

GEORGIA 2019 HUMAN RIGHTS REPORT

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. Under the constitution that came into force after December 2018, future presidents are not to be elected by popular vote. Organization for Security and Cooperation in Europe (OSCE) observers described the first round of the October 2018 presidential elections as competitive and professionally administered but raised concerns, including the lack of a level playing field, voter intimidation, and fear of retribution. OSCE observers repeated these concerns after the second round in November 2018 and assessed that candidates “were able to campaign in a free environment; however, one side enjoyed an undue advantage and the negative character of the campaign on both sides undermined the process.” OSCE observers termed the 2016 parliamentary elections competitive and administered in a manner that respected the rights of candidates and voters but stated that the campaign atmosphere was affected by allegations of unlawful campaigning and incidents of violence. They noted election commissions and courts often did not respect the principle of transparency and the right to effective redress between the first and second rounds, which weakened confidence in the election administration.

The Ministry of Internal Affairs and the State Security Service of Georgia (SSSG) have primary responsibility for law enforcement and the maintenance of public order. The ministry is the primary law enforcement organization and includes the national police force, the border security force, and the Georgian Coast Guard. The SSSG is the internal intelligence service responsible for counterintelligence, counterterrorism, and anticorruption efforts. There were indications that at times civilian authorities did not maintain effective control of domestic security forces.

Significant human rights issues included: unlawful or arbitrary deprivation of life by Russian and de facto authorities in the Russian-occupied Georgian regions of Abkhazia and South Ossetia, including unlawful or arbitrary killing in Abkhazia; arbitrary detentions by the government and Russian and de facto authorities; significant problems with the independence of the judiciary and investigations and prosecutions widely considered to be politically motivated; unlawful interference with privacy; inappropriate police force against journalists; substantial interference with the right of peaceful assembly, including inappropriate police force against

protesters; and crimes involving violence or threats targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took steps to investigate some allegations of human rights abuses, but shortcomings remained, including a lack of accountability for the inappropriate police force used against journalists and protesters during June 20-21 demonstrations and the 2017 abduction and rendition from Georgia of Azerbaijani journalist and activist Afgan Mukhtarli.

De facto authorities in the Russian-occupied regions of Abkhazia and South Ossetia remained outside central government control and were supported by Russian forces. A 2008 ceasefire remained in effect. Russian border guards restricted the movement of local populations. While there was little official information on the human rights and humanitarian situation in South Ossetia due to limited access, allegations of abuse persisted.

De facto authorities in the Russian-occupied regions of Abkhazia and South Ossetia restricted the rights, especially 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 by the 2008 conflict to return to South Ossetia. De facto authorities did not allow most international organizations regular access to South Ossetia to provide humanitarian assistance. Russian “borderization” of the administrative boundary lines (ABLs) increased, separating residents from their communities and livelihoods.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, but there was one report that an illegal detention led to an unlawful killing. There was at least one report that de facto authorities in the Russian-occupied regions of the country committed an arbitrary or unlawful killing.

On October 5, the body of David Mumladze, who had disappeared on October 1, was found on the banks of the Mtkvari River with stab wounds. Authorities arrested two Rustavi District criminal police officers, Mikheil Gubianuri and Davit

Mirotadze, along with a former police officer, Dimitri Gudashvili, and charged them with illegally detaining Mumladze. The officers allegedly delivered Mumladze to members of a criminal group, who stabbed Mumladze and threw his body into the river. As of December the case continued.

In July de facto Abkhaz authorities arrested Anzor Tarba in Abkhazia. Tarba died in custody, and de facto Abkhaz authorities later arrested lead investigator Badri Jirkiba and three other officials, charging them with “torture with particular cruelty, leading to the death of a detainee.” The de facto ombudsman of Abkhazia claimed there was widespread torture in the Abkhaz penitentiary system.

In January 2018 a youth, 18-year-old Temirlan Machalikashvili, died in a Tbilisi hospital from gunshot wounds inflicted by security forces during a 2017 counterterrorism raid in the Pankisi Gorge. His father, Malkhaz Machalikashvili, alleged the killing was unjustified. The Public Defender’s Office (PDO) emphasized the importance of a transparent, objective, and timely investigation; nongovernmental organizations (NGOs) criticized the subsequent investigation as lacking integrity. In August, Malkhaz Machalikashvili began a nationwide campaign to collect enough signatures to force parliament to consider establishing a fact-finding commission. The campaign continued as of October. In September the PDO asked parliament to question the Prosecutor General’s Office (PGO) regarding the investigation, stating this would “demonstrate systemic problems in the [PGO].” In October the European Court of Human Rights (ECHR) opened discussion of the case and requested materials from the government. As of December the investigation continued.

In March, Georgian citizen Irakli Kvaratskhelia died while in custody of Russian “border guards” in Abkhazia, who detained him for allegedly “illegally” crossing the ABL with Abkhazia. Georgian authorities viewed Kvaratskhelia’s case as one in a continuing pattern of arbitrary detentions of Georgian citizens for “illegally” crossing the ABL.

An investigation of the 2008 death of Badri Patarkatsishvili continued as of December. In October 2018 the PGO, then known as the Chief Prosecutor’s Office, launched the investigation after releasing audio tapes dating back to 2007 in which former government officials were heard discussing different methods of killing Patarkatsishvili that would make the cause of death appear natural. In July a former official at the Ministry of Internal Affairs’ Constitutional Security Department, Giorgi Merebashvili, was released from prison after the Tbilisi City Court did not extend his pretrial detention. Merebashvili was accused of

participating in planning Patarkatsishvili's murder. In November authorities charged former officials of the same department--Gia Dgebuadze, David Kokashvili, Ilia Gangebali, and Levan Kargadava--with abuse of power and illegal detention for allegedly arranging the arrest of Jemal Shamatava, the Ureki police chief, after Shamatava warned Patarkatsishvili of a potential attack in 2006. The four former officials faced nine to 11 years in prison. The case continued as of December.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The government's investigation begun in 2017 into the reported kidnapping of Azerbaijani journalist Afgan Mukhtarli by government officials remained stalled. During the year the PDO, local and international NGOs, and the international community continued to express concerns regarding impunity for government officials in connection with the reported 2017 abduction and forced rendition of Azerbaijani freelance journalist and activist Afgan Mukhtarli from Georgia to Azerbaijan. As of December the PGO claimed it continued to wait for a response to its request to Azerbaijan's government to interview Mukhtarli. The PDO, NGOs, and Mukhtarli's wife criticized the investigation for its lack of urgency and transparency, as well as for authorities' refusal to grant Mukhtarli "victim status." Such status would have allowed Mukhtarli's lawyers to request special protection for the life, health, and property of Mukhtarli and his close relatives. NGOs accused investigators of ignoring alleged abuses of power by government authorities. The developments, combined with the government's failure to issue an interim report on the investigation and the July 2018 comment of Vakhtang Gomelauri, then head of the SSSG, that "some investigations are never solved" added to concerns of government involvement in Mukhtarli's disappearance from Tbilisi and arrest on the Azerbaijan-Georgia border.

More than 2,300 individuals remained missing following the 1992-93 war in Abkhazia and the 2008 Russia-Georgia conflict, according to the International Committee of the Red Cross (ICRC). During the year the government did not make significant progress on investigating the disappearances of ethnic Ossetians Alan Khachirov, Alan Khugaev, and Soltan Pliev, who disappeared in 2008. The country also did not renew the mandate of OSCE independent expert Dusan Ignjatovic to support the investigation.

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

While the constitution and law prohibit such practices, there were reports government officials employed them. In its report for 2018 released in April, the PDO stated that effectively combating torture and other forms of cruel, inhuman, or degrading treatment remained “one of the most important challenges faced by the country.”

During the year the PGO received 92 letters concerning allegations of mistreatment by police and penitentiary officers from the PDO. It investigated 19 of these cases: 18 for alleged abuse of power and one for alleged degrading or inhuman treatment. According to the PGO, however, none of these 19 investigations yielded enough evidence to pursue prosecution. In its report for 2018, the PDO reported a decrease in the number of cases of mistreatment by police it referred to prosecutors but a near doubling in the number of injuries sustained by individuals admitted to temporary detention facilities and during or after administrative arrests (116 in 2018, compared with 65 in 2017).

In July 2018 parliament passed a law establishing an institutionally independent State Inspectorate charged with investigating allegations of misconduct--including torture and other cruel, inhuman, or degrading treatment--by government officials, including law enforcement. On November 1, the inspectorate’s mandate began.

As of October the Georgian Young Lawyers’ Association (GYLA) reported it submitted 25 complaints of cruel, inhuman, or degrading treatment in the penitentiaries or by law enforcement to the PGO for investigation, compared with 16 for 2018. Twenty of these cases related to individuals arrested during the June 20-21 protests. PGO investigations into these complaints continued as of December.

On February 13, Bolnisi District police officers apprehended a minor for suspected theft and took him to the local police station. There Detective Investigator Konstantine Kochishvili allegedly physically assaulted the minor, spitting in his face and beating him. In the course of the beating, he reportedly broke the minor’s arm. On May 28, authorities arrested Kochishvili and charged him with degrading and inhuman treatment. As of December, Kochishvili was in pretrial detention and the case continued.

According to a May 10 report on a September 2018 visit by the Council of Europe's Committee for the Prevention of Torture (CPT), male acute patients at Khelvachauri Psychiatric Hospital made a number of allegations of recent slapping and punching by orderlies. In contrast the CPT delegation received no allegations of recent physical abuse of patients at Surami Psychiatric Hospital.

As of year's end several former officials remained on trial at Tbilisi City Court in various cases of torture and other crimes allegedly committed under the former government, including the former deputy chief of the general staff, Giorgi Kalandadze; the former deputy culture minister, Giorgi Udesiani; and the former director of Gldani No. 8 prison, Aleksandre Mukhadze (see section 1.d.).

During the year the PGO investigated 367 cases of alleged mistreatment by penitentiary and law enforcement officers, including cases from previous years. The investigations led to the prosecution of three persons, all of whom were charged with degrading or inhuman treatment.

According to media reports, on October 3, de facto officials of Russian-occupied South Ossetia severely beat inmates who had been on hunger strike since September 27 in protest of allegedly substandard prison conditions. The de facto officials forced inmates to eat, after which some of the inmates attempted suicide, leading to the hospitalization of one. On October 23, Prime Minister Giorgi Gakharia responded to footage of the inmates being beaten, posted on social media, stating, "Unfortunately, the only and legitimate way to tackle such issues...is to work with our international partners and increase [their] presence in occupied Tskhinvali."

Prison and Detention Center Conditions

While overall prison and detention facility conditions were adequate, conditions in some old facilities lacked sufficient ventilation, natural light, minimum living space, and adequate health care. Prison conditions in Russian-occupied Abkhazia and South Ossetia were reported to be chronically substandard.

Physical Conditions: An October report supported by the UN Development Program on Georgia's implementation of the *National Strategy for the Protection of Human Rights 2014-2020* noted that there was "significant improvement" in resolving prison overcrowding during this time period. The CPT report in its September 2018 visit to Georgia stated that while overcrowding was no longer a problem in the prisons visited, the minimum living space for detainees remained

inadequate. The PDO's 2018 report noted that despite improvements, overcrowding remained an issue in some prison facilities, especially penitentiaries Numbers 2 and 15.

In its report the CPT expressed its most serious concern regarding a tendency of prisons visited to place prisoners in "de-escalation rooms" for up to 72 hours. While physical conditions in temporary detention isolators were "on the whole acceptable," the CPT also highlighted several other deficiencies, including minimum living space. Inmate-on-inmate violence, criminal subcultures, and informal management by selected prisoners remained persistent problems. The CPT also reported that cell toilets for detainees generally were only partially screened and criminal suspects had no access to a shower or outdoor exercise.

While the Ministry of Justice maintained a special medical unit for prisoners with disabilities, the PDO reported prisons and temporary detention centers did not take into account the needs of persons with disabilities, including for medical services. The PDO also noted the majority of institutions failed to compile data on and register the needs of persons with disabilities. According to the Special Penitentiary Service, some facilities began to adapt their infrastructure to accommodate persons with disabilities (see section 6, Persons with Disabilities).

In its September 2018 visit to three psychiatric hospitals, the CPT found that many patients continued to live in "woefully dilapidated and sometimes overcrowded dormitories, which lacked privacy and failed to ensure patients' dignity." The CPT also reported a shortage of psychiatrists and ward-based staff.

Administration: The PDO noted there was only one ombudsperson authorized to respond to complaints by prisoners and reported that obstacles, such as a lack of information on their rights, fear of intimidation, distrust of the outcome, and lack of confidentiality, could deter prisoners from filing complaints with judicial authorities.

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

Independent Monitoring: The government permitted independent monitoring of prison conditions by international prison monitoring organizations, including the CPT, the International Corrections Management Training Center, and some local and international human rights groups. The national preventive mechanism operating under the PDO had access to penitentiaries, conducted planned and

unscheduled visits, and was allowed to take photographs during monitoring visits. National preventive mechanism members, however, did not have unimpeded access to video recordings of developments in penitentiaries and inmate medical files.

The ICRC had full access to prisons and detention facilities in undisputed Georgian territory and some access to prison and detention facilities in South Ossetia. The ICRC did not have access to prisons and detention facilities in Abkhazia.

Improvements: As of October the Ministry of Internal Affairs reported that medical units were improved and functioning in 19 of 29 temporary isolators, compared with 15 in 2018, and that medical personnel were trained with support from the Council of Europe to improve the quality of medical examination and documentation of injuries.

During the year the Ministry of Justice created a rehabilitation department in charge of introducing individual sentence planning and developing services based on data from the case management process. With the assistance of the EU program, all penitentiary staff were trained during the year on modern penal standards. The ministry trained its staff to enhance security measures in prisons.

In February the Ministry of Justice launched its *2019-20 Action Plan on the Development of the Penitentiary and Crime Prevention Systems*. According to the ministry, the plan took into account both the CPT's and the PDO's reports.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government's observance of these prohibitions was uneven.

Local NGOs considered the detention of some individuals in connection with the June 20-21 protests to be politically motivated (see section 2.b.).

As of December the trial of former justice minister Zurab Adeishvili remained underway in Tbilisi City Court. In 2016 the Chief Prosecutor's Office charged Adeishvili in absentia in connection with the alleged illegal detention and kidnapping of a former opposition leader, Koba Davitashvili, in 2007. In November the PGO charged former justice minister Zurab Adeishvili and the

leader of opposition party Victorious Georgia, Irakli Okruashvili, with abuse of power in relation to the 2004 killing of Amiran (Buta) Robakidze.

In January 2018 the Tbilisi Court of Appeals upheld a trial court's 2017 decision finding a former senior official of the Ministry of Internal Affairs, David Devnozashvili, and the former director of Gldani Prison Number 8, Aleksandre Mukhadze, guilty of misuse of power in the 2011 "photographers' case" in which the previous government arrested four photographers and charged them with espionage. The defendants appealed this decision to the Supreme Court, which declared the appeal inadmissible in June 2018. In response the PGO motioned the Tbilisi Court of Appeals to revisit the 2011 decision against the photographers and acquit them of all charges.

Arrest Procedures and Treatment of Detainees

Law enforcement officers must have a warrant to make an arrest except in limited cases. The criminal procedure code provides that an arrest warrant may be obtained only where probable cause is shown that a person committed a crime for which conviction is punishable by imprisonment and that the individual may abscond or fail to appear in court, destroy evidence, or commit another crime. GYLA noted the law did not explicitly specify the role and powers of a judge in reviewing the lawfulness of arrests and that courts often failed to examine the factual circumstances of the detention.

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 a detainee to the nearest police station and record the arrest, providing a copy to the detainee and his or her attorney. The PDO reported, however, that maintenance of police station logbooks was haphazard and that in a number of cases the logbooks did not establish the date and time of an arrest.

Detainees must be indicted within 48 hours and taken to court within 72 hours. Anyone taken into custody on administrative grounds has the right to be heard in court within 12 hours after detention. Violating these time limits results in the immediate release of the person.

The law permits alternatives to detention. NGOs and court observers reported the judiciary failed to use alternative measures adequately. The government also lacked a monitoring mechanism for defendants not in custody.

Detainees have the right to request immediate access to a lawyer of their choice and the right to refuse to make a statement in the absence of counsel. An indigent defendant charged with a crime has the right to counsel appointed at public expense. As a result of government income requirements, however, many low-income defendants were ineligible for government aid but could not afford counsel during critical stages of criminal proceedings.

Detainees facing possible criminal charges have the right to have their families notified by the prosecutor or the investigator within three hours of arrest; persons charged with administrative offenses have the right to notify family upon request. The PDO's 2018 report noted improvement in the observance of this right-- families were notified within three hours of arrest in 82 percent of cases examined in 2018 compared with 71 percent of cases in 2017. The law requires the case prosecutor to approve requests by persons in pretrial detention to contact their family.

Witnesses have the right to refuse to be interviewed by law enforcement officials for certain criminal offenses. In such instances prosecutors and investigators may petition the court to compel a witness to be interviewed if they have proof that the witness has "necessary information." The PDO reported that police continued to summon individuals as "witnesses" and later arrested them. According to the PDO, police used "involuntary interviews" of subjects, often in police cars or at police stations. The PDO's annual report for 2018 noted that police failed to advise interviewees of their rights prior to initiating interviews and failed to maintain records of individuals interviewed in police stations or vehicles.

Concerns persisted regarding authorities' use of administrative detention to detain individuals for up to 15 days without the right to an effective defense, defined standards of proof, and the right to a meaningful appeal.

Arbitrary Arrest: There were reports of arbitrary detention connected with the June 20-21 protests. For example, in a September 9 address to the international community, 16 NGOs highlighted the detention of Irakli Okruashvili, leader of the opposition party Victorious Georgia. In an October report on the June protests, the Human Rights Center stated, "arbitrary detentions were observed on June 21." The Human Rights Center stated riot police and police violated the law when arresting hundreds of individuals, not distinguishing between demonstrators and passersby, physically abusing detainees, not informing lawyers and family

members of detainees' whereabouts, and submitting similar detention reports that did not specify a specific behavior that justified an individual's detention.

There were frequent reports of detentions of Georgians along the ABLs of both the Russian-occupied regions of Abkhazia and South Ossetia. For example, in August de facto authorities in South Ossetia arbitrarily detained eight Georgian citizens for "illegally" crossing the ABL. On November 15, de facto authorities sentenced well known Georgian physician Vazha Gaprindashvili to two months of pretrial detention after detaining him on November 9 in South Ossetia for allegedly "illegally" crossing the ABL. On December 20, he was sentenced to one year and nine months of imprisonment for "illegally crossing the border." After appealing the sentence, Gaprindashvili was "pardoned" and on December 28, released. On December 7, de facto authorities detained four individuals near the occupation line; three were transferred to Tskhinvali Prison. One minor was released the same day, while the remaining three were released a few days later after paying a fine to the de facto authorities.

Pretrial Detention: NGOs noted inconsistent application of the standards to grant bail or order detention. Although there was a noticeable improvement in the substantiation of motions and rulings, prosecutors and judges at times did not articulate a reasoned and specific justification for requesting or ordering detention and did not discuss the lawfulness of the detention. According to Supreme Court statistics, pretrial detention was used in 48.3 percent of cases during the first nine months of the year, compared with 42.5 percent for the same period in 2018. Trial monitors attributed the increase in detention rates to a decrease in substance abuse cases, which often resulted in the defendant being remanded and released on bail, and an increase in reported domestic violence cases, which usually involved the detention of the defendant. The PDO reported the increase did not necessarily reflect an increase of domestic violence or reliance on detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The criminal procedure code provides that in exigent circumstances a person may be arrested without a court warrant. A person must be released immediately if the substantial breach of an arrest procedure has been identified. This decision may be made by a prosecutor or a judge at the first appearance hearing within 72 hours from the arrest. The law provides that the arrested person shall be fully reimbursed from the state budget for the damage incurred as a result of an unlawful and unjustified arrest. The PDO's 2019 report noted that, as in previous years, persons under administrative arrest rarely exercised their right to a defense attorney in

2018. There is no meaningful judicial review provided by the code of administrative violations for an administrative arrest.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there remained indications of interference in judicial independence and impartiality. Judges were vulnerable to political pressure from within and outside the judiciary.

The PDO, the Coalition for an Independent and Transparent Judiciary, and the international community continued to raise concerns regarding a lack of judicial independence. During the year they highlighted problems, including the influence of a group of judges primarily consisting of High Council of Justice members and court chairs that allegedly stifled critical opinions within the judiciary and obstructed proposals to strengthen judicial independence. Other problems they highlighted included the impact of the High Council's powers on the independence of individual judges, manipulation of the case distribution system, a lack of transparency in the High Council's activities, and shortcomings in the High Council's appointments of judges and court chairpersons.

The PDO, the Coalition for an Independent and Transparent Judiciary, and the international community continued to highlight shortcomings in the 2017 legislative package informally known as the "third wave of judicial reform." They pointed to problems in the laws' implementation and highlighted challenges to judicial independence, including flawed processes for selecting judges at all court levels, many to lifetime appointments, which left the judiciary vulnerable to political influence. In a joint September 9 statement, 16 NGOs criticized the Georgian Dream political party for failing to demonstrate sufficient political will to strengthen judicial independence, asserting that "since 2015 diligent efforts have been made to ensure strengthening and extending the influence of the so-called dominant group of corrupt and compromised judges..."

On December 13, parliament passed a "fourth wave" of judicial reform. The legislation incorporated several key provisions, based on best international practices, that aim to create greater transparency, accountability, and independence in the judiciary, in areas such as judicial discipline, appointment, and caseload management. The package, however, left the authority to select individual court chairs with the High Council of Justice; NGOs warned this power would allow the High Council to continue to influence individual judges.

The PDO's 2019 report on 2018 called on parliament to equip the Prosecutors' Council with the relevant competence to meet adequately its constitutional mandate to provide for the Prosecution Service's independence, transparency, and efficiency. The report also recommended that the PDO gain access to case files in ongoing investigations, as some cases remain pending for years without explanation.

In December 2018 the High Council of Justice nominated 10 controversial candidates to the Supreme Court and granted a lifetime lower-court appointment to Levan Murusidze, who had been accused of corruption. Civil society, opposition figures, and some ruling party members criticized Murusidze's appointment and accused him and the nominees of being part of, or closely affiliated with, the influential group of antireform judges that civil society referred to as a "clan." They also criticized the lack of a transparent nomination procedure or clear criteria for nominees. The nontransparent nature of the nominations became a divisive issue within parliament; the chair of the parliament's Legal Issues Committee, Eka Beselia, a Georgian Dream member of parliament (MP), resigned as committee chair and subsequently from the party in protest (see section 1.f.).

The High Council nominations and appointment of Murusidze prompted a major outcry, and several NGOs released a statement blaming Georgian Dream for not having the will to reform the judiciary. Four MPs resigned from Georgian Dream and one was expelled because of concerns regarding the judiciary. The High Council of Justice withdrew the initial slate of nominations and in September submitted a slate of 20 nominees after parliament adopted amendments on May 1 regulating the process for the selection of Supreme Court judges. The legislation created a two-part system whereby the High Council reviews and selects the final list of candidates, and parliament gives final approval via a majority vote after holding public hearings. On September 10, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) released a report critical of the amendments and the High Council's Supreme Court selection process. The ODIHR concluded the amendments fell short of providing for an open, transparent, and merit-based selection system and were not fully in line with international standards.

The OSCE/ODIHR identified several shortcomings in the High Council of Justice's selection process and criticized its interviews of Supreme Court nominees as "highly dysfunctional and unprofessional." It also noted that the lack of transparency in the process could violate Article 6 of the European Convention on

Human Rights, which provides basic provisions for an independent and impartial tribunal.

In a case submitted to the Constitutional Court on November 1, the PDO challenged the constitutionality of the amendments regulating the Supreme Court selection process, arguing they violated the right to a fair trial.

Following a lengthy process of public hearings, during which a number of candidates had difficulty demonstrating expertise or independence, on December 12, parliament appointed 14 of the High Council's 20 nominees to lifetime appointments on the Supreme Court.

Trial Procedures

The constitution and law provide for the right to a fair and public trial. The PDO reported numerous violations of the right to a fair trial, and NGOs noted this right was not enforced in some high-profile, politically sensitive cases. NGOs reported courts were inconsistent in their approaches to closing hearings to the public and at times did not provide an explanation for holding a closed hearing.

Defendants are presumed innocent and must 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 to 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 due process provisions, especially when dealing with violations that could result in a defendant's loss of liberty.

The law does not prescribe a maximum period for investigation of cases but stipulates a maximum period, nine months, for pretrial detention. If courts do not complete the case within this period, defendants must be released from pretrial detention pending completion of the trial. The criminal procedure code requires trial courts to issue a verdict within 24 months of completing a pretrial hearing.

GYLA noted that unreasonable delays in cases and court hearings were a serious factor in limiting the right to timely justice. The requirement of a continuous trial was met only in jury trial cases. In bench trials with defendants not in custody, trials were scheduled with intervals as long as one month. GYLA also reported

that judges were unable to maintain order in many cases. The PDO highlighted weak reasoning in court judgments.

Examples of delayed proceedings included the cases of Temur Barabadze and founding Millennium Challenge Fund Georgia CEO Lasha Shanidze and his father, Shalva. The Shanidzes were convicted of embezzlement in 2011 after Barabadze testified against them. Barabadze later recanted his testimony, but a judicial review of the Shanidzes' case continued to await the resolution of Barabadze's case, also on charges of embezzlement. Hearings for Barabadze, however, did not begin until 2017. The trial court acquitted him in 2018, but the appellate court convicted him on the less serious charge of abuse of power, following an appeal. The PGO appealed this to the Supreme Court, and Barabadze's and the Shanidzes' cases continued as of December.

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, but many did not always have adequate time and facilities to prepare a defense. The PDO noted that while a state-appointed lawyer generally was available for those in need, state-appointed attorneys often were not present until submitting charges or plea bargaining.

In criminal proceedings defendants and their attorneys have the right of access to prosecution evidence relevant to their cases no later than five days before the pretrial hearing and may make copies. Defendants have the right to question and confront witnesses against them and to present witnesses and evidence on their own behalf at trial. Defendants have the right to refuse to testify or incriminate themselves.

Civil society and the international community recognized that the administrative code lacked some due process provisions, since the law allows for those found guilty of administrative offenses to be punished with imprisonment without the due process provisions afforded to defendants charged under the criminal code.

Although a defendant generally has the right to appeal a conviction, making an effective appeal under the administrative code was difficult. By law defendants have 30 days to file an appeal once they receive the court's written and reasoned judgment. Administrative sentences that entail incarceration must be appealed within 48 hours and other sentences within 10 days. In October 2018 the Constitutional Court issued a decision in a case related to the appeal procedure in administrative violation cases. It noted that the existing appeal procedures were

substandard and declared them unconstitutional. Based on this decision, on March 31, the existing provisions lost legal force. At year's end parliament had not yet passed legislation to allow meaningful appeals in cases of administrative violation, but courts granted defendants appellate rights based on the Constitutional Court's decision.

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. 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 defendant committed the crime. GYLA reported that courts did not fairly evaluate the voluntariness of a defendant's plea agreement and that, of 535 motions proposed by the prosecution in Tbilisi, Kutaisi, Batumi, Gori, and Telavi City courts between March 2018 and February, judges approved all but one.

Political Prisoners and Detainees

In a joint September 9 statement, 16 local NGOs expressed alarm concerning what they termed an "increased number of politically motivated criminal investigations and prosecutions." They cited as examples the criminal case against the two founders of TBC Bank (see section 4), the criminal case against the former director of the television station Rustavi 2 (see section 2.a.), the criminal case against the father of the owner of TV Pirveli (see section 2.a.), and some cases of incarceration of those who in June protested Russia's occupation, including opposition party leader Irakli Okruashvili (see section 2.b., Freedom of Assembly).

Opposition party members and family members of prisoners stated the government held political prisoners. The government permitted international and domestic organizations to visit persons claiming to be political prisoners or detainees, and several international organizations did so.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, but there were concerns regarding the process of assigning civil judges to narrow specializations, based on their loyalty to certain influential judges or others, and transparency of rulings. 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 submit a civil action. Individuals have the right to appeal court decisions involving alleged violation of the European Convention on Human Rights by the state to the ECHR after they have exhausted domestic avenues of appeal.

There were reports of lack of due process and respect for rule of law in a number of property rights cases. NGOs also reported several cases in which groups claimed the government improperly used tax liens to pressure organizations. For example, prior to its July change in ownership, the then opposition-oriented Rustavi 2 television station claimed it was unfairly targeted for its failure to pay taxes, while progovernment media did not experience similar scrutiny.

Since 2012 the government made it a priority to reduce the national caseload in the docket of the ECHR. The Ministry of Justice reported that 99 cases were filed against Georgia at the ECHR in 2018, compared with 367 cases filed in 2012. According to the ministry, since 2012, 85 cases were resolved with a settlement between parties and 43 were resolved with the government's acknowledgement of a violation.

Property Restitution

In Russian-occupied 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 internally displaced persons of their property rights in Abkhazia. In April the de facto parliament of Abkhazia passed "legislation" that also deprived family members of those "who fought against the sovereignty of Abkhazia, participated in the hostilities against Abkhazia, or assisted occupational forces" of the right of inheritance.

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 Akhlagori Region. The decree also declared all property in Akhlagori belongs to the de facto authorities until a "citizen's" right to that property is established in accordance with the de facto "law," effectively stripping ethnic Georgians displaced in 2008 of their right to regain property in the region.

f. Arbitrary or Unlawful 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, and others asserted the government did not respect these prohibitions. For example, there were widespread reports that the government monitored the political opposition. Local and international NGOs also reported government officials monitored independent Azerbaijani journalists and activists residing in the country. Transparency International/Georgia and the Human Rights Education and Monitoring Center continued to raise concerns they expressed in a joint June 2018 report concerning the SSSG's secret surveillance system and its lack of political neutrality and weak oversight.

Concerns regarding privacy rights again emerged following reports in late January of the release of a secretly recorded videotape of the private life of then Georgian Dream MP Eka Beselia. The president, the PDO, NGOs, and others urged law enforcement officials to prevent illegal surveillance and hold accountable those responsible for circulating such recordings. On January 29, the PDO and the nongovernmental "This Affects You Too" campaign separately noted that such recordings had been previously released with impunity and emphasized the practice mainly targeted politically active women. The campaign stated in part, "It is very alarming that the timing of the circulation of illegal recordings coincides with the critical statements of Eka Beselia in relation to the processes in the judiciary. It is of deep concern if certain individuals used the illegal recordings as a means to stall reforms in the judiciary and protect the interests of the clan of judges that wield significant power within the judiciary." The videotape's release occurred in the context of contentious parliamentary debate concerning draft legislation regulating the process for selecting Supreme Court judges (see section 1.e.).

As of year's end, cases submitted to the Constitutional Court challenging a law on electronic surveillance were pending. The plaintiffs (NGOs and the PDO) asserted the law did not satisfy the requirements of a 2016 Constitutional Court ruling requiring that an independent body oversee electronic surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and citizens generally were free to exercise this right, although there were

allegations the government at times did not adequately safeguard that freedom. During the year journalists, NGOs, and the international community raised serious concerns regarding the environment for media pluralism. The PDO noted in its 2019 report covering 2018 that a healthy media environment and proper statistics on offenses committed against journalists remained an issue.

Press and Media, Including Online Media: Independent media were very active and expressed a wide variety of views. NGOs continued to criticize the close relationship between the heads of the Georgian Public Broadcaster (GPB) and Georgian National Communications Commission (GNCC) and the ruling party, and GPB's editorial bias in favor of the ruling party. The OSCE/ODIHR election observation mission reported that during the second round of the 2018 presidential election campaign, the national public broadcaster manifested "a clear bias against the opposition candidate" and did not provide for "editorial independence, fairness and impartiality of programs." According to the mission, the GNCC did not always conduct oversight transparently and impartially.

By law media outlets are obligated to disclose information concerning their owners. While media ownership transparency allowed consumers to judge the objectivity of news, laws obliging broadcasters to disclose information regarding their financial sources were not fully enforced.

Some media outlets, watchdog groups, and NGOs continued to express concern regarding media pluralism and political influence in media. Concerns persisted regarding government interference with some media outlets. On April 19, for example, Adjara Public Broadcaster (APB) voted to dismiss its general director, citing mishandling of public funds and mismanagement of program priorities, among other things. International monitors, including the ODIHR, had previously considered the APB an impartial media source. On April 13, a group of 13 NGOs and media watchdog organizations released a statement criticizing the outlet's board for dismissing the general director, stating the decision raised concern for "the country's democratic development and media freedom record." On April 22, 10 organizations released another joint statement alleging that the ongoing process at the APB "strengthened doubts about possible political interference" into the board's decision making. In December journalists protested against the new director, claiming he was interfering in their work and attempting to influence the station's editorial policy. The PDO stressed that, as a public broadcaster, developments around its reporting affected the country's general media environment.

In a July 18 judgment on the dispute regarding Rustavi 2's ownership, the ECHR upheld the Supreme Court's 2017 decision granting ownership rights to a former owner, Kibar Khalvashi. Leaders from the ruling Georgian Dream Party welcomed the ruling, while opposition politicians expressed concern, especially in light of Khalvashi's affiliation with the ruling party. Public Defender Nino Lomjaria, civil society representatives, and media experts urged authorities to analyze carefully the ECHR's ruling before taking further steps. Shortly after the release of the ECHR decision, however, the National Public Registry approved Khalvashi's registration as Rustavi 2's owner. Khalvashi subsequently replaced General Director Nika Gvaramia with Paata Salia, who was Khalvashi's attorney. On December 10, the ECHR issued a final ruling upholding its July decision.

Many media watchers expressed concern regarding the change in management and ownership of Rustavi 2. On July 24, a group of 20 civil society organizations called upon international watchdog groups to "thoroughly monitor" the developments around the station. Some media experts feared a possible shift in Rustavi 2's editorial bias that may restrict the freedom of the overall media landscape. The PGO summoned former director general Nika Gvaramia and financial director Kakha Damenia for questioning regarding the station's financial deals back to 2015. On August 20, Salia fired News Department head Nodar Meladze and said he would begin legal action against Meladze and others for their role in signing an allegedly fraudulent contract with an advertising company, through which they allegedly received a financial benefit. A number of journalists resigned the same day, citing expected changes to the station's critical editorial policy. Rustavi 2 ceased broadcasting news programs on August 20 and resumed on September 25 with new journalists led by a new News Department head, Irakli Imnaishvili. Gvaramia and many journalists who resigned from Rustavi 2 quickly established a new outlet, Mtavari Arkhi, which began broadcasting on September 10. As of October several watchdog groups and opposition politicians assessed that Rustavi 2 remained critical of the government, although it employed milder language.

Violence and Harassment: While crimes against media professionals, citizen reporters, and media outlets were rare, a number of journalists sustained injuries during the June 20-21 protests (see section 2.b., Freedom of Assembly), and some NGOs claimed that media professionals were purposefully targeted. For example, in a June 21 statement, the Georgian Charter of Journalistic Ethics alleged that law enforcement officers had engaged in "target-shooting" journalists despite the fact that they were identifiable as journalists. In its October report on the June 20-21 protests, the Human Rights Center particularly criticized what it termed the use of

excessive force against media representatives, noting that in specific instances, law enforcement officers could identify journalists based upon their special vests, badges, and special equipment. According to the Charter of Journalistic Ethics, 39 reporters were among the 240 injured. Multiple local and international organizations, including Reporters without Borders and the OSCE media representative, strongly criticized the use of force by police against journalists and issued statements calling for a prompt investigation into the incidents involving journalists. Public Defender Nino Lomjaria stated the journalists' injuries would need to be assessed separately and called upon the PGO to open an investigation into interference in the journalists' professional activities. As of October the PGO was investigating the incidents with journalists as part of the overall case of the alleged disproportionate use of force by police. The PGO questioned injured journalists as witnesses and not as victims, despite requests by GYLA and Transparency International.

There were some reports of harassment against media. For example, TV Pirveli owner Vakhtang Tsereteli accused authorities of seeking to control the independent media outlet. In November after the PGO charged his father, Avtandil Tsereteli, with money laundering in connection with a case against TBC Bank, Vakhtang cited this as one in a series of methods authorities employed during the previous three years to pressure the station. In a joint statement on September 9, 16 NGOs described the criminal case as politically motivated.

Nongovernmental Impact: Media observers, NGO representatives, and opposition politicians alleged that the Georgian Dream Party chair and former prime minister, Bidzina Ivanishvili, exerted a powerful influence over the government and judiciary, including in government actions related to Rustavi 2.

While there was a relatively greater diversity of media in Abkhazia than in South Ossetia, media in both Russian-occupied regions remained restricted by de facto authorities and Russian occupying forces.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but concerns remained regarding unauthorized surveillance. Surveillance laws introduced in 2017 continued to attract criticism for allowing excessive access to user data (see section 1.f.).

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

Academic Freedom and Cultural Events

In 2017 and 2018, officials applied administrative pressure on the International Black Sea University (IBSU), a leading private institution, citing tax liens on the university's properties as grounds for blocking it from accepting new students. In December 2018 authorities accepted IBSU's appeal against the restriction and reauthorized the university to accept new students. New students were enrolled and attending classes in the fall 2019 semester.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association; government respect for those rights was uneven.

Freedom of Peaceful Assembly

The constitution and law generally provide for freedom of assembly. Human rights organizations expressed concern, however, regarding provisions in the law, including the requirement that political parties and other organizations give five days' notice to local authorities to assemble in a public area, thereby precluding spontaneous demonstrations. The PDO and NGOs reported that police sometimes restricted, or ineffectively managed, freedom of assembly.

On June 20, parliament hosted the Interparliamentary Assembly on Orthodoxy during which Russian Duma member Sergey Gavrilov began leading a session in the Russian language while sitting in the Georgian speaker's seat. In light of Russia's occupation of Abkhazia and South Ossetia, this sparked outrage, leading to more than 10,000 protesters demonstrating in front of parliament against Russian occupation of Georgian territory. Protests proceeded peacefully until some protesters attempted to force their way into the parliament. While the majority of law enforcement officers held their positions, some fired rubber bullets at protesters from close range, resulting in serious injuries to protesters, including two who lost an eye. In October the Human Rights Center reported that, despite the nonpeaceful conduct of some of the protesters, the "disproportionate and excessive" use of force and the situation before the use of special measures by law enforcement officials created the impression that they wanted to punish the protesters. According to media reports, approximately 160 protesters and 80 law

enforcement officers were injured. The Prosecutor's Office filed charges against one Special Tasks Department officer for intentionally targeting nonviolent protesters and two criminal police officers for abuse of power--one officer was accused of beating a prisoner while arresting him and another of beating a protester held in a detention facility. The three cases remained pending as of December. The Ministry of Internal Affairs continued to investigate seven additional law enforcement officers for their actions; as of year's end, the officers remained suspended pending investigation. The Human Rights Center's report concluded that the insufficient accountability indicated a lack of political will by state officials to depoliticize law enforcement and prevent the use of "excessive" police force.

Malkhaz Machalikashvili's (see section 1.a.) nephew, Morris Machalikashvili, was arrested following the June 20 protest and charged with "participation in group acts of violence against government officers." Although investigators published video purporting to show Morris pushing against police officers, Malkhaz Machalikashvili and some NGOs claimed that Morris was in fact only trying to exit the crowd and alleged that the government was using Morris' arrest to pressure Machalikashvili to drop his campaign for an investigation into his son's death.

In April protests against the construction of a hydropower plant in Pankisi Gorge led to clashes in which protesters threw stones and police responded with tear gas and rubber bullets. The Ministry of Internal Affairs reported that 55 persons (38 police officers and 17 local residents) were injured. The Ministry of Internal Affairs opened an investigation into the violence, but as of December no one had been charged. The then minister of internal affairs, Giorgi Gakharia, visited in a bid to calm tensions and promised the government would not build the hydropower plant until it had secured the support of 90 percent of local residents.

The PDO reported that violence against LGBTI individuals, whether in the family or in public spaces, was a serious problem and that the government had been unable to respond to this challenge. In June, LGBTI activists postponed a Pride march planned in central Tbilisi, citing continuing threats of violence from far-right groups and a lack of security provisions from the government.

Freedom of Association

There were reports that some government representatives and supporters of the ruling party pressured political opposition figures and supporters and state employees (see sections 1.d., 1.e., and 3).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation of citizens, but de facto authorities and Russian occupying forces limited this freedom in Abkhazia and South Ossetia.

In-country Movement: There were substantial impediments to freedom of internal movement due to a lack of access to the Russian-occupied regions of Abkhazia and South Ossetia. The majority of the approximately 300,000 internally displaced persons (IDPs) from Abkhazia and South Ossetia wished to return to their areas of origin but lacked adequate security provisions and political, human, economic, and movement rights absent a political resolution to the conflicts.

Foreigners were restricted from moving in and out of Russian-occupied South Ossetia but could access Russian-occupied Abkhazia with approval from the de facto authorities. There were reports in 2018 that citizens of Commonwealth of Independent States countries were prohibited from entering Abkhazia except from Russia, which violated Georgian law. These citizens, however, were at times able to enter from Tbilisi-administered territory (TAT) if they were staff members of international organizations or if there was a request from an international organization such as the United Nations. Crossing permits issued by de facto South Ossetian authorities were the only document that allowed movement across the South Ossetia ABL to or from TAT.

Residents of Abkhazia who had Georgian citizenship could not use their Georgian passports to cross the Abkhazia ABL to or from TAT. In August 2018 de facto authorities declared older Soviet-era passports, used by thousands of ethnic Georgians living in Abkhazia, to be no longer valid for crossing, threatening the livelihood of many residents. De facto authorities then blocked some ethnic Georgians who had used Soviet-era passports to cross into TAT from returning to Abkhazia, providing access only on an ad hoc basis. De facto authorities claimed that residents without valid crossing documents would be allowed to apply for residence permits (reserved for "foreign" residents) that would enable them to cross but would strip them of voting, property, and other rights. During the year

only holders of new Abkhaz “passports,” permanent residence permits, and temporary identification documents known as Form No. 9 were allowed to cross. Form No. 9 identification was given to any resident who applied for a residence permit and was valid until that person received the permit or for six months maximum. There were still some residents of Abkhazia without valid documentation.

Georgian passport holders not resident in Abkhazia could cross a checkpoint if they possessed invitation letters cleared by the de facto state security services allowing them to enter Abkhazia. The latter did not consistently provide permission to cross and limited movement to specific areas.

The law prohibits entry into and exit from the breakaway regions through the territory of neighboring states (i.e., Russia).

Russia and de facto Abkhaz authorities limited international organizations’ ability to operate in Abkhazia. Russia and de facto South Ossetian authorities limited international organizations, including humanitarian organizations, access to South Ossetia. The cochairs of the Geneva International Discussions (GID)--representing the United Nations, the OSCE, and the EU special representative for the South Caucasus and the crisis in Georgia--visited South Ossetia and Abkhazia approximately quarterly prior to most rounds of the GID. The ICRC office in Tskhinvali was the only international organization representation in South Ossetia.

De facto authorities and Russian forces in the Russian-occupied territories also restricted the movement of the local population across the ABL. Although they showed some flexibility for travel for medical care, pension services, religious services, and education, in several instances during the year, de facto authorities hindered access to medical care in TAT for residents in the occupied territories. In October after being prevented from crossing the ABL for medical care in TAT, Margo Martiashvili, a resident of Akhagori in Russian-occupied South Ossetia, died following a stroke. In November an elderly woman fell into a well in occupied South Ossetia and was transferred to a hospital in Tskhinvali. Although her relatives demanded her transfer to a hospital in Tbilisi, as of December authorities had not allowed her to travel and she remained in the occupied territory. In December de facto authorities allowed a resident of occupied South Ossetia to cross the ABL at the closed Akhagori crossing point for medical treatment after previously denying permission to cross.

Villagers who approached the ABL or crossings risked detention by Russian Federation “border guards.” Russian border guards along the ABL with Abkhazia typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines. Along the South Ossetia ABL, Russian border guards frequently transferred individuals to de facto authorities. The SSSG reported that detentions by de facto authorities typically lasted two to three days until the detainee paid “fines” set by the de facto “court,” although some sentences for “violations of the state border” carried considerably longer terms.

As of December 1, the EU Monitoring Mission (EUMM) was aware of 11 individuals detained along the ABL with Abkhazia and 44 detained along the line with South Ossetia. There were credible reports based on local sources that on several occasions, de facto South Ossetian or Russian “border guards” crossed into TAT to detain an individual. There were also reports of arbitrary arrests of ethnic Georgians by de facto authorities, particularly in the Tskhinvali and Gali regions of South Ossetia and Abkhazia, respectively. Most often, the arrested individuals were accused of violating the “state border.” According to EUMM, many detainees were obliged to sign documents in Russian that they did not understand.

De facto authorities continued to expand fencing and other physical barriers along the ABL between TAT and South Ossetia. This expansion of the Russian “borderization” policy further restricted movement, creating physical barriers and obstructing access to agricultural land, water supplies, and cemeteries. In August borderization activity along the ABL with Russian-occupied South Ossetia at Gugutiantkari village saw newly erected fencing cut residents’ access to the village’s irrigation infrastructure, although they still received water from the system. Several residents also lost access to their property. According to a July Amnesty International report, as of late 2018 at least 34 villages near the South Ossetian ABL had been divided by fences separating residents from critical infrastructure (farms, pasture, irrigation, cemeteries, etc.).

In 2017 Abkhaz de facto authorities closed two crossing points across the ABL, leaving crossing points open only at the Enguri Bridge and Saberio-Pakhulani. In January de facto Abkhaz authorities closed the Enguri Bridge, claiming this was a preventative measure to avoid the spread of the H1N1 virus. On February 5, the checkpoint reopened. On June 27, de facto Abkhaz authorities temporarily closed the ABL in response to the mass protests in downtown Tbilisi, allowing only young children, women, pensioners, and individuals with medical issues to cross the checkpoint. On October 2, the crossing was reopened. As access to TAT became more restricted and visits to family and friends living across the ABL

much more difficult to arrange, the closure of crossing points further impoverished and isolated the population in lower Gali and contributed to a growing sense of isolation. The closure also prevented children from attending classes in their native Georgian language across the ABL. The June closure of the ABL affected students who had to take national university entrance exams administered in government areas. According to the Abkhaz government in exile, a group of students attempted to bypass the checkpoint and cross the ABL. One was seriously injured attempting to climb over barbed wire.

In September de facto South Ossetian authorities closed all but one checkpoint along the South Ossetia ABL, claiming it was necessary for “national security.” The cochairs of the Geneva international discussions and other international actors expressed concern that prolonged crossing closures would undermine livelihoods and prevent local residents from getting the food, supplies, and medicine they needed. As of October the crossing points remained closed.

e. Internally Displaced Persons

According to the government, as of October there were approximately 280,000 IDPs from the 1992-93 and 2008 conflicts. The Office of the UN High Commissioner for Refugees (UNHCR) estimated 235,176 persons were IDPs, with the remaining 50,000 in “IDP-like” situations in need of protection and humanitarian assistance. This number included individuals who returned to Russian-occupied Abkhazia and South Ossetia as well as those displaced in the 2008 conflict, who subsequently were relocated or obtained housing or cash compensation. Governmental responsibilities for IDPs are divided among the Ministries of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs, the State Ministry for Reconciliation and Civic Equality, and the Ministry of Regional Development and Infrastructure. In 2018 the former government took steps to implement the long-planned IDP social allowance reform to change the assistance from status based to needs based. The process was hindered, however, by a reorganization of ministerial responsibilities, and the reform was not implemented as of December.

Most persons displaced in 2008 received formal IDP status in accordance with national legislation, although some individuals who were not displaced by the 2008 conflict and lived close to the ABL were officially described as being in an “IDP-like situation.” The government provided monthly allowances to persons recognized as IDPs, promoted their socioeconomic integration, and sought to create conditions for their return in safety and dignity.

Despite their 1994 agreement with Georgia, Russia, and UNHCR that called for the safe, secure, and voluntary return of IDPs who fled during the 1992-93 war, Abkhaz de facto authorities continued to prevent the return of those displaced by the war. Between 45,000 and 60,000 IDPs have returned since that time to the Gali, Ochamchire, and Tkvarcheli regions of lower Abkhazia, but Abkhaz de facto authorities refused to allow the return of IDPs to other regions. De facto authorities prevented IDPs living elsewhere in the country from reclaiming homes in Abkhazia based on a “law” that expropriated all “abandoned property” from the 1992-93 war. IDPs who returned and managed to obtain Abkhaz “passports” were allowed to sell property but were barred from buying it.

Ethnic Georgians living in Russian-occupied Abkhazia lacked fundamental rights and confronted onerous registration requirements that threatened their continued status. De facto authorities continued to pressure ethnic Georgians to acquire a “foreign residency permit” that allows the holder to cross the ABL and remain in Abkhazia for a period of five years. An applicant must, however, accept the status of an alien (i.e., a Georgian living as a foreigner in Abkhazia), may not purchase property, may not transfer residency rights of property to children born in de facto controlled territory, may not vote, and must accept a lack of other basic rights. On June 27, however, de facto Abkhaz authorities announced that ethnic Georgians were required to present additional permits issued by the de facto administration. As of December de facto authorities continued to allow ethnic Georgians to cross the ABL with a Form No. 9 administrative pass that de facto authorities had previously threatened to discontinue.

Since 2015, UNHCR reported a widening documentation gap in Russian-occupied Abkhazia, noting that fewer residents of Gali District held valid documents due to the expiration and nonrenewal of documentation by de facto authorities there. The solution offered by de facto authorities, i.e., to issue permanent residence permits, did not provide the full scope of rights and was not welcomed by the majority of Gali District residents who did not wish to declare themselves foreigners living in their ancestral land.

f. 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. The PDO and NGOs, however, alleged that executive and judicial authorities made politically motivated decisions in response to asylum requests by some Turkish

citizens and a number of Azerbaijani citizens, although they reported the situation had improved since 2018 for these citizens. UNHCR reported concerns regarding applications from citizens of Syria, Eritrea, Afghanistan, Iraq, Iran, and Yemen being rejected automatically on national security grounds, without a thorough examination on a case-by-case basis of the threat posed by the individual applicants. Rejected asylum seekers from those countries were rarely deported, nor were they detained, which brought into question whether they posed a security threat.

The law distinguishes among three types of protection: refugee status (as per the 1951 Refugee Convention), protected humanitarian status (complementary protection), and temporary protection. In July 2018 the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees, and Accommodation was dismantled and its asylum portfolio was transferred to the Ministry of Internal Affairs.

The PDO and local and international NGOs continued to raise concerns regarding the government's refusal to grant asylum, other protected status, or residency permits to a number of Azerbaijani journalists and activists. They noted, however, that the situation had improved compared with previous years.

The NGOs claimed the individuals were politically persecuted in Azerbaijan and accused the Georgian government of rejecting the asylum and residence permit requests despite continued pressure against activists by the Azerbaijani government. The NGOs reported the government based its refusal of asylum and residence permits on national security interests without giving clear reasons or citing relevant legislation, although they acknowledged that the number of "baseless" rejections had decreased compared with previous years. NGOs continued to report that Azerbaijani dissidents no longer viewed the country as a safe haven.

As of July the PDO reported it did not find any violations of foreign nationals' rights in the government's refusal to grant citizenship, asylum or refugee status, or residency permits on national security grounds after reviewing the government's confidential considerations in some cases.

Employment: Persons under international protection have legal access to the labor market. Foreigners, including persons under international protection, may register at the Worknet state program for vocational training and skills development. The program, however, is available only in the Georgian language.

Access to Basic Services: The government provided limited assistance to persons with protected status. The government supported an integration center to provide structured integration programs for such persons and a reception center that had adequate services for asylum seekers and capacity for approximately 150 persons.

The law enables refugees to receive a temporary residence permit during the entirety of their asylum procedure as well as documentation necessary to open a bank account and register a business or property. Refugees receive a renewable temporary residence permit for three years, while protected humanitarian status holders receive a permit for one year, renewable upon a positive assessment of the need for continued protection. Access to education remained a problem due to the language barrier, notwithstanding the government's provision of Georgian language classes.

Durable Solutions: The government offered a path to naturalization for refugees residing on its territory. The naturalization process began in 2009, when there were 1,200 Chechen refugees in Pankisi. As of November 2018, 58 percent (699) applied for citizenship. Of these applicants, the government naturalized 78 percent (545) and rejected 22 percent (154). Approximately 18 percent (211) of the initial refugee population remained in Pankisi and had yet to be naturalized, including several whose applications authorities rejected because they failed to pass the required language and history tests. Authorities purportedly denied others naturalization based on national security concerns.

Temporary Protection: The law provides for avenues to temporary protection to individuals who may not qualify as refugees. The law provides temporary residence permits, but these permits are not a form of international protection per se in the meaning of refugee law. The Ministry of Internal Affairs may grant these temporary permits to individuals who meet the criteria for refugee status or humanitarian protection but who were rejected on national security grounds. In 2018 a total of 627 persons applied for asylum, and authorities granted temporary protection (humanitarian status) to 31.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In December 2018 a new constitution went into effect that eliminates direct election of the president, among other things. In response to protests June 20-21, Georgian Dream Party chair Bidzina Ivanishvili committed the ruling party to support constitutional amendments to move to a fully proportional parliamentary electoral system in advance of the 2020 parliamentary elections, and to eliminate a threshold requirement for these elections only. On November 14, however, an insufficient number of Georgian Dream parliamentarians supported the required constitutional amendments. Citing the importance of strengthening the country's multiparty system, opposition political parties and civil society organizations had advocated for a fully proportional system for a number of years. Parliament's failure to pass the amendments resulted in a series of demonstrations.

Elections and Political Participation

Recent Elections: An OSCE/ODIHR election observation mission assessed that the first round of the 2018 presidential elections “was competitive and professionally administered.” While observers recognized that candidates campaigned freely and voters had a genuine choice, they raised concerns regarding the “misuse of administrative resources,” an “unlevel playing field,” “sharp polarization of the private media, negative campaigning and harsh rhetoric,” “legal changes that increased the representation of the ruling party at all election administration levels,” and “insufficient transparency in the selection of nonpartisan members” that “undermined the perception of impartiality.”

The OSCE/ODIHR's election observation mission stated that the second round of the 2018 presidential election was marked by an undue advantage for the ruling party-backed candidate and that “the negative character of the campaign on both sides undermined the process.” The assessment stated the “increased misuse of administrative resources further blurred the line between party and state” and that private media showed sharp polarization while public media did not provide for editorial independence and impartiality and “displayed a clear bias against the opposition.” Among the incidents of the use of administrative resources blurring the line between party and legitimate state purposes, the election observation mission highlighted the government's announcement of a loan forgiveness plan for 600,000 citizens, paid for by a foundation linked to Georgian Dream Party chairman Bidzina Ivanishvili. According to the observation mission, a number of its interlocutors considered this and other initiatives by national and local

authorities ahead of the run-off to be forms of vote buying. The observation mission reported the handling of election complaints “often lacked proper consideration of substance, and commissions took narrow or inconsistent interpretations of the law, all of which impacted the right to effective remedy.”

The National Democratic Institute (NDI) stated that reports of intimidation of state employees to vote for the ruling party backed candidate, or not to vote, “were widespread ahead of the run-off, including firsthand accounts from family members of NDI staff.” In a November 2018 joint statement, the International Society for Fair Elections and Democracy, Transparency International Georgia, and GYLA also reported widespread intimidation before the run-off election, with “employees of municipal public institutions, private-sector employees, socially vulnerable voters and voters with previous conviction” pressured. Most reportedly were urged to vote for the ruling party-backed candidate or were threatened because of their support for the opposition candidate. Municipal employees reported dismissal threats.

Concerns regarding the blurring of boundaries between the ruling party and state were amplified following complaints by Zugdidi public school principal Ia Kerzaia of Georgian Dream Party pressure to campaign for the party-endorsed presidential candidate. She died of a stroke within days of a Ministry of Education inspection and recommendation she be fired. In a special March 26 report, the International Society for Fair Elections and Democracy stated that the inspection and subsequent recommendation to dismiss Kerzaia contained elements of “politically motivated discrimination” against her.

Political Parties and Political Participation: Establishing unbiased accountability for political violence remained a problem. In early December following parliament’s rejection of the proportional election system for the 2020 parliamentary elections and the ensuing protests around parliament, activists from opposition parties and various civil movements began staging protests across the country. These protests were marred by violence and accusations of police negligence as protesters faced off against counterprotesters in Mtskheta, Tbilisi, Zugdidi, Kobuleti, Khulo, Batumi, and Kutaisi, sometimes resulting in violent clashes. Both the ruling party and the opposition accused each other of encouraging their activists, particularly youth wings, to resort to aggression, but both sides denied this. NGOs and opposition representatives accused police of “stepping aside” and allowing aggressive counterprotesters to approach protesters. On December 5, civil movement representatives protested outside the Ministry of Internal Affairs to demand that authorities “protect all citizens.”

Following a June 2018 assault by the then mayor of Marneuli, Temur Abazov, on a citizen whom he forced to apologize to “41” (Georgian Dream’s ballot number) and whose face he smeared with his own urine, the PGO opened an investigation into those involved, including the mayor, UNM Party MP Azer Suleymanov, and a Georgian Dream member of the Marneuli city council, Ramin Allahverdiyev. The mayor was charged with degrading and inhuman treatment and faced five to 10 years in prison if convicted. In December 2018 Abazov was released on bail, and in February he resigned as mayor of Marneuli. The case continued as of December.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

De facto authorities in Abkhazia stripped ethnic Georgians of their Abkhaz “citizenship” in 2014, preventing them from participating in de facto elections. Ethnic Georgians willing to apply for Abkhaz “passports” generally did not receive them in time to participate in de facto 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. International actors, including the OSCE Group of Friends of Georgia, did not recognize the legitimacy of the de facto “elections.”

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for officials convicted of corruption. While the government implemented the law effectively against low-level corruption, NGOs cited weak checks and balances and a lack of independence of law enforcement agencies as among the factors contributing to allegations of high-level corruption. NGOs assessed there were no effective mechanisms for preventing corruption in state-owned enterprises and independent regulatory bodies. While noting that petty bribery was extremely rare, Transparency International continued to describe corruption as a “serious problem” in the country. The Anticorruption Coordination Council included government officials, legal professionals, business representatives, civil society, and international organizations. On October 3, the minister of justice announced the government had approved its 2019-21 anticorruption strategy.

Corruption: In January, Transparency International described the country’s progress on anticorruption as stalled and noted that authorities had failed to

establish independent agencies to investigate cases of alleged corruption and misconduct in the government. In March the OECD reported that the country had made progress in 16 areas, which included implementing its anticorruption action plan and policy coordination. Transparency International continued to describe the country as “vulnerable to high-level corruption,” however, and the OECD reported this required the “urgent attention” of authorities. In June, Transparency International stated that although there was no improvement in government actions to combat high-level corruption, the government was maintaining the fight against petty corruption.

During the pre-election period in 2018, several sets of audio recordings were released purporting to implicate current and former government officials in alleged corruption, torture, and abuse of power. Various parties questioned their authenticity. In one set, former PGO official Mirza Subeliani described himself as the government’s chief “fixer” in the Khorava Street murder case and claimed to have resorted to violence to force witness testimonies in this case and to have employed torture to coerce witness testimony in several other cases. On March 4, the Tbilisi City Court convicted Subeliani of concealing a crime and sentenced him to 13 months in jail, including pretrial detention; he was released on July 8. In another case the head of the Omega Group, a large conglomerate including Iberia TV, alleged that current and former high-level officials had demanded bribes and engaged in violent racketeering, to include the physical abuse of a former minister. As of October the investigation into Omega continued.

As of the end of October, 60 current or former public servants had been convicted of corruption since the beginning of the year.

In July 2018 authorities questioned the former ministers of infrastructure and economy in connection with a high-profile corruption case. Some observers considered the investigations politically motivated; the investigations continued as of December. Although the law restricts gifts to public officials to a maximum of 5 percent of their annual salary, a loophole allowing unlimited gifts to public officials from their family members continued to be a source of concern for corruption watchers. As of October 25, the Anticorruption Agency of the SSSG had detained 13 public servants at the local and central levels for taking bribes. NGOs continued to call for an independent anticorruption agency outside the authority of the SSSG, alleging its officials were abusing its functions.

On July 24, the PGO charged TBC Bank cofounders Mamuka Khazaradze and Badri Japaridze with laundering money in 2008. At that time TBC Bank issued a

\$16.7 million loan to Avtandil Tsereteli's companies Samgori Trade and Samgori M. Within seconds of receiving the loan, the companies transferred the same amount to Khazaradze and Japaridze. According to the PGO, TBC Bank released Tsereteli's companies from financial liabilities in 2012 despite their failure to repay the loans. On August 22, the PGO charged Avtandil Tsereteli with providing support to Khazaradze and Japaridze in the alleged money-laundering scheme. A group of 20 NGOs, including Transparency International/Georgia, the Open Society Fund Georgia, the Atlantic Council of Georgia, and the International Society for Fair Elections and Democracy, considered the charges against all three men to be politically motivated. In a March interview with Imedi TV, for example, Georgian Dream Party Chair Bidzina Ivanishvili accused Khazaradze of directing an assault against the government. The PGO's July 24 charges came just weeks after Khazaradze's July 9 announcement of his intent to establish a civil movement. Khazaradze established the political movement, "Lelo," and on December 22, launched the movement as a political party. Tsereteli's son was the owner of TV Pirveli--an independent media outlet that accused the government of attempting to interfere with its operations (see section 2.a.). On October 10, the trial of Khazaradze and Japaridze began and continued as of December.

Financial Disclosure: The law requires public officials to submit annual declarations of their income and property for tax inspection; these were posted online. Declarations were not subject to verification, and Transparency International estimated that 16 members of parliament had undeclared assets as of November 2018. The Civil Service Bureau received annual financial declarations from public officials and published them in mid-January.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups in most instances operated without government restriction, investigating and publishing their findings on human rights cases. Following what NDI described as "aggressive, personalized, and unprecedented attacks by senior state officials against...civil society organizations and their leaders" in advance of the 2018 presidential election, tensions between the government and leading NGOs continued during the year. NGOs continued to highlight what appeared to be coordinated online attacks from accounts repeating the government's accusations against them, in particular that civil society was associated with the opposition UNM Party. On November 27, Georgian Dream Party chair Bidzina Ivanishvili accused the International

Republican Institute and the National Democratic Institute of political bias in favor of the UNM and criticized the public opinion polls they published.

The United Nations or Other International Bodies: While there was little official information on the human rights and humanitarian situation in the Russian-occupied regions of South Ossetia and Abkhazia due to limited access, allegations of abuse persisted. In March the UN Human Rights Council adopted a resolution expressing regret at the refusal of the de facto authorities in the occupied territories to grant unimpeded access to staff members of the Office of the High Commissioner for Human Rights (OHCHR) and international and regional human rights mechanisms to Abkhazia and South Ossetia. In June 2018 the OHCHR reported that de facto authorities in Abkhazia and South Ossetia had not granted them access, despite repeated requests since 2011. The OHCHR stated that the lack of access raised legitimate questions and concerns regarding the human rights of the populations in Abkhazia and South Ossetia.

Government Human Rights Bodies: NGOs viewed the PDO, 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 amended constitution that came into force in December 2018 limits the public defender to one six-year term in office.

The PDO's authority does not include the power to initiate prosecutions or other legal actions, but the office may recommend action, and the government must respond. While the office generally operated without government interference and was considered effective, the PDO reported that government offices at times responded partially or not at all to inquiries and recommendations, despite a requirement to respond to information requests within 10 days and initiate follow-up action within 20 days.

The PDO retains the right to make nonbinding recommendations to law enforcement agencies to investigate individual human rights cases. The office must submit an annual report on the human rights situation for the calendar year but may also make periodic reports. The office may not report allegations of torture unless the victim gives clear consent or a monitor from the office witnessed the torture.

In April the prime minister relaunched Georgia's Human Rights Council, a national coordinating mechanism intended to monitor implementation of the

national human rights strategy. The council, which had not met since 2015, brought together government officials at the highest level.

By law the PGO is responsible for the protection of human rights and fundamental freedoms. The human rights unit of the PGO monitored overall prosecution and supervised compliance with national and international human rights obligations and standards. The unit reviews statistical and analytical activities within the prosecution system and is responsible for examining and responding to recommendations of national and international institutions involving human rights.

The PGO is required to investigate high-profile cases and other criminal offenses. The office may take control of any investigation if it determines doing so is in the best interest of justice (e.g., in cases of conflict of interest and police abuse cases). In certain politically sensitive cases investigated by the PGO--including the case of Azerbaijani journalist Afgan Mukhtarli and instances of political violence--impunity remained a problem. During the year local NGOs expressed alarm regarding what they considered an increased number of politically motivated investigations and prosecutions (see section 1.e.).

In the Ministry of Internal Affairs, the Human Rights Department is in charge of ensuring prompt response and quality of investigation of domestic violence, hate crime, violence against women, human trafficking, crimes committed by or toward minors, and crimes based on discrimination. The ministry's General Inspection Department investigates cases of human rights abuses by police officers. The PGO's human rights unit has a mandate to monitor and investigate allegations of abuse and discrimination.

The PGO continued training prosecutors on proper standards for prosecuting cases of alleged mistreatment by public officials.

The effectiveness of government mechanisms to investigate and punish abuse by law enforcement officials and security forces was limited, and domestic and international concern regarding impunity remained high. In July 2018 parliament passed a law establishing an institutionally independent State Inspectorate charged with investigating alleged misconduct by government officials, including in law enforcement. The inspectorate's mandate entered into force on November 1.

The Incident Prevention and Response Mechanism (IPRM), which was designed to cover Abkhazia and South Ossetia and includes security actors from the government, Russia, and de facto authorities of the Russian-occupied regions,

considered human rights abuses reported in the occupied territories and along the administrative boundary line. Due to a dispute regarding agenda items, however, the IPRM meetings in Gali (Abkhazia) have been suspended since June 2018. Regular IPRM meetings in Ergneti (South Ossetia) have also been suspended, although ad hoc, “technical” meetings continued to take place. In August, South Ossetian participants walked out of an IPRM meeting. De facto authorities in the occupied territories did not grant representatives of the PDO access. The government of Georgia fully supported and participated actively in IPRM meetings.

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

Women

Rape and Domestic Violence: Rape is illegal, but criminal law does not specifically address spousal rape. A convicted first-time offender may be imprisoned for up to eight years. As of December the PGO prosecuted 39 individuals with rape charges, compared with 14 in 2018. The government enforced the law effectively.

The law criminalizes domestic violence. In cases that do not result in injury, penalties for conviction of domestic violence include 80 to 150 hours of community service or imprisonment for up to one year. Domestic and other violence against women remained a significant problem, which the government took several steps to combat.

On June 12, parliament approved amendments to the Law on Violence against Women and Domestic Violence that eliminated shortcomings in the law and promoted a prevention-oriented approach to better correct abusers’ behavior and reduce recidivism.

In February the Ministry of Internal Affairs established a *Victims and Witness Advocate Program* to provide victims and witnesses of crimes against women, domestic violence, hate crimes, sex crimes, and trafficking with psychological and emotional support during legal proceedings. The ministry trained six advocates to help reduce stress, raise awareness of state services and investigative procedures, and facilitate communication between citizens and law enforcement authorities. As of October the ministry was searching for more advocates.

NGOs and the government expanded the services provided to victims of domestic violence in recent years. NGOs claimed public awareness of legal remedies had grown, leading to the quadrupling of reported cases of domestic violence in recent years. As of December authorities had prosecuted 4,185 domestic violence cases, compared with 3,232 in 2018 and 1,986 in 2017. As of December, 51 percent of defendants were placed in pretrial detention in domestic violence cases during the year compared with 54 percent in 2018. In October the Ministry of Internal Affairs's Human Rights Department reported there had been a significant increase in reports of domestic violence, attributing this to increased awareness. The department reported that the rate of violation of restraining orders had decreased due to improved enforcement strategies, and NGOs, including GYLA, reported law enforcement officials and prosecutors in Tbilisi showed improved professionalism in handling domestic violence crimes.

Domestic violence laws mandate the provision of temporary protective measures, including shelter and restraining orders that prohibit an abuser from coming within 330 feet of the victim and from using common property, such as a residence or vehicle, for six months. The PDO stated that victims often reported receiving inadequate responses from law enforcement officers to restraining order violations. As of August 2018, violating a restraining order was considered a criminal offense on the first rather than the second occurrence.

Local NGOs and the government jointly operated a 24-hour hotline and shelters for abused women and their minor children, although space in the shelters was limited and only four of the country's 10 regions had facilities.

According to the United Nations, domestic violence, early marriage, inadequate reproductive health services, and lack of self-development and economic opportunities were among the most acute problems that women faced in Abkhazia.

Other Harmful Traditional Practices: Kidnapping women for marriage occurred in remote areas and ethnic minority communities, but it was rare. The PDO reported some cases of kidnapping for marriage, forced marriage, and early marriage in its 2018 report. In October the Ministry of Internal Affairs opened an investigation into whether a teacher was coerced in the Azerbaijani-majority city of Gardabani after he was reportedly forced to apologize publicly for speaking out against the alleged kidnapping for marriage of one of his students. In response to the incident, youth from the region started a social campaign, "Salam," against early marriage.

Sexual Harassment: Sexual harassment in the workplace was a problem. The criminal code criminalizes harassment. The PDO identified three cases of sexual harassment in 2018. In October an employee of the Tbilisi City Council accused councilmember Iia Jishkariani of sexual harassment; as of October the case continued. In May parliament passed legislation strengthening protections against sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Civil society organizations continued to report discrimination against women in the workplace. The PDO monitored gender equality cases, in particular those involving domestic violence and workplace harassment.

Children

Birth Registration: By law citizenship derives from parents at birth or from birth within the country's territory; children born to stateless parents in the country are citizens. According to UNICEF, 99 percent of children were registered before reaching age five.

While IDP returnees were in principle able to get their children's births registered with de facto authorities, they preferred to have their births registered with Georgian authorities.

Education: Children of noncitizens often lacked the documentation to enroll in school. The level of school attendance was low for children belonging to disadvantaged and marginalized groups, such as street children and children with disabilities or in foster care. According to UNICEF, the total enrollment of preschool children between ages four and six was 69.5 percent. Enrollment rates were lower for children of ethnic minorities (33 percent), the socially vulnerable (39.7 percent), and rural communities (46.8 percent). The PDO reported that 94.3 percent of foster children attended preschool and received a basic education. The PDO reported that violence, negligence, and other forms of mistreatment were still acute in educational institutions. According to a UNICEF study released in July 2018, the majority of street children did not have access to either education or medical services beyond emergency care.

Child Abuse: Conviction of various forms of child abuse, including trafficking, forced labor, or forced begging, is punishable by a spectrum of prison terms and

finer. Conviction of domestic violence against minors is punishable by imprisonment for one to three years, and conviction of trafficking minors is punishable by eight to 20 years' imprisonment depending on the specific circumstance.

Authorities referred children who suffered abuse to the relevant community and government services in coordination with stakeholders, including police, schools, and social service agencies.

On September 20, parliament passed the Code on the Rights of Children, which was developed in cooperation with UNICEF and is scheduled to enter into force on June 1, 2020. The code is based on the UN Convention on the Rights of the Child and its protocols and recognizes child-specific needs and rights, including to dignity, life, survival, and development, and prohibits discrimination.

Early and Forced Marriage: The legal minimum age for marriage for both men and women is 18. Conviction of forced marriage of an individual younger than 18 is punishable by two to four years' imprisonment. As of December 12, the PDO was reviewing 43 instances of alleged early marriage, compared with 45 cases reviewed in 2018. The PDO noted continued concerns regarding coordination among law enforcement agencies, social services, and educational institutions. The Ministry of Internal Affairs opened investigations into 180 cases of child marriage in 2018 and launched an information campaign against the practice. Reports of child marriages continued throughout the year. Child marriages reportedly occurred more frequently among certain ethnic and religious groups.

Sexual Exploitation of Children: Convictions relating to commercial sexual exploitation of children and possession of child pornography are punishable by up to five years' imprisonment. Authorities enforced the law. Street children and children living in orphanages were reportedly particularly vulnerable to exploitation.

The minimum age for consensual sex is 16. The law classifies sexual intercourse with a juvenile as rape, provided the perpetrator is proven to be aware of the victim's age. The penalty for conviction of rape is up to nine years' imprisonment; the government generally enforced the law. Conviction of other sexual crimes carried increased levels of punishment if the victim was a juvenile.

In September authorities, in cooperation with Europol and foreign law enforcement bodies, dismantled a child-trafficking ring and arrested 11 persons, including two

foreigners, on charges of child trafficking and producing or selling child pornography. On December 5, police arrested an additional 11 individuals suspected of being members of the network. As of December the cases continued.

In July 2018 UNICEF reported street children were particularly vulnerable to violence from caretakers and fellow street youth. According to testimonies from children living on the streets of Tbilisi, internal group dynamics among these children sometimes entailed sexual “reward” structures that exposed primarily girls to abuse at the hands of older group members.

Displaced Children: The PDO reported a lack of information regarding street children and noted the inadequacy of resources devoted to them. It was unclear how many were geographically displaced, and a significant portion belonged to families that migrated seasonally to Georgia from Azerbaijan.

Institutionalized Children: The government continued replacing large-scale orphanages with smaller foster-parenting arrangements. 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.

UNICEF and a foreign development agency supported the government in developing small-scale facilities for children with severe and profound disabilities with the view to closing the Tbilisi infant home. While this was an improvement, the PDO reported in 2018 that violence among children was a regular occurrence in these facilities and the government lacked an adequate response to provide for the safety, and prevent repeated abuse, of child victims of sexual violence.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Observers estimated the Jewish community to be no more than 6,000 persons. In September 2018 human rights activist Vitali Safarov, who had Jewish and Yezidi roots, was killed outside a popular bar in central Tbilisi. Human rights NGOs alleged the two men responsible were members of a neo-Nazi group, and a key

witness at the trial testified that Safarov was killed because he was Jewish. In October 2018 the PGO added the charge of “premeditated murder due to racial, religious, national, or ethnic intolerance due to his nationality and profession.” On June 27, the Tbilisi City Court convicted the two men of killing Safarov but dismissed qualifying the killing as a hate crime.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

While the constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system and right to a fair trial, and the provision of other government or private sector services, the government did not effectively enforce these provisions. The PDO reported that persons with disabilities continued to encounter barriers to participating fully in public life. Many families with children with disabilities considered themselves stigmatized and kept their children from public view. The PDO reported that violence, especially sexual violence, was a significant problem for persons with disabilities. Discrimination in employment was also a problem.

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. Very few public facilities or buildings, however, were accessible, and the government did not effectively enforce these provisions. Public and private transportation generally did not accommodate persons with disabilities, and sidewalk and street crossing access was poor.

The PDO continued to report that provision of inclusive education remained a major problem. Despite the introduction of inclusive education in professional and general educational institutions, preschool and higher education were not part of the system. Only a limited number of 165 preschools monitored by the PDO in Tbilisi in 2016 were accessible to children with disabilities. NGOs reported that many of these children were subject to discrimination. The PDO has not monitored preschools since 2016, but it maintained the situation has not changed.

The PDO reported that state-run institutions caring for persons with disabilities lacked the infrastructure, trained staff, psychosocial services, and contact with the

outside world and families needed to provide for the delivery of services. The office noted some improvements in living standards at these institutions but criticized the government for lacking a strategy for deinstitutionalization.

In 2018 only 99 of the 6,073 persons with disabilities registered on the public employment portal (Worknet) were employed. Legislation that disqualifies a person with disabilities who is working in the public sector from receiving state disability assistance may be a disincentive to such work, although in January the government passed legislation that would maintain social benefits for one year in case a person finds employment. The PDO reported that, despite the existence of a number of government programs for persons with disabilities, the community continued to lack safeguards and practical support because enforcement of the law was weak.

National/Racial/Ethnic Minorities

The PDO and NGOs reported some instances of discrimination against minority communities. As of December 12, the PDO received 15 claims of discrimination based on nationality or ethnic origin. In two cases the PDO reported that commercial banks refused to provide services to individuals from Iran, Iraq, Syria, and Nigeria. The courts had not yet determined whether any had suffered actual discrimination. Despite noting advancements in minority protection and civic integration during the year, the PDO continued to report that government efforts to address remaining gaps were insufficient. NGOs found that with respect to minority rights, victims rarely registered claims due to a lack of knowledge about their rights and criticized authorities for not raising greater awareness in minority communities.

As of October the Prosecutor General's Office charged three individuals with committing a crime on the basis of nationality, race, or ethnicity.

Media reported numerous cases of hate speech targeting minority groups.

In addition to political, civic, economic, and cultural obstacles, weak Georgian-language skills remained the main impediment to integration for members of the country's ethnic minorities. Some minorities asserted that the law requiring "adequate command of the official language" to work as a civil servant excluded them from participating in government. The PDO reported that involving ethnic minorities in national decision-making processes remained a problem due to the small number of representatives of ethnic minorities in the central government.

The government continued its “1+4” program for ethnic minorities to study the Georgian language for one year prior to their university studies. Under a quota system, the government assigned 12 percent of all bachelor or higher certificate-level placements to students with ethnic minority backgrounds. Of these reserved slots, ethnic Armenian and Azerbaijani communities each received 40 percent (5 percent of the total), while Ossetian and Abkhaz communities received 10 percent each (1 percent of the total).

The law permits the repatriation of Muslim Meskhetians deported in 1944. According to the official data, however, authorities had not, as of July, approved any of the approximately 3,843 applications for repatriation that were pending as of mid-2017.

De facto Abkhaz authorities enacted policies that threaten the legal status of ethnic minorities, including Georgians, Armenians, Greeks, Roma, and Syrians, living in the Gali District of Abkhazia. They closed village schools and did not provide ethnic Georgians opportunities for education in their native language. De facto authorities dismissed ethnic Georgian teachers in Abkhazia deemed to have insufficient knowledge of Russian. The language of instruction for students in first through fourth grades in Lower Gali was Russian. Russian was the only instructional language in the Tkvarcheli and Ochamchire zones, and the de facto authorities have prohibited Georgian language instruction. The PDO noted that in the Gali, Ochamchire, and Tkvarcheli Districts, ethnic Georgian students and teachers had poor command of Russian, and therefore Russian-only instruction had significantly affected the quality of their education. Local communities had to either pay for teachers, arrange for teachers to cross from undisputed government territory to teach, or send their children across the ABL for Georgian-language lessons. According to the EUMM, some Gali students faced difficulties in crossing the administrative boundary to take university entrance examinations. In autumn 2019 the EUMM noted that a small increase in the number of schoolchildren crossing the ABL, and there were more reports of barriers to studying in their mother tongue.

South Ossetian de facto authorities also required ethnic Georgians of all ages to study in Russian.

The government continued to report discrimination against ethnic Georgians in the Russian-occupied territories. The PDO noted the case of Tamar Mearakishvili, an activist in South Ossetia who alleged persecution by the de facto authorities

because of her Georgian ethnicity. On July 10, the de facto authorities in Akhgori cleared Mearakishvili of all charges and lifted all restrictions imposed on her, including the restriction on leaving South Ossetia. The prosecutor appealed the decision in September, but on October 17, the court dismissed all charges. The prosecutor then appealed this decision.

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

The criminal code makes acting on the basis of prejudice because of a person's sexual orientation or gender identity an aggravating factor for all crimes. According to NGOs, however, the government rarely enforced the law. The Human Rights Department of the Ministry of Internal Affairs trained officers on hate crimes.

The PDO reported that LGBTI individuals continued to experience systemic violence, oppression, abuse, intolerance, and discrimination. LGBTI rights organizations reported several instances of violence against LGBTI individuals during the year. Authorities opened investigations into several of the cases. The PDO reported violence against LGBTI individuals, whether in the family or in public spaces, was a serious problem and that the government has been unable to respond to this challenge. LGBTI organizations, NGOs, and the PDO reported that the government's ineffective antidiscrimination policy reduced the LGBTI community's trust in state institutions, and they pointed to homophobic statements by politicians and public officials as furthering hatred and intolerance against the LGBTI community.

On June 12, the Ministry of Internal Affairs charged one person for making death threats on the basis of sexual orientation after he threatened an individual who made public statements against homophobia on May 17, the International Day against Homophobia, Biphobia, and Transphobia.

LGBTI activists reported it was common for them to close their offices due to threats to their staff's safety. In September 2018 four individuals associated with Equality Movement, a prominent LGBTI rights NGO, allegedly came under physical attack motivated by homophobia in their office's backyard. Facing continuing threats, Equality Movement moved its office to a new location. Prosecutors charged both the attackers and the activists with violence, a decision the Equality Movement strongly criticized. In July the Prosecutor General's Office released all involved of criminal responsibility.

As of December there were no results in two separate government investigations into the 2017 accusations by two LGBTI organizations' leaders that Batumi police officers physically abused them after failing to intervene in their physical assault by several persons.

In February some LGBTI activists announced they would host Tbilisi's first "pride week" in June to highlight the pervasive discrimination the LGBTI community faced in the country. Opponents of LGBTI rights held several rallies in Tbilisi where participants threatened violence against event organizers, the LGBTI community, and law enforcement officials. While the Ministry of Internal Affairs released a statement implying it could not protect individuals from attacks by anti-LGBTI protesters, it later clarified that it would attempt to prevent any violence. Meanwhile, prominent businessman Levan Vasadze threatened to create patrols to attack members of the LGBTI community, encouraged anti-LGBTI protesters to break through police lines if officers protected the march, and called on the government to repeal antidiscrimination legislation. Event organizers postponed a planned pride march several times due to the threats and concern the ministry would be unwilling to protect them. On July 8, as anti-LGBTI protesters faced off against an unrelated group of protesters in front of parliament, Tbilisi Pride organizers held a small march in front of the Ministry of Internal Affairs' building on the outskirts of Tbilisi. While anti-LGBTI protesters raced to the site once they realized the march was happening, the LGBTI activists marched without incident and left the scene before they arrived. Despite the fact that the ministry was not informed of the march in advance, some police deployed to protect the marchers.

HIV and AIDS Social Stigma

Stigma and discrimination against persons with HIV/AIDS were major barriers to HIV/AIDS prevention and service utilization. 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 law generally provides for the right of most workers, including government employees, to form and join independent unions, to legally strike, and to bargain collectively. Employers are not obliged, however, 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 may 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.

Certain categories of workers related to “human life and health,” as defined by the government, were not allowed to strike. The International Labor Organization noted the government’s list of such services included some it did not believe constituted essential services directed related to human life and health and cited as examples restrictions on all employees in “cleaning municipal departments; natural gas transportation and distribution facilities; and oil and gas production, preparation, oil refinery and gas processing facilities.” The government provided no compensation mechanisms for this restriction.

The government did not effectively enforce laws that provide for workers’ freedom of association and prohibit antiunion discrimination, and violations of worker rights persisted. There were no effective penalties or remedies to address arbitrary dismissal, 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 unable to enforce 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.

In February parliament passed a law on occupational safety and health (OSH) that expanded the mandate of the Labor Inspectorate to inspect for OSH in all sectors of the economy, not just the hazardous, harmful, and heavy industries covered by the previous law. On September 1, the law entered into force.

Workers generally exercised their right to strike in accordance with the law but at times faced management retribution. The Georgian Trade Union Confederation (GTUC) reported that the influence of employer-sponsored “yellow” unions in the

Georgian Post and Georgian Railways continued and impeded the ability of independent unions to operate. 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. The government's enforcement of the laws was not always effective. Forced labor is a criminal offense with penalties for conviction that would be sufficient to deter violations; the low number of investigations into forced or compulsory labor, however, offset the effect of strong penalties and encouraged the use of forced and compulsory labor.

The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs reported that it found no cases of forced or compulsory labor, although the GTUC claimed this was because the labor inspectorate still lacked enough inspectors to cover the country effectively. The law permits the ministry's inspection department to make unannounced visits to businesses suspected of employing forced labor or human trafficking. The ministry reported that, as of August, it had inspected 100 companies on suspicions of human trafficking and forced labor. The Ministry of Justice, the Ministry of Internal Affairs, and the International Organization for Migration provided training on forced labor and human trafficking for inspectors.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

In March 2018 the government adopted a *National Human Rights Action Plan* that includes a chapter on children's rights. The Ministry of Labor, Health, and Social Affairs reported that it found two cases of child labor law violations as of October. Inspectors referred both cases to the Social Service Agency and suspended activity

at the two work sites. The low number of investigations into child labor made it unclear how effectively the government enforced the law. Depending on the offense, conviction of child labor law violations is punishable by fine, removal of operating permits, community service, probation, or imprisonment.

According to the *National Child Labor Study* for 2016, the latest year for which data were available, the majority of working children (an estimated 83 percent) were employed in agriculture, mainly helping self-employed family members in a family enterprise or farm. In older age groups, children became increasingly involved in other industries. Many children younger than 16 worked on small, family-owned farms. In most cases authorities did not consider this work as abusive or categorized as child labor. In some ethnic minority areas, family farm obligations interfered with school attendance, and 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.

Street begging remained the most visible form of child labor, especially in Tbilisi. In July 2018 UNICEF reported children of street families and unaccompanied children moved following the agricultural and tourist seasons, including to tourist sites along the Black Sea during the summer. Such children were vulnerable to violence and did not have access to either education or medical services beyond emergency care.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment, but it does not specifically prohibit discrimination based on HIV or other communicable disease status or social origin. The law further stipulates that discrimination is considered “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 only sometimes effectively enforced these laws due to the lack of a fully functioning labor inspectorate. In May parliament passed amendments to the labor code that strengthened protections against sexual harassment in the

workplace and empowered the PDO to investigate cases upon referral. The country continued to lack a body capable of proactively investigating workplaces to identify discriminatory practices.

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 requirements 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 railway and postal services.

While the law provides for equality in the labor market, NGOs and the Ministry of Labor, Health, and Social Affairs agreed that 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 overrepresented in low-paying, low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for men.

There was some evidence of discrimination in employment based on disability. There were also reports of informal discrimination against members of Romani and Azerbaijani Kurdish populations in the labor market.

e. Acceptable Conditions of Work

The minimum wage for both state- and private-sector employees was below the official subsistence income level. Employers did not apply the official minimum wage, however, since the lowest paid jobs in the private sector were typically significantly higher than the minimum wage.

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. Employees are entitled to 24 calendar days of paid leave and 15 calendar days of unpaid leave per year. 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 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. Inspectors did not have the ability to inspect workplaces, or levy fines or other penalties on employers for overtime or wage violations. Penalties were inadequate to deter violations.

Provisions of the OSH law concerning the compulsory insurance of employees by the employer against accidents came into force on January 1. In addition, on September 1, amendments to the OSH law came into force, establishing OSH standards for all sectors of the economy, and providing the labor inspectorate the authority to inspect workplaces and issue fines on employers who do not meet those standards. The Labor Inspectorate reported it inspected 36 companies on labor safety grounds and 100 on forced labor grounds as of October. On October 9, the Labor Inspectorate fined the Chinese Railway 23rd Bureau Group 50,000 lari (\$17,000) for violating safety rules that resulted in the death of a worker. In general the number of inspectors was insufficient to enforce compliance fully, but the Labor Inspectorate maintained it was actively working on selecting and training new inspectors.

In June 2018 parliament passed legislation on social workers that established a minimum salary of 1,200 lari (\$408), provided for an increase in the number of social workers, particularly at the municipal level, and created ongoing training programs for both new and existing social workers. These training sessions commenced in the spring, and on December 10, parliament passed a budget obligating funds for the salary increase and costs of the additional workforce.

Employer violations of workers’ 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 the country, the Public Services Development Agency issued up to 5,000 residence permits to migrant workers. According to the International Organization for Migration, a significant number of migrant workers came to the country to work in the tourism industry or on foreign-financed projects, where they lived at the worksite.

Migrants who arrived in the country without previously secured jobs were unable to find concrete employment opportunities and had insufficient resources to remain in the country or finance their return home.

NGOs reported that a significant number of workers were employed in the informal economy and were often exploited in part because of the frequent lack of employment contracts. Such conditions, they alleged, were common among those working as street vendors or in unregulated bazaars.

The Labor Inspectorate of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs reported that 38 persons were killed and 135 injured in the workplace as of December 5, compared with 59 killed and 199 injured in 2018. The mining and construction sectors remained especially dangerous, with reports of injuries, sleep deprivation, and unregulated work hours.