

## GEORGIA 2015 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 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. In the 2013 presidential election, the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (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 problems, including allegations of political pressure at the local level, inconsistent application of the election code, and limited oversight of campaign finance violations. Parliamentary elections in 2012 marked the first democratic transfer of power since the country’s independence. ODIHR termed the 2012 parliamentary elections competitive but noted that, while freedoms of association, assembly, and expression were respected overall, instances of harassment and intimidation of party activists and supporters marred the campaign. Civilian authorities maintained effective control of the security forces.

The most significant human rights problems reported during the year included: arbitrary detentions by Russian and de facto authorities of Georgian citizens along the administrative boundary line with the country’s occupied territories; significant shortcomings in the administration of justice, including pressure on the judiciary in selected cases, questionable judicial appointments, inconsistent government responses to violence or abuse, incomplete investigations, premature charging of suspects, and inappropriate use of pretrial detention; and insufficient government efforts to combat societal discrimination against women, members of ethnic, religious, and sexual minorities, and persons with disabilities.

Other problems included substandard prison conditions; ineffective mechanisms to address alleged abuses by law enforcement officials; allegations of improper electronic surveillance; political pressure on independent television broadcasters; restrictions on freedoms of assembly and association ; substandard living conditions for internally displaced persons (IDPs); violence against the political opposition and lack of accountability; and government corruption. Domestic

violence against women, gender-biased sex selection, early marriage, HIV and AIDS social stigma, and trafficking in persons were also reported.

The government took steps to promote accountability and address shortcomings in the administration of justice; one opposition party considered the investigation and prosecution of former officials to be politically motivated. In 2015, one former high-level official was charged with embezzlement and abuse of power, another former high-level official was convicted of embezzlement and misuse of authority, and a current high-level official was acquitted on charges of exceeding official authority.

De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside central government control and were 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. 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, allegations of abuse persisted.

De facto authorities restricted the rights, primarily of ethnic Georgians, to vote or otherwise participate in the political process, own property, register businesses, and travel. 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 continued during the year, separating 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**

There was one report during the year of a government official committing an arbitrary or unlawful killing. On January 20, human rights campaigner Iuri Vazagashvili died in an explosion triggered when he visited the grave of his son, Zurab. The Prosecutor General’s Office charged detective Gia Sosanashvili with premeditated murder committed with extraordinary cruelty in connection with Vazagashvili’s death. In June prosecutors alleged Sosanashvili sought to end

Vazagashvili's Save a Life movement, which aimed to restore justice to victims of police violence. On November 6, the Tbilisi City Court found Sosanashvili guilty of murder and sentenced him to 20 years in prison.

The government continued to conduct investigations into several killings allegedly committed by former government officials. On February 4, authorities placed in pretrial detention 11 current and former Ministry of Internal Affairs officials allegedly involved in the 2006 death of Iuri Vazagashvili's son, Zurab. According to the Prosecutor General's Office, the officials tampered with the crime scene after opening fire without provocation on Vazagashvili, Aleksandre Khubulovi, and Bondo Topuridze, the latter of whom survived. Prosecutors stated a former deputy chief of the criminal police orchestrated the shooting as revenge for Khubulovi providing incriminating information about his brother to police in 2006. In August the Tbilisi City Court released seven of the officials on bail pending trial and later sentenced the other four to prison terms. Authorities convicted a former criminal police department investigator of illegal detention and sentenced him to four years and six months in prison.

On October 13, the prosecutor of the International Criminal Court (ICC) requested authorization from the ICC's judges to initiate an investigation into alleged war crimes and crimes against humanity committed related to the 2008 war in South Ossetia.

## **b. Disappearance**

Observers did not report any politically motivated disappearances during the year. Reliable information from Abkhazia or South Ossetia, which were outside government control, remained difficult to obtain. There were 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 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 assisted authorities in informing 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. Nongovernmental organizations (NGOs) and the Public Defender's Office reported that, despite progress on this issue since 2012, the new government was reluctant to investigate abuses committed during its tenure by penitentiary officials and police.

The judiciary convicted several individuals for crimes committed before the 2012 change in government. For example in July the Zugdidi Regional Court found the former director of Prison No. 4, Amiran Janashia, and former head inspector Romeo Rogava guilty of degrading and inhuman treatment of prisoners and sentenced them to three years and nine months and three years and six months in prison, respectively.

According to the public defender's public report for 2015, the public defender submitted 14 recommendations to the prosecutor general to investigate prisoner and detainee complaints of mistreatment. The public defender reported that the prosecutor general's investigations were still pending and assessed them as ineffective. In a report published in December on its December 2014 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) raised concerns over investigations conducted by colleagues of incriminated or suspected officials working for the same Ministry. The CPT observed that the Prosecutor General's Office generally only dealt with cases that received significant attention from the public, media, and civil society. The CPT also observed delays in collecting and securing evidence, failure to question witnesses, and initiating investigations under inappropriate sections of the criminal code.

In a report published in November, the UN special rapporteur on torture, Juan Mendez, noted that authorities had effectively abolished the use of corporal punishment and forced confessions since 2012 but that problems remained.

During the year the Public Defender's Office submitted 11 cases to the Prosecutor General's Office on possible mistreatment by police officers of detainees. The Georgian Young Lawyers' Association (GYLA) reported that individuals periodically showed signs of physical injuries upon admission to police detention facilities. The CPT noted the majority of persons interviewed by its monitors stated they had been treated fairly by law enforcement.

NGOs, international observers, and the public defender criticized the government's lack of investigation into alleged instances of police use of excessive force dating as far back as 2006.

As of year's end, the Investigative Department of the Ministry of Corrections had opened 763 investigations against prison officials. As of October the Ministry of Corrections reported issuing 38 reprimands, four severe reprimands, 13 warnings, 82 rebukes, and 12 dismissals. According to the ministry, the majority of wardens in the penitentiary system had been replaced or transferred to improve transparency and supervision. The ministry conducted planned and unannounced visits to monitor detainees' human rights conditions. The Public Defender's Office and GYLA criticized as ineffective some investigations into prisoner abuse, noting delays in the process of recognizing individuals as victims of mistreatment and consequent loss of potential physical evidence. The courts convicted four prison employees during the year.

Authorities also investigated four employees of the Ministry of Internal Affairs during the year, charging three with torture and one with exceeding official authority. For example, on May 6, the Tbilisi Court of Appeals upheld pretrial detention against a platoon commander, squad commander, and squad sergeant of the special tasks department of the ministry, who on April 29 were charged with unlawfully imprisoning and torturing three "pre-military aged" youth in July 2014. According to the Prosecutor General's Office, the officials allegedly physically assaulted and threatened to kill the youth in the basement of their barracks. At year's end the investigation continued.

On January 23, the Tbilisi Court of Appeals overruled the January 2014 judgment of the Tbilisi City Court against Megis Kardava, the former head of the military police department and former director of Prison No. 7, finding him guilty of torturing and organizing sexual violence against Colonel Sergo Tetradze. Tetradze died in 2011 as a result of the abuse. Three other former Department of Corrections officials were sentenced in connection with the case. The court also found Kardava guilty of exceeding official powers and torturing Vice Colonel Davit Londaridze and Giorgi Gorelashvili and of illegally detaining Giorgi Chikvatia, sentencing him to nine years in prison. The court sentenced three other former officials of the Department of Corrections to nine years in prison after finding them guilty of misuse of power, sexual assault, and torture of Colonel Tetradze. The court also reversed the acquittal of Rati Mgeladze, former director of the military hospital of the Ministry of Defense, and sentenced him to nine years in prison for illegally withdrawing Tetradze from prison. Charges were pending

against former minister of defense Bacho Akhalaia for torture, organization of sexual abuse, and abuse of official power in relation to the Tetradze case.

Authorities conducted investigations into some allegations of police abuse during the year. On November 8, police officers in Vake-Saburtalo Police Department No. 5, in Tbilisi, allegedly assaulted Giorgi Mdinaradze, a lawyer from the state-funded Legal Aid Service. According to Mdinaradze, shortly after he arrived at the police station to defend the interests of a juvenile detainee, police officers took him to the police chief's room, where five police officers, including the police chief, verbally and physically assaulted him. On November 13, authorities detained the police chief and charged him with abuse of power. At year's end the investigation continued.

In December the Prosecutor General's Office charged former deputy minister of defense Davit Akhalaia, former deputy general staff chief Giorgi Kalandadze, former chief of the military police department Megis Kardava, and the former chief of the Internal Affairs Ministry's Constitutional Security Department main section of the Abkhazian Autonomous Republic, Roman Shamatava, with illegal imprisonment and torture. According to the Prosecutor General's Office, Akhalaia, Kalandadze, Kardava, and Shamatava beat and exposed Elberd Koberidze to asphyxiating gas in 2012 to make him confess to committing a terrorist act. At year's end the investigation continued.

During his March visit, the UN special rapporteur on torture urged that more be done to promote accountability for torture and mistreatment and provide reparations to victims.

Individuals detained in Russian-occupied 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 South Ossetia, these reports were difficult to confirm. In January media reported the body of ethnic Georgian Davit Basharuli was found hanged in South Ossetia and bore marks of torture. Basharuli worked in the South Ossetian district of Akhagori but disappeared in June 2014 after questioning by Tskinhvali authorities.

## **Prison and Detention Center Conditions**

Conditions were poor in some prison and pretrial detention facilities. Newly constructed and renovated facilities generally met international standards, while some old facilities were inhumane and deteriorating, lacking sufficient ventilation, natural light, and adequate health care. Some facilities did not fully meet standards for minimum living space per prisoner in multi-occupancy cells.

Physical Conditions: The public defender reported that female inmates had limited access to prolonged family visits; those who used drugs lacked gender-sensitive, accessible, and evidence-based drug treatment. In December a facility was opened at the female Prison No. 5 to accommodate long-term visitors. The NGO Human Rights Center (HRIDC) reported in September that female prisoners did not receive an appropriate quantity of hygienic products in some institutions. Juvenile facilities did not meet international standards for health care and living conditions. The HRIDC also reported that women and juvenile prisoners did not have access to lawyers for legal assistance in preparing various documents, complaints, and statements on early release, and other important matters.

According to the Ministry of Corrections, 12 prisoners died in the penitentiary system during the year, compared with 27 in 2014.

The UN special rapporteur on torture, Juan Mendez, observed that pretrial prisoners were kept in cells for 23 hours per day with up to five other detainees and that neither detainees nor prisoners had sufficient access to telephones or family visits. Mendez and the CPT commented on a general absence of meaningful work and out-of-cell activities, expressing particular concern for prisoners serving lengthy sentences.

Some prison and pretrial detention facilities lacked adequate sanitary facilities. In its 2015 report, the Public Defender's Office noted that, while the government improved the physical and hygienic environment in some penitentiary facilities, conditions were still substandard in most. The office noted that a reduction in deaths indicated progress in the health care of prisoners but that additional improvements were needed. According to the public defender, mechanisms in detention facilities were insufficient to protect victims from mistreatment, repeated abuse, or intimidation. The UN special rapporteur on torture observed that all prison facilities were adequately staffed with doctors and nurses to provide basic services but an overall lack of consistency in the documentation of physical and psychological trauma.

The public defender noted that conditions in temporary detention isolation cells were a problem. These facilities were intended to hold detainees accused of crimes for up to 72 hours prior to a hearing and not to provide long-term detention. The public defender also noted problems including inadequate space, ventilation, natural light, heating, sanitation, and access to medical services in the majority of the country's temporary detention facilities. The Ministry of Internal Affairs reported that it replaced beds, cabin tables, and chairs in all temporary detention centers and retrained 232 staff members in psychological issues, handling detainees with special needs, and first aid techniques. The Ministry of Internal Affairs informed the CPT that material conditions in such facilities were being improved and that, of the ministry's total 39 temporary detention facilities, four were completely renovated and two new ones were under construction. The CPT reported that, although none of the facilities it visited were overcrowded, the intended cell occupancy was too high and failed to respect the norm of 43 square feet of living space per detainee.

While the Ministry of Corrections maintained a special medical unit for prisoners with disabilities, the public defender reported that the needs of persons with disabilities, including for medical services, were not taken into account in prisons and temporary detention centers. The public defender also noted that the majority of institutions failed to keep data and register the needs of persons with disabilities.

Observers reported prison conditions in Abkhazia and South Ossetia were chronically substandard.

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.

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. Authorities opened investigations into prisoners' allegations but the public defender criticized the lack of completed investigations, filing of charges, or 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, although some NGOs claimed the lack of a public oversight



mechanism of the penitentiary system contributed to inadequate response by officials to alleged abuses. The national preventive mechanism operating under the Public Defender's Office had access to penitentiaries and conducted planned and unscheduled visits. During the year parliament approved, effective 2016, the public defender's request for permission to take photographs during monitoring visits to prisons.

The ICRC had full access to prisons and detention facilities in undisputed Georgian territory and some access to prison and detention facilities in Russian-occupied areas of South Ossetia. The CPT also conducted periodic visits to Georgia.

Improvements: In July the Ministry of Corrections opened Prison No. 16, a low-risk penitentiary and the first in the system to include behavior-based risk assessment, classification of inmates, and a decentralized prison administration. The ministry also renovated Prison No. 6, which became operational at the end of the year, and began construction of a penitentiary in Laituri.

#### **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**

On August 1, the government enacted a law to split intelligence activities from law enforcement by separating a new internal state security and intelligence agency, the Security Service of Georgia (SSG), from the Ministry of Internal Affairs. The new SSG is responsible for counterterrorism, counterintelligence, anticorruption, surveillance operations, and special operations. The Ministry of Internal Affairs retains law enforcement responsibilities, controls the police force, and is responsible for migration and border enforcement. NGOs reported that the Ministry of Internal Affairs was vulnerable to political influence and lacked effective mechanisms for examining the legality of law enforcement actions. The Ministry of Finance has its own investigative service with police powers in financial investigations. Although the armed forces are responsible for external security, the government may call on them during times of internal disorder.

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 of excessive use of force by police. NGOs and the public defender maintained the incidence of police abuse exceeded the number of cases investigated by the Prosecutor General's Office and that failure to investigate and punish all alleged abusers contributed to a culture of impunity.

In March the Prosecutor General's Office charged former president Saakashvili, along with former prime minister and minister of internal affairs Ivane Merabishvili, former minister of justice Zurab Adeishvili, former minister of defense Davit Kezerashvili, and former Tbilisi mayor Giorgi Ugulava with exceeding official authority for involvement in the 2007 violent dispersal of antigovernment protests and a raid and seizure against Imedi TV and other assets owned at the time by Badri Patarkatsishvili. According to the Prosecutor General's Office, Saakashvili allegedly ordered the dispersal and instructed senior government officials to deprive Patarkatsishvili of ownership of Mtatsminda Park and Imedi TV due to its critical coverage of the government.

According to the Ministry of Internal Affairs, its General Inspection Service imposed fewer disciplinary actions, such as reprimands, demotions, and dismissals, on law enforcement officers during the year than in 2014. There were 2,623 such actions during the year, compared with 2,796 in 2014. The ministry also reported that it convicted 23 officers of crimes during the year, compared with 32 in 2014.

On February 13, the government established the Investigation Department of Crimes Committed in the Course of Legal Proceedings in the Prosecutor General's Office. At year's end the department received 4,445 statements or complaints, of which 290 concerned crimes committed by public servants and resulted in physical suffering or material damage. During the year the department completed 27 cases, all of which involved illegal property seizure before the 2012 change in government and which resulted in the return of property to owners.

Prosecutors are required to investigate police use of force when a detainee sustains injuries during an arrest when information about a possible violation is received, even if from an anonymous source. If prosecutors conclude after investigation that charges are not warranted, their decision may be appealed to a higher level within the office. According to the Public Defender's Office and GYLA, in many cases the Prosecutor General's Office continued investigations indefinitely without issuing any findings or completed cases without disciplinary action for the officers involved.

The police academy trained groups in human rights-related problems, neighborhood policing, crowd management, and discrimination-related problems. The academy also trained temporary detention isolator staff on psychological issues and first aid techniques for detainees with special needs.

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

Law enforcement officers must have a warrant to make an arrest except in limited cases where destruction of evidence or commission of a new crime cannot be prevented by other means. The criminal procedure code provides that 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 noted 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 a systemic problem in 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 his or her legal rights. Any statement made after arrest but before a detainee is advised of his or her rights is inadmissible in court. The arresting officer must immediately take the detainee to the nearest police station and record the arrest, providing a copy to the detainee and his or her attorney, and the detainee must be indicted within 48 hours or released.

GYLA monitored the courts from February to October and reported that judges did not automatically approve prosecutors’ requests. For example, GYLA reported that courts permitted bail in 29 percent of criminal cases where the prosecutor requested continued detention pending trial, although between January and August 2014, courts permitted bail in 34 percent of such cases. GYLA reported that prior to 2012, courts granted all prosecution motions for continued detention pending trial.

The law permits alternatives to bail and detention, but they were rarely used.

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, NGOs reported several instances of prolonged interrogation of detainees 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 legal aid counsel at their detention and bail hearings. Many defendants, however, earned too much to qualify for appointed counsel but too little to afford a private lawyer. The Legal Aid Service is a separate and independent entity with a nine-member board.

By law detainees facing possible criminal charges have the right to notify their families of their location within three hours of their arrest; persons charged with administrative offenses have the right to notify family upon request. Detainees occasionally 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.

Concerns persisted regarding the use of administrative detention, under which authorities may detain an individual for up to 15 days without the right to effective defense, defined standards of proof, and effective right to appeal. According to the Ministry of Internal Affairs, 998 persons served terms of administrative detention in temporary detention isolation cells during the year, compared with 871 in 2014.

Arbitrary Arrest: There were isolated cases of arbitrary arrest during the year, and the judiciary and Prosecutor General's Office terminated controversial detentions in some cases. For example, on January 15, the Tbilisi City Court terminated the case against the director of the Institute for Development of Freedom of Information, detained in December 2014 on allegations of illicitly carrying arms, after it determined that his acts constituted an administrative offense and not a crime. The court also ruled that the director's detention was illegal and on June 23, held the Ministry of Internal Affairs and the Prosecutor General's Office equally liable for 1,180 lari (\$493) in pecuniary and 2,000 lari (\$837) in nonpecuniary damages.

Opposition party members alleged that the government engaged in politically motivated arrest and detention.

De facto authorities and Russian officials detained many individuals in the Russian-occupied areas of Abkhazia and South Ossetia on charges related to their "illegal" crossing of the administrative boundary line. According to the Institute for the Development of Freedom of Information, Russian and de facto authorities detained 2,481 Georgian citizens between 2009 and 2015; of this total, 1,641 were detained near Abkhazia and 840 near the Tskinhvali administrative boundary line. Authorities detained 341 Georgian citizens near Abkhazia and 162 near South

Ossetia during the year. No statistics on the number of detainees at year's end were available. The SSG reported that detentions lasted between two to three days until the detainee paid "fines" set by the de facto "court." 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 Ossetia administrative boundary line, Russian border guards frequently transferred individuals to de facto authorities, who released most within five days but held some considerably longer. Georgian authorities also detained a number of Russians near the administrative boundary line on various charges, including illegal entry into the country. (Entering the occupied territories of Georgia from Russia is against Georgian law.)

There were reports of arbitrary arrests of ethnic Georgians, particularly in the Tskhinvali and Gali regions of South Ossetia and Abkhazia. Detainees reported they were not informed of the reason for arrest or brought before a prosecutor. Human rights groups alleged that de facto authorities held them to negotiate prisoner exchanges with Georgian authorities.

Pretrial Detention: Although the law provides safeguards for a speedy trial through strict time limits for detentions, hearings, and trials, NGO trial monitors identified inadequate substantiation of detention decisions and delays in a number of cases. Pretrial detention at times was lengthy, and NGOs noted uneven application of the standards to grant bail or require detention. Lawyers noted courts sometimes used European Court of Human Rights 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 prosecutors' ability to use legal loopholes to prolong detention. 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. According to Transparency International, the purpose of this practice appeared to be prolonging detention, in some cases for political reasons. For example, in March the Prosecutor's Office requalified existing charges and filed new charges against the former mayor of Tbilisi and requested a new nine-month term of pretrial detention two weeks before the expiration of his first term of pretrial detention. On September 16, the Constitutional Court ruled that detaining an accused person beyond the nine-month limit was unconstitutional.

Amnesty: According to the Ministry of Corrections, the government granted amnesty to eight persons serving prison sentences as of September.

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

Although the constitution and law provide for an independent judiciary, and there was progress on judicial reforms, the government did not fully respect judicial independence (also see section 2.a.). According to Transparency International, while some judges appeared to be susceptible to government pressure, and political influence over the judiciary remained a problem, the transparency of judicial processes improved due to audio-video recording in courtrooms and the publication of information on the Supreme Court's website.

During the year the government continued to prosecute former officials for a wide range of crimes in office. Of the 17 former high-level officials indicted for crimes in office (president, prime minister, minister, deputy minister, mayor, governor, or member of parliament), four were fugitives, three were convicted and in prison, three were acquitted, two were convicted but not imprisoned, two were convicted but later pardoned, and three were released on bail and pending trial as of December. In a December 2014 report, OSCE/ODIHR monitoring of 14 of the trials concluded that systemic shortcomings in the criminal justice system undermined the right to a fair trial. Domestic trial observers reported such problems in more typical cases. Several dozen former mid-level government officials were charged with crimes in office. According to GYLA, 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.

The Council of Europe's commissioner for human rights, Nils Muiznieks, and the NGO Coalition for an Independent and Transparent Judiciary reported significant challenges to judicial independence, including: judges' failure to provide reasons for their decisions; insufficiently transparent, merit-based, and clear criteria for the selection, appointment, and transfer of judges; interference in cases; the probationary period for judges to be considered for life-time appointments; and nontransparent disciplinary procedures. NGOs also cited attacks against Constitutional Court judges and the lack of response by law enforcement authorities as causes for concern. The NGO Coalition for an Independent and Transparent Judiciary expressed concern that flawed processes for selecting judges at all court levels--many to lifetime appointments--could leave the judiciary vulnerable to political influence in politically sensitive cases.

NGOs reported that they were able to attend High Council of Justice (HCoJ) meetings and enjoyed unlimited access to court sessions but raised questions as to whether the judicial appointment process was objective and free of political bias. Despite the NGO call for postponement of judicial appointments by the HCoJ, on December 25, the council elected 38 judges, including its secretary, whose 10-year term as Supreme Court judge expires in April 2016. NGOs and opposition parties criticized the secretary's appointment for alleged conflicts of interest, claiming his adjudication of the 2006 killing of Sandro Girgvliani indicated political influence. Noting the secretary attended several interviews with other candidates, the coalition also claimed he enjoyed an unfair advantage during his interview.

Court observers noted some improvement in courts' adjudication of typical cases. For example, the percentage of rulings upholding unsubstantiated motions for preventive measures reportedly continued to decrease. Transparency International also noted, however, that the practice of transferring some cases to courts that were more likely to make decisions favorable to the government remained a problem.

In September parliament approved legislation on the selection of the prosecutor general that instituted parliamentary oversight over the position. By law the minister of justice must propose three candidates, and a prosecutorial council made up of prosecutors, legislators, and civil society representatives then decides which candidate to present for approval by the president and parliament. While the new process was designed to prevent executive branch political manipulation of the prosecutor general, the Venice Commission expressed concern that the ruling party influenced the selection, appointment, and oversight processes.

The Prosecutor General's Office and the Ministry of Justice are responsible for disciplinary action against prosecutors for violating the ethics code. During the year authorities disciplined 16 prosecutors from the Prosecutor General's Office.

### **Trial Procedures**

Defendants enjoy the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary. Defendants have a right to be present at their trial and have a public trial except where national security, privacy, or protection of a juvenile is involved. The law allows for trial in absentia in certain cases where the defendant has left the country. The code on administrative offenses does not provide the necessary safeguards to support the presumption of innocence.

Jury trials were available in Tbilisi, Kutaisi, and Batumi but not elsewhere for all cases of aggravated murder and for defendants who committed crimes while holding public office. Jury selection proceedings were open to the public. Defendants may waive the right to a jury trial.

According to Transparency International, its court monitors on several occasions observed the defense counsel complain about case assignment. NGOs criticized the judicial and case selection process for lacking predictability and transparency and being susceptible to manipulation.

NGOs and court monitors reported frequent delays in scheduling trials. Criminal cases were delayed or postponed beyond the nine-month pretrial detention period stipulated by law, most commonly to allow parties to negotiate a plea bargain or because a witness did not appear to testify. The law does not prescribe a maximum period for investigation of cases and trial but only that it be a reasonable period. According to Transparency International, courts did not always adhere to this standard, noting that the government's criminal prosecution of the former Tbilisi mayor remained pending for more than two years after he was charged in 2013. Transparency International noted that this problem was addressed by July 8 amendments to the criminal procedure code that require trial courts to issue a verdict within 24 months of completing a pretrial hearing.

GYLA noted that some defendants had difficulty understanding judges' explanation of their rights, particularly in cases where defendants represented themselves. Courts are obliged to allow photos and audio and video recordings of trials and provide these to the public upon request.

Defendants have the right to meet with an attorney of their choice without hindrance, supervision, or undue restriction. Defendants enjoy the right to have an attorney provided at public expense if they are indigent and to have adequate time and facilities to prepare a defense.

Reports from the UN Human Rights Council and the public defender highlighted insufficient due process rights for administrative detainees. Problems during administrative court hearings 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.



Defendants and their attorneys had access to the prosecution's evidence relevant to their cases at any point during criminal proceedings and could 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, although there were incidents of prosecutors' failing to turn over exculpatory information.

Defendants have the right to confront prosecution or plaintiff witnesses and present one's own witnesses and evidence. Transparency International noted shortcomings with respect to witness separation, and witnesses were sometimes able to communicate with one another outside of courtroom prior to a hearing. Court observers noted that some judges enforced criminal procedure code standards, but according to GYLA, judges were also at times reluctant to follow up on defendants' complaints regarding alleged actions by police or prosecutors that affected their access to counsel or ability at trial to call defense witnesses or fully cross-examine police or prosecution witnesses.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. Defendants have the right to not be compelled to testify or to self-incriminate.

While a defendant has the right to appeal a conviction, making an effective appeal under the administrative code was difficult. Under the criminal procedure code, defendants have one month to file an appeal due to court delays in providing records to defense attorneys. 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 judgment.

Human rights monitors reported that court decisions in administrative trials were often "perfunctory" and that courts rejected criminal trial appeals without an adequate explanation. According to GYLA, other factors impeding meaningful appellate review included a lack of internal judicial independence, such as lower court judges inappropriately seeking guidance from superior court judges on their cases, a lack of timely access to verbatim transcripts of lower court proceedings, and inadequate legal justifications of 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. Plea bargaining provisions in the criminal procedure

code provide safeguards for due process, including the removal of a no contest plea and allowing charge bargaining. The evidentiary standard for plea agreements stipulates that 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.

NGOs remained concerned over the lack of juvenile chambers with trained judges to ensure that juveniles were treated in a manner commensurate with their age, specific needs, and vulnerability.

### **Political Prisoners and Detainees**

The United National Movement (UNM) opposition party and family members of prisoners alleged the government held political prisoners and detainees, including the former minister of internal affairs and the former mayor of Tbilisi, as well as UNM-affiliated activists detained for attacking a member of parliament in Kutaisi (see sections 1. d. and 2.b.) The government permitted international and domestic organizations to visit persons claiming to be political prisoners or detainees, and several international organizations did so during the year.

### **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 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 state to the European Court of Human Rights after they have exhausted domestic avenues of appeal.

### **Property Restitution**

There were reports of lack of due process and respect for rule of law in a number of property rights cases. The public defender stated that after the 2012 parliamentary elections, numerous former business owners and individuals claimed former government officials illegally deprived them of property. 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. The

public defender noted hundreds of persons were still waiting for the Prosecutor General's Office to consider these complaints.

According to the public defender, the problem of "overlapping registration" in Bakuriani, Zemo Svaneti, and Adjara, where the government only partially implemented land reform, continued and resulted in hundreds of pending cases in common courts and a high number of applications submitted to the Public Defender's Office.

During the year the government's newly established Investigation Department of Crimes Committed in the Course of Legal Proceedings under the Prosecutor General's Office investigated allegations of illegal deprivation of property under the previous government. As of year's end the department had received 581 such complaints and had granted 34 individuals "victim" status, in each case returning the property to the claimant. In November the department indicted former minister of internal affairs Ivane Merabishvili and former minister of justice Zurab Adeishvili on charges of infringing the right to private property and forceful deprivation of citizens' property. In 2013 the Tbilisi City Court ordered that Adeishvili be held in pretrial detention in absentia; the former justice minister remained outside the country with several cases pending against him.

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 in the Akhalkgori region. The decree also declared all property in Akhalkgori belongs to the de facto authorities until a "citizen's" right to that property is established in accordance with the de facto "law," 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 asserted the government did not respect these prohibitions. There were widespread concerns that the government monitored the political opposition.

On March 31, the Law on Personal Data Protection came into force. Under it, a new “two-key” system (the term “key” refers to the capability to directly access telecommunication networks) increases checks on the security services’ ability to conduct electronic surveillance by requiring the Ministry of Internal Affairs to obtain court approval and authorization of the personal data protection inspector prior to conducting surveillance. This provision does not apply to internet data. The law provides that the prime minister appoint and terminate the data inspector. The Public Defender’s Office and a group of NGOs campaigned against the law and filed separate claims challenging its constitutionality. The claims, filed in Constitutional Court, alleged the law violates the constitutional right to privacy by giving the Ministry of Internal Affairs direct access to telecommunication operators’ servers. The claims were subsequently consolidated, and the case continued at year’s end.

On August 1, as a result of legislation passed in July (see section 1.d.), the government created a new agency, the SSG, responsible for internal surveillance operations. NGOs criticized the law for creating a new agency with excessive power, duplicate functions, and a high risk for abuse of office, including for political purposes. The group criticized the law’s procedures for appointing and dismissing the SSG head and its lack of clarity with respect to defining the agency’s strategic goals and policy priorities. The Public Defender’s Office expressed concern that the law does not provide for oversight of the SSG’s acquisition of real-time surveillance information, noting that it provides a legal basis for the SSG to conduct secret investigations independent of the criminal procedure code.

According to a May report from the Institute for Development of Freedom of Information, the number of government requests to the Tbilisi City Court for authorities to conduct secret surveillance decreased from 7,195 requests in 2011 to 1,074 in 2014, while the percentage of requests that were approved dropped from nearly 100 percent in 2011 to 83 percent in 2014.

## **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. Journalists, NGOs, and the

international community raised concerns about the environment for media pluralism in light of developments involving the country's four leading television broadcasters, including its leading station, Rustavi 2. Parliament's failure to select all nine members of the recomposed board of the Georgian Public Broadcaster for a second consecutive year amplified concerns about the politicization of the selection process and its negative impact on the ability of state-funded television and radio outlets to fulfill their programming responsibilities.

Freedom of Speech and Expression: While individuals were usually free to criticize the government without reprisal, democracy NGOs expressed concern that government and former government officials' public criticism of civil society, including calls for investigations of individual NGO leaders, led to self-censorship by journalists and civil society actors.

Press and Media Freedoms: Independent media were very active and expressed a wide variety of views. At the same time, media remained politically polarized and provided the public only limited access to objective, neutral news.

Television was the most influential medium and the primary source of information on current events for approximately 85 percent of the population. Major television stations expressed a political bias, albeit to a lesser degree than in previous years. Government officials periodically criticized certain media outlets, alleging a pro-opposition bias.

The availability of information on television station ownership and finances improved. The International Research for Exchanges Board noted that "ambiguities surrounding the ownership of national broadcasters no longer exist" due to legal requirements for media outlets to submit detailed reports summarizing their activities and funding. Transparency International Georgia asserted the data broadcasters provided under the new requirements still lacked sufficient clarity, particularly with respect to identifying their financing.

Some media outlets, watchdog groups, and NGOs expressed concern, however, over a restrictive environment for media pluralism and political meddling in the media, to which government critics were particularly vulnerable.

There were concerns over government interference with the country's most widely viewed television station, Rustavi 2, and with judicial independence. Rustavi 2 alleged government involvement in an August 5 decision by a Tbilisi judge to freeze the company's assets and shares pending the resolution of a lawsuit filed by

one of its previous owners. On August 10, a group of seven leading NGOs stated that the court order in the Rustavi 2 case failed to meet the standard of reasonable doubt and caused a disproportionate restriction on the station's rights. The NGOs also noted that the "seemingly private legal dispute" raised questions about political influence. In a separate statement on August 10, GYLA questioned the rationale and proportionality of the court's ruling against Rustavi 2, noting that it failed to consider the "irrevocable damage" that it risked inflicting on the public interest, given the station's large viewership. In mid-October, a former president and opposition leader allegedly called for a "revolutionary scenario" to resist the court decision, according to recordings released on a foreign website.

On November 3, the court ruled in favor of the former Rustavi 2 owner who filed the lawsuit, granting him 100 percent of the company's shares. It subsequently issued an interim injunction appointing temporary administrators to replace Rustavi 2's director general and chief financial officer. In issuing the injunction, the judge questioned Rustavi 2's editorial policy and provided the new managers, who had a stake in the previous owner's suit, authority to change the station's journalists and take legal actions. On November 30, an appellate court overturned the injunction, allowing the director general and chief financial officer to retain their posts.

Although the government contended the Rustavi 2 case was a legal dispute between private parties, the lower court's actions were widely seen as an attempt to change the editorial policy of Rustavi 2, which often espoused views sympathetic to the opposition UNM party. For many, the ruling also called into question the government's commitment to media freedom, political pluralism, and judicial independence. On November 6, a group of diplomatic missions in Tbilisi issued a joint statement expressing concern over the decision to appoint temporary managers at Rustavi 2, noting it raised "serious questions about the independence of the judiciary and the actual degree of freedom of the media" in the country.

With the exception of the president, government figures generally downplayed the developments involving Rustavi 2.

Violence and Harassment: There were a few reports of physical and verbal assaults on journalists by police. On September 15, during a visit by the prime minister to the city of Ozurgeti, a police officer allegedly pushed aside a Maestro TV journalist for asking the prime minister an "inconvenient" question and threatened to "remove" and "evaporate" him. The Ministry of Internal Affairs announced the general inspector would look into the matter. The officer involved

subsequently stated he had not known the man was a reporter and alleged the journalist did not have his media badge. GYLA criticized the ministry for subsequently dismissing the journalist's allegations without conducting an investigation.

Officials also continued to harass media outlets verbally. For example, during a press conference in March, the prime minister accused major media outlets of insufficient reporting on government projects, sowing "chaos," and "creating an absolutely different reality" from the actual situation in the country.

The ownership dispute of Rustavi-2 refocused attention on the July 2014 death of one of the founders of Rustavi 2 television, Erosi Kitsmarishvili. While the investigation, which remained underway, treated the death as a suicide, Kitsmarishvili's relatives questioned this working assumption, noting Kitsmarishvili was one of the few individuals who knew the detailed ownership history of the media outlet.

Censorship or Content Restrictions: While there were no reports of the government directly or indirectly censoring media, the abrupt removal of the popular television anchors from Imedi TV and the Georgian Public Broadcaster (GPB) in late August and early September raised questions about political interference in the media among leading NGOs, media professionals, and some members of the ruling government coalition.

On August 29, the country's second leading television broadcaster, Imedi TV, abruptly announced the cancellation of two popular political talk programs and the removal of Inga Grigolia, the shows' well-known host. Grigolia asserted the programs' cancellation and her abrupt removal were politically motivated, noting the programs had been the station's highest-rated shows and that she had received no prior indication that Imedi's managers were unhappy with them. On August 31, President Margvelashvili's administration characterized developments in the media as alarming in the run up to a new political season and ahead of the 2016 parliamentary elections. In early September, Imedi TV announced it was only suspending the programs while it reformatted them and found new hosts. The country's broadcast media regulator publicly pointed out that the station's license obliged it to broadcast social-political programs.

Nongovernmental Impact: Media observers, NGO representatives, and opposition politicians alleged that a former prime minister continued to exert a powerful

influence over the government and judiciary, including in the lower court decisions against owners of the Rustavi 2 television station.

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: The switchover from analog to digital television broadcasting, completed in the early fall, resulted in a simplified authorization process for television broadcasters. The switchover expanded the number of television channels that could be broadcast on one frequency, thereby allowing expanded creation and distribution of content. The coverage area of small television broadcasters also expanded, allowing them to broadcast nationally and allowing national broadcasters to provide different content to specific regions. Signal transmission costs decreased, allowing broadcasters to increase and diversify their content.

### **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 it monitored private online communications without appropriate legal authority. During the year Freedom House rated the country's internet freedom status as "free" and the Georgia-based Institute for Development of Freedom of Information stated that there had not been any reported cases of online news outlets being subjected to government pressure. NGOs criticized the oversight of such monitoring as insufficient, however. According to International Telecommunication Union statistics, approximately 49 percent of the population used the internet in 2014. High prices for services and inadequate infrastructure limited 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; however, the government's respect for freedom of assembly was uneven. Police on occasion arrested or failed to protect participants in peaceful assemblies from counterdemonstrators. In addition, human rights organizations expressed concern about provisions in the law, including 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.

The Public Defender's Office and NGOs criticized as unjustified the detention of three supporters of Rustavi 2 television at a rally outside the parliament in Kutaisi in October. The three allegedly assaulted a Georgian Dream member of parliament and were charged with hooliganism. In a joint statement, 11 NGOs called the pretrial detentions "an example of selective justice motivated by political reasons." The NGOs contrasted the arrest and pretrial detention of the Rustavi 2 supporters with authorities' failure to respond to requests by Constitutional Court justices for protection from protesters, and authorities' responses to cases of assault against UNM members of parliament, in which perpetrators were fined or apprehended and then released with a warning.

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community marked the International Day against Homophobia and Transphobia (IDAHOT) on May 17 with peaceful public events held under heavy security. While the outcome was seen as a significant improvement over previous years, some activists noted that freedom of assembly for members of the community remained restricted due to the limits placed by security measures (see section 6, Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity).

## **Freedom of Association**

The constitution and law provide for freedom of association, but the government's respect for this right was selective. There were reports that some government representatives and supporters of the ruling party pressured political opposition figures and supporters, central and local government employees, teachers, and union members, including by surveillance (see section 1.f) and actual or threatened job loss (see section 7).

In mid-October there were attacks on UNM's offices in Tbilisi and in many other regions. Georgian Dream activists and local government representatives reportedly were involved in these attacks. Eleven NGOs jointly stated that the timing and manner of the attacks indicated advance planning. The NGOs criticized law enforcement officials for failing to react and called on them to respond to violence and the threat of violence consistently. The NGOs contrasted the lack of official response to the violence and to multiple physical assaults against UNM members of parliament with the arrests, criminal charges, and detentions of some participants in the rally in support of the Rustavi 2 television station (see sections 2.a. and 2.b.).

The attacks on UNM offices occurred shortly after the rerelease on a foreign website of prison abuse videos from the UNM era. After the attacks, the then prime minister stated on October 22 that UNM had "no right" to remain in politics and that aggression against UNM was "natural." NGOs said his comments condoned violence.

### **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 (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: 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 and obstructing access to agricultural land, water supplies, and cemeteries. Following these developments, UN Secretary-General Ban Ki-moon expressed concern, noting that these activities might negatively affect the freedom of movement and livelihood of the local population.

The situation in the Gali region, Abkhazia, where many ethnic Georgians live, remained unchanged. Abkhaz de facto authorities continued suspending 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. UNHCR reported a widening documentation gap, noting that fewer Gali residents held valid documents due to expiration and nonissuance of documentation recognized by de facto authorities.

South Ossetian authorities issued fewer crossing permits during the year. UNHCR reported that approximately 2,000 individuals held expired permits but were still allowed to cross the administrative boundary line. In June, South Ossetian de facto authorities began accepting applications for South Ossetian “passports,” which required individuals renounce their Georgian citizenship.

### **Internally Displaced Persons**

UNHCR estimated there were 262,704 IDPs from the conflicts in 1992-93 and in 2008. In addition UNHCR estimated 120,000 persons as of July were in an “IDP-like” volatile security situation and needed 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 entities, including the government, UNHCR, and NGOs, employed different methods in estimating the number of IDPs.

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 authorities. The Ministry for Internally Displaced Persons from the Occupied Territories, Refugees, and Accommodations (MRA) provided monthly allowances for IDPs, promote their socioeconomic integration, and create conditions for their return in safety and dignity.

The government’s priority was to find durable housing for the 55,732 IDP families. In 2014 the government provided housing to 3,024 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. 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.

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 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 Ochamchire 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 overall protection situation of asylum seekers has improved, some shortcomings remained with respect to quality of asylum procedures, facilitation of naturalization, and promotion of durable housing solutions. UNHCR and other monitors reported that flaws remained in the systems to adjudicate asylum and refugee status. Authorities approved relatively few asylum applications, and recognition of refugee status appeared to be linked to political concerns, such as fear of provoking recognition of the occupied territories. Procedures to determine

refugee status did not include provisions for standards of treatment for specific populations of asylum seekers, including those with special needs, survivors of gender-based violence and torture, the elderly, and persons with disabilities.

During the year the government amended its law on refugee and humanitarian status, simplifying registration and appeal procedures. The amendments also decriminalized illegal border crossing and the use of forged documents to flee a country in cases of individuals seeking asylum.

Since 2014 the de facto Abkhaz government provided assistance to more than 490 persons of Abkhaz origin displaced as a result of conflict in Syria. Authorities provided these individuals with accommodation and financial allowances as well as free access to basic services. Abkhaz de facto authorities also issued Abkhaz passports and granted them “repatriate” status.

Employment: Refugees and asylum seekers had access to legal employment, except in the public-service sector.

Access to Basic Services: The government provided almost no integration assistance for recognized refugees, so many relied on limited support from international agencies. The country’s only reception center with adequate services for asylum seekers had a capacity for 60 places, which was insufficient with the increase in asylum seekers during the previous two years.

The law enables refugees and asylum seekers to receive a temporary residence permit during the entirety of their asylum procedure and documentation to open a bank account and register a business or property. Access to education remained a concern, primarily due to the language barrier despite provision of language specific classes.

Durable Solutions: The government facilitated the local integration of Chechen refugees through naturalization. Since 2014 the government has naturalized two persons. As of September the government was reviewing 23 applications for naturalization, while several cases were rejected because applicants failed language tests.

## **Stateless Persons**

According to UNHCR statistics, at the end of 2014, there were 770 persons in the country under UNHCR’s statelessness mandate. 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. In certain cases the president may grant citizenship to individuals who did not satisfy these requirements.

As of September joint efforts by UNHCR, partner NGOs, and the Justice Ministry's Public Services Development Agency (PSDA) identified 793 stateless persons. During the year 355 individuals applied to the PSDA for stateless status determination, of which 237 were provided with status, 48 remained under consideration, and 44 were rejected.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage. Citizens exercised that right, although some problems persisted.

In May the Constitutional Court ruled that population differences within electoral districts for the 73 single-mandate "majoritarian" members of parliament violated the constitutional principle of equality. In December parliament amended the electoral code to redraw electoral district boundaries for majoritarian mandates. While the new boundaries brought the country's electoral system into compliance with the court ruling, opposition parties claimed the ruling coalition engaged in gerrymandering.

### **Elections and Political Participation**

Recent Elections: In its final statement, the OSCE/ODIHR election observation mission characterized the 2013 presidential election as efficiently administered and transparent and considered that the legal framework provided a sound basis for the conduct of democratic 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. Domestic and international observers characterized the pre-election environment and media coverage as less polarized than in the 2012 parliamentary elections.

The OSCE/ODIHR election observation mission to the 2012 parliamentary elections termed them competitive with active citizen participation throughout the campaign but noted the environment was polarized and tense, characterized by the frequent use of harsh rhetoric and a few instances of violence. It noted that, while freedoms of association, assembly, and expression were respected overall, instances of harassment and intimidation of party activists and supporters marred the campaign and often ended with detentions or fines of mostly opposition-affiliated campaigners, contributing to an atmosphere of distrust among contestants.

On October 31, extraordinary elections for two vacated parliamentary seats took place. All opposition parties except for one boycotted the races. The opposition party that participated accused the ruling party candidate in one district of using administrative resources--including campaigning by sitting ministers and the reassignment of military personnel to the district in advance of the election--to benefit the Georgian Dream coalition candidate. The International Society for Fair Elections and Democracy filed complaints to the election commission regarding irregularities, but it noted the irregularities had not affected the election results.

Political Parties and Political Participation: In March the UNM held a rally of approximately 15,000 supporters in central Tbilisi without incident. In the days preceding the rally, UNM activists and Georgian Dream supporters--in some cases local officials--clashed violently in Zugdidi, Batumi, and Tbilisi. Police arrested perpetrators on both sides; many were fined for hooliganism. The prime minister publicly condemned the incidents and accused the opposition of provocation.

In April activists threw eggs at an opposition member of parliament from Gurjaani when he refused to vacate his office in the municipal building. In September the same member of parliament was physically attacked during a rally to protest cuts in grape harvest subsidies. On December 11, a court convicted the attacker on criminal charges of assaulting a member of parliament and fined him 1,000 lari (\$416).

Violence against opposition party activists in recent years did not result in meaningful accountability.

Participation of Women and Minorities: There were 15 women in the 150-seat parliament. One of the five vice speakers was a woman, as were the chairs of the human rights and procedural committees. There were four women in the 19-member cabinet, including the country's first female Minister of Defense, and six

women on the 16-member Supreme Court. In March parliament confirmed the country's first female Supreme Court Chair.

There were three ethnic Armenians, three ethnic Azeris, and one ethnic Ossetian in the parliament, but no minority members in the cabinet, Supreme Court, or Constitutional Court. Higher-level city managers included ethnic minority leaders. Central offices of the major political parties did not include members of ethnic minorities, but they participated in party activities at the regional and local level.

De facto authorities in Abkhazia 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 in elections 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.

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

The law provides criminal penalties for corruption by officials. While the government implemented the law effectively against low-level corruption, high-level corruption remained a problem.

Transparency International noted that authorities did not take measures to limit public officials from directly moving from regulatory positions to jobs in sectors they used to oversee and that the government occasionally contracted and issued licenses without a truly competitive process, raising suspicion of insider deals. It further asserted that negligence by ministries in inventorying their assets placed them at an extremely high risk of abuse. Numerous gaps in the public internal financial control and financial accountability laws and a lack of detail in budget programming remained during the year.

According to Transparency International's December report, which examined the implementation of the provisions of the country's anticorruption laws, the majority of ministries had internal bodies responsible for identifying corruption violations, reviewing them, and applying sanctions. The report noted, however, that these bodies were often ineffective at identifying violations, and that the majority of public institutions had not established clear internal mechanisms for whistleblowing.



On August 1, the government split the Ministry of Internal Affairs and created a new internal state security agency, the SSG. The Anticorruption Agency moved from the Ministry of Internal Affairs to the SSG. During the year the agency launched 54 criminal cases, including 39 cases of bribery, five cases of abuse of official authority, six cases of falsification in service, and four cases of neglecting official duties. The agency completed 22 criminal cases related to accepting bribes and arrested 23 officials. For example, on February 11, the agency arrested the former chief of the supervisory service in the Tbilisi mayor's office on suspicion of receiving a bribe of 120,000 lari (\$50,000) in February in exchange for a hotel construction permit in Tbilisi. On November 4, the Tbilisi City Court found him guilty of accepting a bribe and sentenced him to 11 years in prison.

In January the government established a specialized unit within the Prosecutor General's Office to investigate and prosecute past and current cases of high-level corruption. The unit began operating in March; as of September it was investigating 41 cases. The Ministry of Justice Inspector General's Office actively enforced internal ethics and disciplinary rules in the Prosecution Service.

During the year the State Audit Office monitored the legality and transparency of political financing, and Transparency International noted its audits improved in terms of both quantity and quality.

The government's Interagency Coordinating Council for Combating Corruption defined anticorruption policy; prepared and updated the country's anticorruption strategy and coordinated its implementation; and aimed to ensure compliance with the recommendations of international organizations. According to Transparency International, the council's effectiveness and influence over policy suffered from its limited mandate and resources.

Corruption: There were some allegations of high-level corruption. During the year authorities indicted former senior government officials on corruption-related charges. For example, on September 17, a court convicted former Tbilisi mayor Giorgi Ugulava of the misuse of public funds in the Tbiliservice case and sentenced him to four and a half years in prison. Prosecutors alleged that, in 2011-12, he embezzled state money to fund the United National Movement's election campaign efforts. The former mayor was acquitted on separate charges of embezzlement and misuse of public funds, although additional charges of money laundering and embezzlement remained pending trial at year's end. In December the former head of the pardoning commission accused two members of the commission, who also were Georgia Dream coalition members of parliament, of

taking bribes from prisoners seeking pardons and of exerting undue influence on other members of the commission. At year's end the Prosecutor General's Office was investigating the case.

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

In a July report, Transparency International noted that the disclosure requirement did not extend to a significant number of local government members or advisers to ministers. It also criticized the information required in asset declarations for lack of detail and for the absence of a mechanism to verify submitted information.

Public Access to Information: While the law provides for public access to government meetings and documents, the government sometimes did not provide access to persons or organizations that requested information. The freedom of information law restricts third-party access to information on cases involving the government in international courts. In a December report, the Institute for Development of Freedom of Information (IDFI) reported that, between January and November, it sent 8,297 requests for information to 307 public institutions. During this period the institutions responded to 86 percent of IDFI's requests, providing complete responses to 48 percent of the requests. Eight institutions completely ignored IDFI's requests, violating the requirements of the law.

## **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 noted that officials were cooperative and responsive to their views. During the year, however, NGOs issued several statements expressing concern that comments made by former officials against NGO activities negatively influenced the sentiments of various government officials and politicians toward democratic institutions. NGO concerns about the narrowing space for open political dialogue in the country's media and the mistreatment of prisoners also resulted in tension between authorities and human rights NGOs.

Government Human Rights Bodies: NGOs viewed the Public Defender's Office, which has a mandate to monitor human rights and investigate allegations of abuse and discrimination, 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 that the government often responded partially or not at all to inquiries and recommendations, despite a requirement for government offices to respond to information requests within 20 days. 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 also have mandates to investigate claims of human rights abuses.

The public defender has the right to make nonbinding recommendations to law enforcement agencies to investigate particular human rights cases. From May 2014 to August 31, the public defender examined 111 discrimination complaints, of which 29 revealed no facts of discrimination or were deemed inadmissible due to lack of evidence. The public defender issued two general proposals and one recommendation on the complaints, while 60 of the cases remained pending.

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. The office may not report alleged torture unless the victim gives clear consent or if a monitor from the office witnesses the torture. De facto authorities in the occupied territories did not grant the Public Defender's Office access to those territories.

The law charges the prosecutor general with protection of human rights and fundamental freedoms. The human rights unit of the Office of the 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 recommendations of national and international institutions involving human rights.

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

While the law prohibits discrimination based on race, sex, religion, political opinion, citizenship, social origin, disability, sexual orientation, gender identity,

age, language, social status, or other characteristics, the government did not always enforce these prohibitions effectively. The Public Defender's Office and NGOs noted significant gaps in the implementation of the antidiscrimination law, in particular, due to the lack of enforcement mechanisms. NGOs complained that the responsibility for a company in the private sector to report information on alleged discrimination cases to the public defender was voluntary, which also limited the effectiveness of the public defender's mandate.

## 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. At year's end authorities had initiated investigations in 54 rape cases, compared with 33 in 2014.

Domestic and other violence against women remained a significant problem. According to the Ministry of Internal Affairs, seven women were killed during the year as a result of domestic violence. The public defender reported that there were 24 investigations initiated between January and October into murders or attempted murders of women. Of these, 14 involved domestic or gender-based violence.

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

According to the Ministry of Internal Affairs, authorities opened 1,151 investigations into domestic violence crimes as of September, compared with 636 in 2014. The Prosecutor General's Office reported that during the same period 726 persons were prosecuted for domestic violence, compared with 411 in 2014. Despite increased public awareness, NGOs believed cases of domestic violence were underreported. According to the public defender, survivors of domestic violence refrained from asking for state assistance until their situation became

desperate, due in part to misinformation about the law, lack of trust in law enforcement, and social stigma.

According to a special report on domestic violence by the public defender, the role of social workers responding to domestic violence incidents remained unclear and their numbers and resources were scarce. The report also noted that due to budgetary problems, the Ministry of Labor, Health, and Social Protection did not recruit social workers specialized in domestic violence but instead retrained existing personnel to deal with domestic violence.

Domestic violence laws mandate the provision of temporary protective measures, including restrictive orders separating a survivor (and dependents) from an abuser, shelter, and restraining orders. According to government statistics, police issued 2,695 restraining orders by year's end compared with 817 in 2014. A court must approve a restraining order within 24 hours of a survivor's application. Such orders prohibit an abuser from coming within 310 feet of the survivor and from using common property, such as a residence or vehicle, for six months. A survivor 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 that 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, while additional training was provided to health care and forensic practitioners on the identification of domestic violence-related injuries. Trained investigative teams also increased their capacity to document domestic violence-related injuries on-scene with cameras.

Local NGOs and the government jointly operated a hotline 24 hours a day 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 such facilities. All adhered to the same general standardized regulations and generally provided the same services. Shelters included crisis centers that offered domestic violence victims psychological, medical, and legal assistance. The public defender's special report on domestic violence concluded that, while the shelters provided high-quality primary care and safety services, they were inadequate in terms of providing psychosocial rehabilitation and assistance in finding long-term housing. The report assessed the hotline in positive terms but noted that its operators did not speak any minority languages.

Other Harmful Traditional Practices: Kidnapping women for marriage occurred in remote areas and ethnic minority communities but 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 the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws, but it was not always respected. Discrimination against women in employment was reported (see section 7.d.). The law provides for the establishment of a gender equality council, enhancement of women's security, and strengthening of women's political participation. The law provides that the government should engage in gender-responsive planning and budgeting. The Public Defender's Office monitored gender equality cases. According to the public defender, the Gender Equality Council lacked the administrative and financial resources necessary for effective implementation of gender-equality policies.

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 it.

## **Children**

Birth Registration: By law citizenship derives from parents at birth or from birth within the country's territory. It applies to children of stateless individuals.

According to the UN Children's Fund (UNICEF), 97 percent of the births of children under age five were registered.

In Abkhazia, UNHCR reported a widening documentation gap, noting that fewer residents of the Gali district held valid documents due to expiration and nonissuance of documentation by de-facto authorities. UNHCR reported that more than 400 returnee children born since 2013 had not received birth certificates because their parents lacked valid documents required for registration. It also noted that the lack of documentation disadvantaged returnees and placed children in vulnerable conditions.

Education: According to the Tolerance and Diversity Institute, the school curriculum and textbooks included stereotyped material and lacked quality translations. 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.

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 launched investigations into 10 cases of rape, 179 cases of sexual intercourse with children under 16, and four cases of sexual abuse involving violence of children as of December. The Ministry of Internal Affairs investigated 352 alleged cases of child abuse during the year.

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. 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 age 18, but UNFPA noted the data were incomplete because most child marriages were not officially registered. Child marriages occurred more frequently among certain ethnic and religious groups. According to the Public Defender there were 265 marriages recorded in the first half of 2015 between persons ages 16 to 18.

During the year the Open Society Georgia Foundation criticized the government for inadequately monitoring the law against early marriage. In April an amendment to the criminal code entered into force that made forced marriage of an individual under the age of 18 punishable by two to four years' imprisonment.

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 law criminalizes sexual intercourse with juveniles under age 16, provided the perpetrator is shown to be aware of the victim's age. The penalty for violation is imprisonment for up to nine years; the government generally enforced the law.

Displaced Children: Difficult economic conditions contributed to the problem of street children, although it was unclear how many were geographically displaced. The Public Defender's Office reported a lack of information about street children and noted inadequate resources were devoted to them.

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. According to UNICEF, during the year 338 children were housed in 47 small group homes, and 1,223 children were placed in foster care. The government provided grants for higher education 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 the provisions. Many families with children with disabilities considered themselves stigmatized and kept their children out of the public mainstream. Discrimination in employment was also a problem (see section 7.d.).

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. Very few public facilities or buildings were accessible, although the building of the Ministries of Internal Affairs, Justice, and Education, and the Public Defender Office complied with the law. Public and private transportation did not accommodate persons with disabilities. Sidewalk and street crossing accessibility was poor.

The public defender reported that the infrastructure of preschool institutions failed to accommodate the needs of children with disabilities. Only one preschool out of 61 monitored childcare facilities was partially adapted for disabled children.

According to UNICEF, the government lagged in deinstitutionalizing the two remaining state-run institutions caring for children with disabilities in Tbilisi and Kojori and shifting to small-scale family-type alternative services that NGOs and UNICEF believed would result in more efficient, affordable, and higher quality

care. The number of children living in state-run institutions decreased from more than 4,600 in 2005 to 83 during the year. Of the 1,223 children in foster care, 171 had disabilities. While some children with disabilities in state care were deinstitutionalized, the number 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 such persons, particularly with regard to provision of medication. The public defender stated that inclusive education remained a major challenge. The Ministry of Education and Science reported that the public school system had eight schools with specializations for vision and hearing impairments and “intellectual or behavioral” disabilities. According to the Ministry of Education and Science, there were 5,267 pupils with special education needs in the education system compared with 3,707 in 2014. 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 reported that children with disabilities living in mountainous regions faced significant difficulties accessing services and medicine provided free of charge under universal healthcare. Although some mountainous municipalities allocated a one-time lump sum payment of 1,000 lari (\$420) to these children, the public defender noted that the amount, even with a state-funded social allowance, was not enough to provide them adequate living conditions. According to the public defender, the budgets of municipalities in the Adjara region’s districts of Shuakhevi, Keda, and Khulo only provided this one-time payment for children with disabilities to families with at least five children. According to the Ministry of Labor, Health, and Social Protection, during the year monthly social assistance provided to families that had a child with disabilities increased from 100 lari (\$42) to 160 lari (\$67).

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

During the year the Public Defender’s Office and NGOs reported some instances of discrimination against minority communities. Minority rights NGOs reported that victims rarely registered claims due to a lack of knowledge about their rights and criticized authorities for not raising greater awareness in minority communities.

The Ministry of Internal Affairs reported zero crimes committed on the basis of race. On September 28, however, the Ministry of Internal Affairs detained two individuals for verbally and physically assaulting two Nigerian citizens in Tbilisi after a video of the assault was carried on social media. The detainees pleaded guilty, and their trial continued at year's end.

Although NGOs did not observe major patterns of violence against national, racial, or ethnic minorities during the year, numerous cases of hate speech targeting minority groups were reported in the print media and on television. In its monitoring report for the 12 months starting February 2014, the NGO Media Development Foundation documented several instances of hate speech inciting violence against LGBTI minorities, 200 cases of "Islamophobic" or "Turkophobic" and 36 cases of "Armenophobic" statements.

In July the parliament adopted a law on state language that requires the state to provide relevant translated documents and interpreters for minorities during court hearings and communication with local authorities in minority-populated municipalities.

Weak Georgian-language skills were the main impediment to integration for the country's ethnic minorities, although political, civic, economic, and cultural obstacles to integration also remained. Ethnic Armenians, Azerbaijanis, Abkhaz, South Ossetians, and Russians usually communicated in their native languages or Russian in the areas where they were the dominant 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 that this law excluded them from participating in government.

The government continued its "1+4" program for ethnic minorities to study Georgian language for a year prior to their university studies. Under a quota system, the government assigned 12 percent of all bachelor or academic certificate-level placements in schools to students with ethnic minority backgrounds. Ethnic Armenian and Azerbaijani communities each received 5 percent of the slots, while Ossetian and Abkhazian communities received 1 percent each.

In its 2014 report the public defender noted limited access to national television news in ethnic minority languages. The state financed two newspapers in Armenian and Azerbaijani, although NGOs considered their quality and content to be poor. The Georgian Public Broadcaster (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. 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 Center for the Studies of Ethnicity and Multiculturalism reported that the main problem hindering the integration of Roma--the lack of identity cards and birth certificates--had largely been solved. The NGO also noted that the majority of individuals from other marginalized ethnic groups, such as Kurds and Domi, have received legal status.

The law permits the repatriation of Muslim Meskhetians, a national minority group that Stalin deported in 1944. As of early 2010, approximately 5,844 Meskhetians had filed for repatriation. Approximately 160 returned unofficially over the previous four years, settling in Akhaltsikhe and Abastumani. According to the Ministry for Internally Displaced Persons from the Occupied Territories, Refugees, and Accommodations, 1,533 applications had been approved by December. Of this number, 479 received “conditional citizenship,” which, according to a presidential decree, will grant them “full Georgian citizenship” upon renouncing their current citizenship. 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 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 local residents.

Ethnic Georgians living in the Gali district of Abkhazia faced problems receiving an education in the Georgian language. According to the EU Monitoring Mission in Georgia, the de facto Abkhaz government did not allow some Gali pupils to cross the administrative boundary line to attend school in Georgia proper and authorities shifted the language of instruction for students in grades one and two to Russian. According to the Abkhaz government-in-exile, 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. Georgian teachers who did not speak Russian had to memorize lessons in Russian or instructed students in Georgian. 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. De facto authorities did not issue Abkhaz passports to Georgian school graduates. To take Georgian university entrance exams, graduates had to cross the administrative boundary line.

### **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 rarely enforced the law, and law enforcement authorities lacked robust training on hate crimes.

Societal prejudices against LGBTI persons remained strong. The Georgian Orthodox Church condemned same-sex sexual activity. NGOs reported that most LGBTI persons concealed their sexual orientation for fear of harassment, and few organizations worked openly because of extensive societal stigma.

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 of homophobic reactions by police. Women's Initiatives Supportive Group (WISG) reported the LGBTI community lacked trust in police.

The Media Development Foundation noted numerous homophobic statements by politicians from various political parties and in media. On January 9, a group of NGOs expressed concern over threats made against the LGBTI rights advocacy NGO Identoba, including alleged private messages by a former political prisoner,

and death threats on social media against one of its representatives after the representative criticized a speech by the head of the Georgian Orthodox Church. On January 8, NGOs reported that the deputy state minister on diaspora issues released a statement on social media labelling the Identoba representative an “extremist terrorist fighting against Christianity.”

LGBTI organizations saw threats of violence as one of the most serious problems facing the community, although the community marked the International Day against Homophobia and Transphobia (IDAHOT) on May 17 without incident in three separate events under heavy security. The LGBTI community saw the peaceful outcome as a significant step forward and noted professional police behavior.

In August the LGBTI community expressed disappointment after the Tbilisi City Court acquitted Levan Kochlashvili of the premeditated murder of transgender activist Sabi Beriani and applied a lesser sentence of four years in prison for the beating of a different individual. According to the court, Kochlashvili acted “lawfully in a necessary self-defense situation,” and prosecutors failed to prove otherwise. According to WISG, Kochlashvili received a lesser sentence despite the court’s determination that he stabbed Beriani in the chest, set fire to him, and ran from the scene. LGBTI activists expressed concern that acquittals and light sentences for crimes against LGBTI individuals would further discourage reporting of such crimes to police, NGOs, and the Public Defender’s Office, due to a lack of accountability even in the “most blatant cases of homophobic and transphobic violence.”

In December the Tbilisi City Court partially upheld a lawsuit of WISG and others against the Ministry of Internal Affairs, stating that the ministry had failed to fulfill its obligation to ensure the safety of LGBTI activists in the 2013 IDAHO rally.

On May 12, the European Court of Human Rights determined that police failure to protect persons participating in an IDAHOT march in Tbilisi in 2012 violated the European Convention on Human Rights. The court ordered the government to pay nonpecuniary damages to each of the 13 applicants of between 2,000 and 4,000 euros (\$2,200 and \$4,400) each and compensate NGO Identoba 1,500 euros (\$1,650) for nonmonetary damages. According to the Ministry of Justice, the government compensated all the applicants before the November 12 deadline.

The LGBTI community reported the law does not address gender recognition for transgender persons. NGOs reported, however, that the Civil Registry Office and

Service Development Agency applied a discriminatory standard that requires applicants to present a proof of gender reassignment surgery to change the gender marker in their documents. During the year LGBTI rights NGOs reported that the office denied the requests of two individuals to change their gender marker.

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

Stigma and discrimination against persons with HIV/AIDS were major barriers 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-positive persons. Individuals often concealed their HIV/AIDS status from employers due to fear of losing their jobs.

## **Section 7. Worker Rights**

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

The labor code 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. Employers are not obliged to engage in collective bargaining, even if a trade union or a group of employees wishes to do so.

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.

In January parliament approved a law on labor migration that stipulates the rights of migrant workers and regulates issues concerning migrant labor, including relationships between employers and laborers and the state bodies authorized to address issues concerning migrant labor. The International Organization for Migration claimed laws on labor migration were inadequate because they did not allow the Ministry of Labor, Health, and Social Affairs to engage on labor immigration issues.

The government did not effectively enforce laws that prohibit antiunion discrimination and provide for worker's freedom of assembly, and violations of worker rights persisted. There were no effective penalties or remedies for arbitrarily dismissed employees, and legal disputes regarding labor rights were subject to lengthy delays. Without a fully functioning labor inspectorate and mediation services in the Ministry of Health, Labor, and Social Affairs, the government was not able to enforce all collective bargaining agreements (as required by law) or provide government oversight of 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, did not meet during the year.

Workers generally exercised their right to strike in accordance with the law but often faced management retribution. After a 2014 strike by union members at the Kazreti gold mine, the Georgian Trade Union Confederation (GTUC) reported that 160 union members were fired. The GTUC negotiated the reinstatement of 80, and 45 of those who were not reinstated sued the mine's operating company for lost wages. The GTUC reported the company pressured the plaintiffs to drop the suit, and only 14 plaintiffs remained by the time a verdict was reached in September. In September the court ruled that the plaintiffs be reinstated and compensated for lost wages. The GTUC also reported that early in the year, mine management began telling union members that they would lose their jobs if they did not leave the union. As of September more than 1,050 workers had left the union, and only 80 union members remained.

The Solidarity Center, the International Labor Organization, and the GTUC cited influence of government-sponsored "yellow" unions as the biggest threat to worker rights in the country. The Educators and Scientists Free Trade Union of Georgia (ESFTUG) reported that, although Education Ministry employees were no longer recruiting members of the government-sponsored union, local government officials promoted the yellow union, whose management consisted of school officials. The ESFTUG reported confusion in many districts as to the difference between it and the government-sponsored union. The Postal Workers' Union reported that management sponsored a yellow union that required each member to deposit five lari (\$2.10) per month as a membership fee. NGOs promoting worker rights did not report government restrictions on their work.



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

The law prohibits all forms of forced or compulsory labor. Forced labor is a criminal offense punishable by imprisonment for seven to 12 years, with offenders barred from occupying their previous positions 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 may be increased to imprisonment for 15 to 20 years, with offenders barred from occupying their previous positions for three years.

The government was not effective in enforcing applicable laws. There were reports that forced labor occurred. Country experts claimed the 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. Employers exploited foreign nationals in agriculture, construction, prostitution, and domestic service. The low number of investigations into forced or compulsory labor, particularly involving human trafficking for sexual exploitation, was insufficient to deter 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**

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

The government did not effectively enforce the law, and authorities did not fully prosecute any cases of child labor. During the year the Prosecutor General's Office initiated two investigations of 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 had no agency responsible for monitoring workplace violations of child labor law, nor does it have child labor inspectors.

Child labor was uncommon. The most visible form of child labor was street begging in Tbilisi. Child beggars were at risk of violence and often lacked legal documents. As a consequence, 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, so 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, membership in an ethnic or social group, nationality, origin, economic condition or status, place of residence, age, sex, sexual orientation, marital status, political views, disability, membership in religious, public, political or any union, including professional unions. It does not specifically prohibit discrimination based on HIV-positive status or other communicable diseases, 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.”

The government did not effectively enforce the law. Discrimination in the workplace was widespread. The GTUC reported cases of discrimination based on age, sexual orientation, and union affiliation. Companies and public workplaces frequently reorganized staff to dismiss employees who had reached the qualifying age to receive a pension. In addition vacancy announcements often included age limits as preconditions to apply for a particular position. 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 departments, and other municipal agencies.

While the law provides for equality in the labor market, NGOs stated discrimination against women in the workplace existed and was underreported. 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 a study by the local NGO Article 42 of the Constitution, nongender neutral language was prevalent and more than half of job listings contained language that implied only candidates of a specific gender were eligible. 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.

There was some evidence of discrimination in employment based on disability. While the government was unable to provide statistics on the level of employment of persons with disabilities, IDFI reported there were only 24 persons with disabilities employed in the many public agencies it reviewed. Of the 24, five were employed at ministries, 18 in local governments, and one at a state agency. According to the Public Defender's Office, the state had not developed a policy to address the problem of providing employment opportunities for persons with disabilities.

Ethnic minorities faced discrimination in employment based on education and language because they lacked proficiency in Georgian, a requirement for public sector jobs.

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

The monthly minimum wage for public-sector employees is 115 lari (\$48). The minimum wage for private-sector employees is 20 lari (\$8) per month but was not applied in practice. The official subsistence income level is 133 lari (\$55) per month for the average individual and 266 lari (\$111) 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. Overtime is defined as work by an adult

employee in excess of the regular 40-hour workweek, based on an agreement between the parties. An executive order establishes essential services in which overtime pay may not be approved until employees work more than 48 hours a week. 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. Minors who are 16 to 18 years of age may not work in excess of 36 hours per week. Minors who are 14 or 15 may not work in excess of 24 hours per week.

Overtime is only required to “be reimbursed at an increased rate of the normal hourly wage...defined by agreement between the parties.” The law does not explicitly prohibit excessive overtime.

The country does not have a functioning labor inspectorate, so the government did not effectively enforce minimum wage, hours of work, occupational safety, or health standards in any sector. In March the prime minister established the Department of Labor Inspection within the Ministry of Labor, Health, and Social Affairs. As of year’s end, however, the legislation needed for the formal establishment of the department and its competencies had not been passed and a chief labor inspector had not been selected. The Ministry of Labor, Health, and Social Affairs began a labor “monitoring” pilot program to train labor inspectors. Employer participation in the program was voluntary, and companies were given five days’ notice before a visit by trainee inspectors. A law governing entrepreneurial activity also inhibited labor inspectors’ access, as it disallowed unannounced visits to enterprises by inspectors except in cases of suspected trafficking in persons. Violations of worker rights persisted, and it was difficult for workers to remove themselves from hazardous situations without jeopardizing 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.

Conditions for migrant workers were generally unregulated. While the government did not keep specific statistics of migrant laborers in Georgia, during the year the Public Services Development Agency issued 7,391 work residence permits and the Ministry of Foreign Affairs issued 3,408 work visas. According to the International Organization for Migration, most migrant workers in the country were either employed at large, foreign-financed projects where they lived at the worksite, or arrived in the country without previously secured employment.

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. During a 12 month-period, the GTUC identified three deaths and 15 serious accidents in mines in the city of Chiatura.