately 40 percent of previously institutionalized children with biological families, more than 1,000 placed in foster care, and the number of small group homes housing 328 children decreased 7 percent. The government continued to provide higher-education grants for institutionalized and foster care

children, including full coverage of tuition and a stipend, and provided emergency assistance to foster families.

The conflicts in Abkhazia and South Ossetia displaced thousands of children. Even before the conflicts, UNICEF reported health services in both regions were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at [travel.state.gov/content/childabduction/english/country/Georgia.html](http://travel.state.gov/content/childabduction/english/country/Georgia.html).

### **Anti-Semitism**

Observers estimated the Jewish community to be 8,000 persons. There were no confirmed reports of anti-Semitic acts

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

While the constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government or private sector services, the government was not effective in enforcing all these provisions. Discrimination, including social, educational, and employment discrimination, against persons with disabilities was a problem. According to the Public Defender's Office, the state had not developed a policy to address the challenge of employment for persons with disabilities. Most schools did not provide appropriate educational services because of a lack of qualified instructors. Many families with children with disabilities considered themselves stigmatized and kept their children out of the public mainstream.

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. On January 6, the government passed a resolution requiring builders take accessibility standards into account for planned public

buildings. The resolution also stipulated existing public buildings should become accessible within five years. Very few public facilities or buildings were accessible, although the Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, and Public Defender Office's buildings complied with the law. Public and private transportation offered no accommodation for persons with disabilities. Sidewalk and street crossing accessibility was poor.

In April the government adopted guidelines to provide for immediate life-saving surgeries for children with hydrocephalus.

According to UNICEF three state-run institutions caring for children with disabilities were still functional in Georgia (in Tbilisi, Kojori, and Senaki), compared with 41 in 2009. The number of children living in state-run institutions decreased from more than 4,600 children in 2005 to 106 during the year. While some disabled children in state care were deinstitutionalized, the number of children who may have been in unregulated orphanages run by the Georgian Orthodox Church was unknown.

The public defender reported social welfare programs did not address the individual needs of persons with disabilities. Many persons with disabilities, especially those living outside of Tbilisi, lacked information regarding access to available social, medical, and other programs. The universal health-care program did not cover all needs for persons with disabilities, particularly provision of medication. The public defender stated inclusive education remained a major challenge. According to the Ministry of Education and Science, there were 3,366 pupils with special education needs in the education system. Despite the introduction of inclusive education in professional and general educational institutions, preschool and higher education were not part of the system.

The public defender's 2013 *Situation of Human Rights and Freedom* report highlighted that the government adopted a resolution approving the 2014-16 action plan with an aim of ensuring equal opportunities for persons with disabilities by bringing the legislative framework in line with international standards; providing for education, health care, social security, and labor rights; and encouraging greater participation in public and political life.

### **National/Racial/Ethnic Minorities**

During the year there were several instances of discrimination against minority communities. PACE expressed concern over an increase of intolerant discourse

and discriminatory acts against vulnerable groups. On September 10, opponents of a planned madrassa for children in Kobuleti slaughtered a pig in front of its building and nailed the pig's head to the front door, drawing condemnation from the prime minister, the public defender, civil society, and religious denominations. The Public Defender's Office called on law enforcement agencies to identify the perpetrators and apply adequate legal sanctions. The investigation continued as of November. NGOs criticized the government for failing to carry out effective investigations in previous cases motivated by religious hatred. In a June report, the EU special advisor to Georgia on human rights noted that hate crimes deserved much stricter follow-up from law enforcement institutions and that the legal definition of hate crime remained a problem. PACE noted the lack of effective investigation and prosecution of hate crimes against members of minorities resulted in impunity.

In October dispute over a building that once operated as a mosque led to a protest and altercation between protesters and police in Mokhe, a town in the Samtskhe-Javakheti region. Local authorities had selected the location, which was claimed by both the Muslim and Christian communities in the village, as a site for a new community center and library. NGOs complained police used unnecessary force against protesters and complained of the lack of a government policy regarding restitution of property rights of religious buildings. The prime minister called the violence in Mokhe "unacceptable" and charged the State Religious Agency with making a recommendation for resolving the issue. The State Religious Agency formed and chaired a commission that included Muslim and Orthodox Christian leaders as well as local municipality and Ministry of Culture representatives. At year's end the commission had made no recommendation, and construction at the disputed property remained suspended.

According to the Media Development Foundation's monitoring report, *Hate Speech and Discriminative Expressions in Georgian Political Discourse*, which covered the period from February through May, public figures made multiple homophobic, hateful, and discriminatory statements. According to the foundation, the government included in its factional party leadership several parliamentarians who reportedly made discriminatory remarks.

In June a government interagency commission issued a report on the implementation of the *National Concept and Action Plan on Tolerance and Civil Integration, 2009-14*. The report noted challenges despite positive trends, such as the implementation of infrastructure rehabilitation and economic projects in the minority regions, vocational training and capacity building of minorities, and the

government's focus on Georgian-language instruction projects. Political process and civic activism of minority-populated regions remained underdeveloped. Political parties only became active and opened offices in minority municipalities during the election campaign period. National minorities were relatively well represented in local governance units in regions of minority compact settlements but weak in terms of influence due to local municipalities' lack of power. Ethnic minority representation in the executive branch, parliament, political parties, other public bodies, and civil society, remained limited (see section 3).

Georgian-language skills continued to be the main impediment to integration for the country's ethnic minorities, although political, civic, economic, and cultural obstacles to integration also remained. Ethnic Armenians, Azeris, Abkhaz, South Ossetians, and Russians usually communicated in their native languages or in Russian in the areas where they were the dominant ethnic groups. The law provides that citizens have the right to be public servants, provided they have "adequate command of the official language." Some minorities asserted this law excluded them from participating in government. The law also requires ethnic minority students to learn Georgian as a second language. The public defender's 2013 *Situation of Human Rights and Freedom* report noted that a significant part of the ethnic minority population lacked proficiency in the state language, hindering their civil integration. In part the report attributed the problem to challenges in education for national minorities, particularly at schools where lessons were conducted in minority languages without properly translated Georgian textbooks. The report also noted there were an insufficient number of Georgian-speaking government administrators in minority regions. Additionally, some government materials distributed to the public were available only in Georgian.

The 2013 *Situation of Human Rights and Freedom* report noted limited access to national television news in ethnic minority languages. The GPB produced only 10- to-12-minute daily news programs in five minority languages and was criticized for lack of news coverage in minority regions. Many in minority regions received their news from Armenian, Azerbaijani, Russian, and Turkish television stations, which broadcast news regarding the country without an obligation to provide comprehensive information about it. GPB Public Radio provided daily audio versions of the national news in Abkhaz, Ossetian, Armenian, Russian, and Azerbaijani, but radio coverage did not extend to large parts of Kvemo Kartli and Samtskhe Javakheti, areas home to sizeable minority populations. Local government officials in Samtskhe-Javakheti expressed concern that the lack of significant news programs in minority languages alienated many members of national minority communities.

The European Center for Minority Issues (ECMI) reported that Roma appeared to suffer from widespread societal prejudice and marginalization and that the government needed to do more to integrate Roma into society. The ECMI estimated the Romani population at 1,500, with no more than 300 in any one location. The ECMI reported the Romani community suffered from extreme poverty, unemployment, lack of education and health care, and isolation from larger society. The government interagency commission's assessment of the *National Concept and Action Plan on Tolerance and Civil Integration, 2009-14* highlighted that the main problem hindering the integration of Romani people, the lack of identity cards and birth certificates, had largely been solved, although other marginalized ethnic groups, such as Kurds and Domi, continued living without legal status.

The law permits the repatriation of Muslim Meskhetians, a national minority group that Stalin deported in 1944. As of early 2010, approximately 5,840 Meskhetians had filed for repatriation. Approximately 160 returned unofficially over the previous four years, settling in Akhaltsikhe and Abastumani. According to the MRA, 1,533 applications had been approved by year's end. The Public Defender's Office criticized the review process, noting that authorities denied some applicants because of their inability to provide documents proving the government deported their ancestors in 1944 and that many applicants were unable to afford translation of their Russian-language documents into either Georgian or English, as required. The NGO Toleranti, which advocated on behalf of Muslim Meskhetians, believed the low number of applications was due to legal and financial difficulties in obtaining necessary documents. Toleranti also cited other barriers, including insufficient time for submitting applications before the deadline in 2010, the government's perceptions of potential insecurity in the wake of the 2008 Georgian-Russian war, and potential animosity from the locals in Samstkhe-Javakheti.

Ethnic Georgians living in the Gali district of Abkhazia had no legal access to education in the Georgian language, but instruction in Georgian occurred with limitations. According to the Abkhaz government-in-exile, the de facto government used two types of curricula in the Gali district, which was divided into separate zones. In the Tkvarcheli and Ochamchire zones, Russian was the only instructional language and, since the 2008 war, the de facto government had prohibited Georgian language instruction. Graduation certificates for all Gali schools indicated Russian as the native language of students. Georgian teachers who did not speak Russian had to memorize lessons in Russian or instructed students in Georgian, but Abkhaz de facto authorities, who also did not provide



funding for teachers of Georgian, often harassed them. Local communities had either to pay for teachers, arrange for teachers to cross from undisputed Georgian territory to teach, or send their children from Abkhazia for Georgian-language lessons. An increasingly strict boundary regime imposed by Russian border guards made the latter two alternatives more difficult. De facto authorities did not issue Abkhaz passports to Georgian school graduates, based on a belief that they would not pursue higher education in Sukhumi but would go to undisputed Georgia instead. To take Georgian university entrance exams, graduates had to take dangerous illegal paths.

### **Acts of Violence, Discrimination, and Other Abuses based on Sexual Orientation and Gender Identity**

The constitution provides for fundamental equality before the law, and a variety of laws or regulations contain antidiscrimination provisions. The criminal code makes racial, religious, sexual orientation, and other bias motives of an offender an aggravating factor for all crimes. According to NGOs the government did not enforce the legislation. There were reports that LGBT persons were unable to find employment or lost their jobs based on their sexual orientation or gender identity.

Societal prejudices against LGBT persons remained strong. The Georgian Orthodox Church condemned same-sex sexual activity. LGBT organizations reported that most LGBT persons concealed their sexual orientation for fear of harassment, and few organizations worked openly because of the extensive societal stigma against LGBT persons. The Media Development Foundation noted numerous homophobic statements issued by high-level officials, politicians from various political parties, and media outlets, most frequently in the context of the antidiscrimination law. In a May 9 interview with the newspaper *Versia*, the former minister for refugees and accommodation, David Darakhvelidze, called LGBT persons “diseased people with sexual deviations.” The ministry later issued an apology.

On October 29, a group of NGOs released a statement calling comments made by Deputy State Minister on Diaspora Issues Sandro Bregadze in an October 25 *Kviris Palitra* interview inappropriate for a public official on grounds of hate speech. The NGOs alleged Bregadze called for reprisals against the head of an NGO focusing on LGBT issues, Identoba, and for restrictions of their activities.

LGBT organizations viewed threats of violence as one of the most serious problems facing the community. For example, the LGBT community did not mark

the International Day against Homophobia and Transphobia (IDAHO) on May 17 for fear of violence. Organizers also postponed a May 17 screening of a film about a gay couple due to threats and fears it might be seen as an attempt to destabilize the country.

Victims of discrimination and violence were reluctant to report incidents to police due to fear of disclosing their sexual orientation or gender identity to family members and homophobic reactions by police. The Women's Initiatives Support Group reported the LGBT community had low trust in police. An NGO, Article 42 of the Constitution, reported several cases of mistreatment and verbal and violent physical abuse against the LGBT community.

Although IDAHO passed without violence, the patriarch of the Georgian Orthodox Church announced that May 17 would henceforth be Family Day, a "day of strength for family and respect for parents." As a result, on May 17, Georgian Orthodox Church priests led an antigay march and protest of approximately 500 persons on Tbilisi's Rustaveli Avenue that ended at the Holy Trinity Cathedral, where the patriarch delivered a sermon to approximately 1,000 additional parishioners. A separate group held a demonstration of approximately 300 persons in front of parliament in Tbilisi, denouncing the antidiscrimination law, condemning LGBT persons, and gathering signatures in support of parliament removing protections based on sexual orientation and gender identity from the law. A group of individuals marked the day with an art installation, "Shoes of the Invisible," which featured dozens of pairs of empty shoes representing LGBT individuals who felt unsafe to exercise their freedoms of assembly and expression.

The trials of Iotam Basilaia, the father superior at the Iione-Tornike Eristavi Monastery, and three other defendants who were charged with violating the right to assembly during a violent 2013 counterdemonstration against IDAHO, remained pending. Civil society groups criticized authorities for being slow to prosecute the defendants despite the existence of video evidence against some of the violent protesters.

In February the Constitutional Court declared unconstitutional the use of "homosexuality" as an indicator against blood donation. The government's *2014-20 National Human Rights Strategy* and *2014-16 Human Rights Action Plan* marked the first time that the government included sexual orientation and gender identity in its strategic documents. On May 7, President Giorgi Margvelashvili signed into law a bill that prohibits discrimination against protected categories,

based in part on ethnicity, religion, age, sexual orientation, gender identity, and political beliefs.

### **HIV and AIDS Social Stigma**

Stigma and discrimination against persons living with HIV/AIDS continued to be a major barrier to HIV/AIDS prevention and service utilization. Negative social attitudes and low public awareness also remained obstacles. NGOs reported that social stigma caused individuals to avoid testing and treatment for HIV/AIDS. Some health-care providers, particularly dentists, refused to provide services to HIV/AIDS-positive persons. Individuals often concealed their HIV/AIDS-positive status from employers due to fear of losing their jobs. The public defender identified an emerging HIV/AIDS epidemic concentrated in high-risk groups. Statistical data on stigma and discrimination against those living with HIV were unavailable.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

While the updated labor code passed in 2013 and its related regulations and statutes generally provide for the right of most workers, including government employees, to form and join independent unions and to strike and bargain collectively, authorities had not re-established the corresponding labor inspectorate to enforce this body of legislation.

The law permits strikes only in cases of disputes where a collective agreement is already in place. While strikes are not limited in length, the law limits lockouts to 90 days. A court may determine the legality of a strike, and violators of strike rules can face up to two years in prison.

Although the law prohibits employers from discriminating against union members or union-organizing activities in general terms, it does not explicitly require reinstatement of workers dismissed for union activity. Employers are not obliged to engage in collective bargaining, even if a trade union or a group of employees wishes to do so.

The government failed to enforce effectively laws that prohibit antiunion discrimination and provide for worker's freedom of assembly. In the absence of an inspectorate, violations of worker rights persisted. There were no effective

penalties or remedies for the arbitrarily dismissed employees. Legal disputes regarding labor rights were subjected to lengthy delays. The absence of a labor inspectorate and mediation services in the Ministry of Health, Labor, and Social Affairs resulted in the government not enforcing all collective bargaining agreements (as required by law) and the continued absence of government oversight over employers' compliance with labor laws. Employees who believed they were wrongfully terminated must file a complaint in a local court within one month of their termination.

The Tripartite Commission, chaired by the prime minister and including representatives from industry and organized labor, met on May 1 but did not issue any substantial recommendations regarding the structure and mandate of the new labor inspectorate.

Workers generally exercised their right to strike in accordance with the law. For five and one-half weeks in February and March, gold and copper miners in Kazerti went on strike to protest over working conditions and pay and to demand the reinstatement of dozens of terminated employees. Although the strike was legal in that the union notified the employer of its intent to strike 21 days in advance, there was no mediation prior to the start of the strike, due in part to the government's lack of qualified mediators. Observers believed the strike was prolonged because the government was forced to rely on a lawyer whom it contracted to mediate between the two sides.

The Educators and Scientists Free Trade Union of Georgia (ESFTUG) and the Postal Workers Union reported government interference with union activity during the year. Previous problems regarding ESFTUG's system to deduct union members' dues from paychecks, a practice known as the check-off system, were resolved, but regulations required teachers and unions to have the permission of school principals to deduct union dues from member's paychecks. The ESFTUG reported that while it was able to conclude agreements with 800 schools to permit the use of the check-off system, many principals still refused to give permission. No permission is required from principals for teachers to donate money from their salaries to political parties or charities. The ESFTUG reported that these restrictions on the collection of dues impaired its ability to function.

The Solidarity Center, the International Labor Organization, and the Georgian Trade Union Confederation all cited the increased influence of government-sponsored "yellow" unions as the biggest threat to worker rights in the country. The ESFTUG reported an increase in cases of Education Ministry employees using

educational resource centers to recruit members of the government-sponsored union. The ESFTUG reported growing confusion in many districts as to the difference between it and the government-sponsored union. The Postal Workers' Union reported that Postal Service management sponsored the establishment of the Union of Georgian Postal Development in 2013. The charter of the management-sponsored union requires each employee to deposit five lari (\$2.85) per month as a membership fee. The Georgia Trade Union Confederation (GTUC) reported that at the 2013 congress of railroad workers, the general director of the Georgian Railway and one additional director were delegates with voting rights, thus interfering with the independence of the workers' vote.

In February 2013 the Postal Workers' Union reported to the GTUC that Postal Service management had "unilaterally abolished" its collective bargaining agreement and imposed one-month contracts for all employees, and union members were afraid to be seen entering the union's offices. The union filed a complaint with the Tbilisi City Court against the Postal Service requesting compliance with the collective bargaining agreement. The union reported management attempted several times to eliminate union offices, which are in the administration building. In July management fired a prominent union committee member. Management claimed her dismissal was because of a low score on an aptitude test, but the dismissal took place during a meeting between the union and management, leading observers to believe management removed her from her post because of her leadership role in the union. Workers also told the GTUC of management pressure to renounce union membership.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Country experts reported that a lack of labor inspectors and a labor inspectorate, as well as weaknesses in the government's labor code, contributed to workers' vulnerability to abuse and forced labor. There were reports that forced labor continued to occur. In recent years employers exploited foreign nationals in agriculture, construction, prostitution, and domestic service.

Forced labor is a criminal offense punishable by imprisonment for seven to 12 years with the offender barred from occupying his previous position for up to three years. This punishment is increased to imprisonment for 12 to 15 years if the offense is committed on more than one occasion, against two or more persons, against a pregnant woman with prior knowledge of her pregnancy, through abuse of official authority, by taking a victim abroad, through coercion that threatens life

or limb, or against a vulnerable person or a person who is financially or otherwise dependent on the offender. If forced labor is committed by a group of individuals and results in the death of a victim, the punishment is increased to imprisonment for 15 to 20 years and the offender is barred from occupying his previous position for a period of three years. The low number of investigations into forced or compulsory labor, particularly involving human trafficking for sexual exploitation, was insufficient to deter future violations.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

In most situations the minimum legal age for employment is 16 years. In exceptional cases children may work with parental consent at the age of 14. Children under 18 may not engage in unhealthy, underground, or hazardous work; children between 16 and 18 are also subjected to reduced working hours and prohibited from working at night. The law permits employment agreements with persons under 14 in sports, the arts, cultural, and advertising activities.

Authorities did not fully prosecute any cases of child labor. During the year the Prosecutor General's Office initiated two investigations concerning child employment, although no single government entity is responsible for investigating allegations involving child labor unless there is evidence that a crime was committed. The government does not have an agency responsible for monitoring workplaces for violations of child labor laws.

Child labor was uncommon. The most visible form of child labor was street begging in Tbilisi. Child beggars may face violence and often lacked legal documents and, consequently, authorities excluded them from medical care, education, and other government benefits.

Many children under 16 worked and performed chores on small, family-owned farms. In most cases this work was not abusive or categorized as child labor. In some ethnic minority areas, family farm obligations reportedly interfered with school attendance. Some observers suggested school participation by ethnic minority children was especially low. Some families in rural Kvemo Kartli (an ethnic Azeri region) and Kakheti (where there was also a significant ethnic Azeri population) worked on distant pastures for six to nine months a year, meaning their

children seldom attended school. Estimates of the number of children affected were not available.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination in employment based on race, color, language, ethnic or social belonging, nationality, origin, economic condition or status, place of residence, age, gender, sexual orientation, disability, membership of religious, public, political or any union, including professional unions, marital status, political or other views. It does not specifically prohibit discrimination based on HIV/AIDS-positive status or other communicable diseases, gender, language, or social status. The law further stipulates that discrimination is considered to be “direct or indirect oppression of a person that aims to or causes the creation of a frightening, hostile, disgraceful, dishonorable and insulting environment.”

Discrimination in the workplace was widespread. The GTUC reported cases of discrimination based on age, sex, and union affiliation. Companies and public workplaces frequently reorganized staff to dismiss employees who had reached the qualifying age to receive a pension. Additionally, vacancy announcements often included age limits as preconditions to apply for a particular position. In one case a female employee of the Tbilisi Emergency Management Agency reported her superior sexually harassed her until she decided to leave her job. The GTUC reported widespread instances of harassment in both the public and private sectors based on union affiliation, notably in the Georgian Railway, the Postal Service, fire department, and other municipal agencies.

#### **e. Acceptable Conditions of Work**

The monthly minimum wage for public sector employees is 115 lari (\$67). The minimum wage for private sector employees has remained unchanged since the early 1990s and stands at 20 lari (\$11) per month, but is not applied in practice and is not being used for reference. The official subsistence income level is 133 lari (\$76) for the average consumer and 266 lari (\$152) for a family of four.

The law provides for a 40-hour workweek and a weekly 24-hour rest period unless otherwise determined by a labor contract. An executive order recently established sectors in which overtime pay cannot be approved until employees work more than

48 hours a week. This list includes emergency medical services, electricity generation, fire safety, and other essential services. Shifts must be at least 12 hours apart. Pregnant women or women who have recently given birth may not be required to work overtime without their consent. Overtime is defined as work by an adult employee in excess of the regular 40-hour per workweek based on an agreement between the parties, work in excess of 36 hours per week for minors who are 16 to 18 years old, or work in excess of 24 hours per week for minors who are 14 and 15 years old. Payment of overtime is only defined to “be reimbursed at an increased rate of the normal hourly wage...defined by agreement between the parties.” The parties may agree to compensatory time off in lieu of overtime pay. The law specifically allows for national holidays in addition to paid leave of 24 calendar days per year and unpaid leave of 15 calendar days per year. Performance of work on national holidays is considered overtime and is reimbursed accordingly. The law permits an employer to change the hours of work by 90 minutes without renegotiating the terms of any labor agreement. The law does not explicitly prohibit excessive overtime.

Given the absence of a functioning labor inspectorate, it was difficult for workers to remove themselves from situations without jeopardy to their employment. Workers hired on fixed-term contracts frequently feared that calling employers’ attention to situations that endangered health or safety would be cause for employers not to renew their contract. The government failed to enforce effectively minimum wage, hours of work, occupational safety, and health standards in all sectors, including the informal sector. There were no labor inspectors. Violations of worker rights persisted.

A significant number of workers were employed in the informal economy. Because of the frequent lack of employment contracts in the informal economy, exploitative conditions occurred. Such conditions were common among those working as street vendors or in unregulated bazaars.

The government did not provide statistics on workplace injuries or deaths. The mining sector was especially dangerous. Over the period of 12 months, the GTUC identified three deaths and 10 to 12 serious accidents in mines in the city of Chiatura.