

GEORGIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Georgia's 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 elected by popular vote, but by members of parliament. The Organization for Security and Cooperation in Europe deployed a limited number of observers for the October 31 parliamentary elections due to COVID-19; in a preliminary assessment, the observers stated the first round of the elections was competitive and, overall, fundamental freedoms were respected, but "pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state reduced public confidence in some aspects of the process."

The Ministry of Internal Affairs and the State Security Service of Georgia 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 State Security Service of Georgia 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. Members of the security forces allegedly committed some abuses.

Significant human rights issues included: serious problems with the independence of the judiciary along with detentions, investigations and prosecutions widely considered to be politically motivated; unlawful interference with privacy; limited respect for freedom of peaceful assembly and association; and crimes involving violence or threats targeting lesbian, gay, bisexual, transgender, and intersex persons.

The government took steps to investigate some officials for human rights abuses, but impunity remained a problem, including a lack of accountability for the

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inappropriate police force used against journalists and protesters during June 2019 demonstrations and the 2017 abduction and rendition from Georgia of Azerbaijani journalist and activist Afgan Mukhtarli.

Russian-occupied regions of Abkhazia and South Ossetia remained outside central-government control and de facto authorities were supported by Russian forces. The 2008 ceasefire remained in effect, but Russian guards restricted the movement of local populations. Significant human rights issues in the regions included: unlawful killing, including in South Ossetia; unlawful detentions; restrictions on movement, especially of ethnic Georgians; restrictions on voting or otherwise participating in the political process; and restrictions on the ability of ethnic Georgians to own property or register businesses. While there was little official information on the human rights and humanitarian situation in South Ossetia, de facto authorities refused to permit most ethnic Georgians driven out by the 2008 conflict to return to their homes in 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 increased, further restricting movement and separating residents from their communities and livelihoods. Russian and de facto authorities in both regions committed abuses with impunity.

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. The State Inspector’s Service investigates whether security force killings were justifiable and pursues prosecutions. 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 July 7, Rustavi City Court convicted three Internal Affairs Ministry police officers, Mikheil Ghubianuri, Dimitri Dughashvili, and Davit Mirotadze, for

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deprivation of liberty and sentenced Dughashvili to nine years in prison and Mirotadze and Ghubianuri to a maximum of 10 years in prison. The convictions followed the October 2019 discovery of the body of David Mumladze, who disappeared earlier that month. Authorities arrested the three officers and charged them with illegally detaining Mumladze. The officers allegedly delivered Mumladze to members of a criminal group, who stabbed him and threw his body into a river.

On January 25, the Prosecutor General's Office terminated its investigation into the 2018 death of 18-year-old Temirlan Machalikashvili from gunshot wounds inflicted by security forces during a 2017 counterterrorism raid in the Pankisi Gorge. According to the Prosecutor General's Office, the investigation was terminated due to the absence of a crime. In her annual report covering 2019, released on April 2, the public defender stated that after reviewing the case file in February, she had asked the prosecutor general to reopen the investigation. She considered it "imperative" to reopen the investigation as "several important investigative actions" had not been conducted. Machalikashvili's father, Malkhaz, alleged the killing was unjustified. The Public Defender's Office emphasized the importance of a transparent, objective, and timely investigation; nongovernmental organizations (NGOs) criticized the subsequent investigation as lacking integrity. In August 2019 Malkhaz Machalikashvili began a nationwide campaign to collect signatures to force parliament to establish a fact-finding commission. In 2019 the public defender asked parliament to question the Prosecutor General's Office regarding the investigation, stating this would "demonstrate systemic problems" in the office. In October 2019 the European Court of Human Rights (ECHR) opened discussion of the case.

The trial for the 2008 death of Badri Patarkatsishvili continued as of August. The trial began in March 2019, following an investigation begun in 2018 by the Prosecutor General's Office (then known as the Chief Prosecutor's Office) after releasing audio tapes dating back to 2007 in which former government officials were heard discussing methods of killing Patarkatsishvili that would make death appear natural. A former official of the Internal Affairs Ministry's Constitutional Security Department, Giorgi Merebashvili, was charged with participating in planning the killing. In November 2019 authorities charged four former officials

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of the department--Gia Dgebuadze, David Kokiashvili, Ilia Gamgebeli, and Levan Kargadava--with abuse of power and illegal detention for allegedly arranging the arrest of Jemal Shamatava, an Ureki police chief, after Shamatava warned Patarkatsishvili of a potential attack in 2006. On July 27, the Tbilisi City Court found the four defendants guilty. Levan Kargadava and Gia Dgebuadze each received seven years and six months' imprisonment, and David Kokiashvili and Ilia Gamgebeli entered a plea agreement and received 18 months' imprisonment.

In November 2019 the Prosecutor General's Office charged former justice minister Zurab Adeishvili and the leader of opposition party Victorious Georgia, Irakli Okruashvili, with abuse of power in connection with the 2004 killing of Amiran (Buta) Robakidze. The trial at Tbilisi City Court--which began later that month--continued as of December. On December 2, hearings in the cases of Okruashvili and several other high-profile defendants were postponed indefinitely due to COVID-19 safety concerns.

There was at least one report that de facto authorities in the Russian-occupied regions of the country committed an unlawful killing. On August 28, Inal Jabiev, age 28, reportedly died in the custody of de facto South Ossetian police and was allegedly tortured to death. He was detained on August 26 on charges of attempting to assault de facto "minister of internal affairs" Igor Naniev on August 17. No one was injured during the incident. Jabiev's reported death sparked widespread protests in occupied South Ossetia leading to the removal of Naniev, the resignation of the de facto "prime minister," and the dissolution of the "government" by the de facto "president."

b. Disappearance

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

The government's investigation into the reported abduction and forced rendition of Azerbaijani freelance journalist and activist Afgan Mukhtarli from Georgia to Azerbaijan by government officials, begun in 2017, remained stalled. During the year the Public Defender's Office, local and international NGOs, and the international community continued to express concerns regarding impunity for government officials in connection with the Mukhtarli case. Following

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Mukhtarli's March 17 release from Azerbaijani prison and arrival in Germany where his family resided in exile, the Prosecutor General's Office sought German approval to interview Mukhtarli. On October 1, the Prosecutor General's Office received the results of a July 27 German police interview, and the investigation continued as of December. In her April report, the public defender noted that after Mukhtarli's release from prison, he attributed his abduction to an agreement between senior Azerbaijani and Georgian government officials. Concerns of government involvement in Mukhtarli's disappearance from Tbilisi and arrest on the Azerbaijan-Georgia border therefore continued.

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.

In October 2019 the government created the Interagency Commission on Missing Persons in line with ICRC recommendations. The government convened the first meeting of the commission but suspended subsequent sessions due to COVID-19.

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 her July 9 report to the United Nations in advance of Georgia's Universal Periodic Review, the public defender described effective investigation into alleged mistreatment as "a systemic problem." She reported that of 107 requests for investigation her office sent to the Prosecutor's Office between 2013 and 2019, the responsible person was not identified in any of the cases.

As of December the Public Defender's Office asked the State Inspector's Service to investigate 40 alleged cases of human rights violations in government institutions, 19 of which concerned violations allegedly committed by Internal Affairs Ministry personnel, 18 involved alleged crimes committed by penitentiary department staff, and one allegedly involved Justice Ministry staff. In two of the

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40 requests, the responsible agency was not clear. The State Inspector's Service opened investigations into 256 cases. Eleven investigations were in response to the Public Defenders Office's request. The State Inspector's Service directed five investigations to other investigative agencies and did not identify elements of a crime in four cases. An investigation of one case continued at year's end.

As of October the Georgian Young Lawyers' Association (GYLA) reported it consulted on six allegations and submitted one complaint of cruel, inhuman, or degrading treatment in prisons or by law enforcement agencies to the Prosecutor General's Office for investigation, compared with 25 for 2019.

Trials against three police officers stemming from the June 2019 protests were underway at year's end. The officers were charged with exceeding authority by using violence or weapons, which is punishable by up to eight years' imprisonment and deprivation of the right to hold public office for up to three years (see section 2.b., Freedom of Assembly).

The trial of Detective Investigator Konstantine Kochishvili for allegedly physically assaulting a minor by spitting in his face and beating him in February 2019 continued as of December. During the course of the beating, Kochishvili reportedly broke the minor's arm. In May 2019 authorities arrested Kochishvili and charged him with degrading and inhuman treatment. On February 26, the Rustavi City Court released the defendant on bail of 5,000 lari (\$1,500).

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. The officials included 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.).

On September 7, police officer Mariana Choloiani was convicted in the Tbilisi City Court of obtaining testimony under duress during a December 2019 interrogation and was sentenced to three years' imprisonment. Choloiani used threats and intimidation to extract self-incriminating testimony from 15-year-old Luka Siradze regarding vandalism of a school. After his interrogation, Siradze committed suicide.

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Prison and Detention Center Conditions

While overall prison and detention facility conditions were adequate, conditions in some older 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: The public defender's 2019 report, released in April, noted overcrowding remained a problem in some prison facilities, especially prisons 2, 8, 14, 15, and 17.

In previous years' reports, NGOs expressed serious concern regarding a tendency of prisons visited to place prisoners in "de-escalation rooms" for up to 72 hours or shorter time intervals over a number of days. The same problem was highlighted in multiple "prison visit" reports and an annual report of the public defender's National Preventive Mechanism (NPM). According to the Public Defender's Office, "de-escalation rooms" were used as punishment, and their use was considered mistreatment of inmates.

While physical conditions in temporary detention isolators were "on the whole acceptable," the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its 2018 visit to the country also highlighted several other deficiencies, including minimum living space, and the placement of remand prisoners with inmates at large facilities (prisons 2 and 8). Inmate-on-inmate violence, criminal subcultures, and informal management by selected prisoners remained persistent problems.

The Public Defender's Office reported an increase in inmate-on-inmate violence, which in most cases was underreported and never investigated.

The NPM's annual report identified informal management by "strong inmates" ("watchers"), as one of the most concerning issues. Some members of prison management acknowledged the problem. The Public Defender's Office raised the issue and requested assistance from the administration at public hearings. Subsequently, the Special Penitentiary Service began restricting the public defender's staff's access to prisons. According to the public defender and NGOs,

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the Ministry of Justice refused to acknowledge the “watchers” and the danger they represented to inmates and the outside world upon release. The Public Defender’s Office reported such informal control “often leads to interprisoner violence and bullying,” and “watchers” controlled prisoners’ access to clothing, food, medicine, and packages sent from their families. Some prisoner victims of “watchers” requested transfer to high-risk prisons or self-isolation to escape, increasing risks of mental health issues among the prison population. In December members of the Public Defender’s Office reported being verbally and physically harassed by a “watcher” in prison number 8. Although number 8 was a “closed” prison, “watchers” roamed freely outside their cells.

The Public Defender’s Office 2019 annual report, released in April, stated cell toilets for detainees generally were only partially screened, and criminal suspects had limited access to a shower, outdoor exercise, as well as no family contacts or telephone calls. Lack of fresh air and activities were problematic at closed institutions. Inmates in “closed” prisons (2 and 8) were locked up for 23 hours a day with limited or no access to rehabilitation and resocialization services; this was especially problematic for inmates with mental health issues.

While the Ministry of Justice maintained a special medical unit for prisoners with disabilities, the Public Defender’s Office reported prisons and temporary detention centers did not take into account the needs of persons with disabilities, including for medical services. The office 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).

Mental health care remained inadequate within the penitentiary system. There was no national strategy for treating prisoners with mental disabilities. Initial screening of prisoners’ mental health using a specialized instrument occurred only at prisons 2 and 8; multiple screenings did not happen at any institution. The system lacked qualified social workers, psychologists, psychiatrists, and ward-based staff.

In its 2018 visit to three psychiatric hospitals, the CPT found many patients lived in “woefully dilapidated and sometimes overcrowded dormitories, which lacked privacy and failed to ensure patients’ dignity.” The CPT also reported a shortage

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of psychiatrists and ward-based staff. There were no significant changes or improvements reported since this assessment.

Administration: The Public Defender's Office 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 NPM's 2019 annual report, the number of complaints from semiopen prisons decreased, which may be explained by the informal "watcher" system. Staffing levels of one security officer to more than 100 inmates were inadequate at semiopen facilities and created an insecure environment for both inmates and administration. According to the office, 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 NPM had access to penitentiaries, conducted planned and unscheduled visits, and was allowed to take photographs during monitoring visits. NPM members, however, did not have unimpeded access to video recordings of developments in penitentiaries and inmate medical files, as well as some disciplinary proceedings for inmates.

The law prohibits video or audio surveillance of meetings between the Public Defender's Office and prison inmates. Within hours of Public Defender Nino Lomjaria's January 21 special report on prisons, however, Justice Minister Tea Tsulukiani released a video recording of a Public Defender's Office representative's prison visit. The public defender and NGOs questioned how the Justice Ministry acquired the recording, given the prohibition on surveillance of the office's representatives' meetings with inmates. The Justice Ministry's Special Penitentiary Service also informed journalists the public defender met with three named prisoners, including two former senior opposition figures, on January 23. The public defender asked the Prosecutor General's Office to investigate, but the office refused to do so.

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The ICRC had full access to prisons and detention facilities in undisputed Georgian territory and some access to facilities in South Ossetia. The ICRC originally did not have access to Zaza Gakheladze, who was detained July 11 by Russian “border guards” along the South Ossetia administrative boundary line, but the ICRC reported access multiple times as of year’s end. Gakheladze suffered a leg wound during detention and was hospitalized. On July 27, de facto authorities transferred him to a pretrial detention facility in occupied South Ossetia. The ICRC generally did not have access to prisons and detention facilities in Abkhazia. The ICRC reported it had an ad hoc visit to one detainee in Abkhazia during the year.

Improvements: An October 2019 report supported by the UN Development Program on Georgia’s implementation of the *National Strategy for the Protection of Human Rights 2014-2020* noted there was “significant improvement” in resolving prison overcrowding during this period.

The role of social work significantly increased following the July 2018 merger of the penitentiary system into the Ministry of Justice. Recent reforms clearly defined the terms of reference for case managers (professional social workers responsible for risks and needs assessment of inmates and provision of relevant interventions/services) and case administrators (responsible for technical assistance and coordination of low-risk cases). The goal of separating the two functions was to promote professional social work and stop employing representatives of other professions as “social workers” with multiple job functions.

The penitentiary system revised its risk and needs assessment with the support of the EU-funded Penitentiary and Probation Support Project. The assessment was piloted in penitentiary establishments and probation bureaus and was fully implemented in prisons 5, 11, and 16 by mid-December.

During the year the Ministry of Justice replaced its Prison and Probation Training Center with the new Vocational and Educational Center for Offenders, which focused on creating “out of cell” activities for inmates, helping inmates develop necessary skills to find jobs in prisons and outside, and working with the private sector to introduce prison industries into the penitentiary system. The penitentiary service also established a new escort unit to provide safe and secure transportation

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of inmates within the country.

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, and reports of arbitrary arrests continued.

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 Public Defender's Office reported, however, 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.

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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 public defender'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 Public Defender's Office reported that police continued to summon individuals as "witnesses" and later arrested them. According to the defender's office, police used "involuntary interviews" of subjects, often in police cars or at police stations. The public defender's annual report for 2019 noted that police regularly 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: Reports of arbitrary detentions continued. In one example, on October 7, authorities arrested two former members of the government Commission on Delimitation and Demarcation, Iveri Melashvili and Natalia Ilychova. The Prosecutor General's Office charged them with attempting to violate the country's territorial integrity during the commission's work in 2005-07

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on the state border with Azerbaijan. On October 8, they were remanded to two months of pretrial detention. Georgian NGOs and political opposition contacts described the “cartographers’ case” as politically motivated, highlighting the timing of the investigation in the pretrial period. Partisan statements by senior ruling party officials linking the case to the elections reinforced these concerns. On November 30, the Tbilisi City Court upheld the pretrial detention sentence, which the defendants’ attorneys said they would appeal. The case occurred during the violent conflict between Azerbaijan and Armenia in Nagorno-Karabakh, increasing tension in the country’s already destabilized border region.

The Public Defender’s Office and local NGOs issued reports describing unsubstantiated detentions of demonstrators in connection with the June 2019 protests (see section 2.b.). For example, in the annual report covering 2019 released in April, the public defender stated the majority of protesters who were arrested were charged with violations of the code of administrative offenses; the public defender described the contents of the violations and arrest reports as “mostly identical and...formulaic.” On June 24, the Human Rights Center reported the court agreed to the pretrial detention of “all accused protesters based on banal, abstract, and often identical solicitations of the prosecutors.”

As of year’s end, the trial of former justice minister Zurab Adeishvili continued in the 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.

There were frequent reports of detentions of Georgians along the administrative boundary lines of both the Russian-occupied regions of Abkhazia and South Ossetia. For example, de facto South Ossetian authorities unlawfully detained Genadi Bestaev in November 2019, Khvicha Mghebrishvili on July 3, and Zaza Gakheladze on July 11. Khvicha Mghebrishvili was released on September 25, but Bestaev and Gakheladze remained in custody as of December 31.

Pretrial Detention: According to Supreme Court statistics, during the first nine months of the year, of 7,507 defendants presented to the court for pretrial detention, trial courts applied pretrial detention in 47.9 percent of cases, compared with 48.3 percent for the same period in 2019.

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Detainee's Ability to Challenge Lawfulness of Detention before a Court:

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

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 Public Defender's Office, 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. NGOs referred to this group of influential and nonreformist judges as the "clan." 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 Public Defender's Office, 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 December 2019 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

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High Council to continue to influence individual judges. NGOs reported one of the levers court chairs used to influence the outcomes of cases was creating narrowly specialized chambers in larger courts to manipulate the randomized case assignment process. At their sole discretion, court chairpersons assigned judges to narrowly specialized chambers without any clear rules or pre-established criteria. A court chairperson could at any time reshuffle the composition of narrowly specialized chambers and change the specialization of a judge. Chairpersons were not legally required to substantiate such a decision.

The long-standing practice of transferring judges from one court to another also remained a problem. The decisions regarding transfers were made by the High Council of Justice; however, these decisions were unsubstantiated. NGOs warned of transfers of judges without competition to the administrative chambers and boards two months prior to the October 31 parliamentary elections in the three most strategic and overcrowded courts, the Tbilisi and Kutaisi Courts of Appeal and the Tbilisi City Court.

Administrative chambers adjudicate election disputes. Most of the judges transferred to administrative chambers panels were affiliated with the “clan,” and almost all of them were associated with high-profile cases.

NGOs reported the courts did not serve as an effective check over election administration bodies following the October 31 parliamentary elections while reviewing appeals against decisions made by the Precinct and District Election Commission. According to statistics published on November 12 by the High Court of Justice, 96 election disputes reached the court system. The courts sustained only 16 percent of them.

In one case, Bolnisi Court, followed by the Tbilisi Court of Appeals, declined to annul the votes in a precinct or order a repeat vote after video evidence showed that one person illegally voted in the same precinct several times in Bolnisi.

NGOs alleged the High Council of Justice purposefully failed to address the problematic caseload backlog in courts in order to maintain a powerful lever for influencing judges. Because of the backlog, the vast majority of judges failed to comply with statutory terms for case review, which can be subject to judicial

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discipline. According to the Office of the Inspector for Judicial Discipline under the High Council of Justice, 40 of 60 complaints reported in the first quarter of the year concerned case delays.

Despite these “waves” of reforms, on June 23, the Coalition for an Independent and Transparent Judiciary stated, “During almost 30 years since the declaration of Georgia’s independence, the country still has not managed to build an independent judiciary. Regrettably, we are still talking about political influences and corruption in the courts. The latter still do not manage to restrain and control the other branches of government, while judicial decisions do not essentially comply with human rights standards and fairness.” The coalition blamed what it described as “clan-based governance” within the judiciary for the failure of the “waves” of reforms to alter the court system significantly.

According to the law, the Conference of Judges is a judicial self-governing body composed of all judges in the country’s courts. During a convocation of the body that convened on October 30, participants elected two new judge-members and a secretary of the High Court of Justice. The Coalition for an Independent and Transparent Judiciary criticized the decision to hold the session a day before the parliamentary elections and select two new members and a secretary, stating the timing raised concerns regarding “the judicial clan’s” intention to occupy strategically important and influential positions in the court system with an aim to ensure the four-year presence of members loyal and acceptable to the clan in the High Council of Justice.

In May 2019 parliament adopted amendments regulating the selection of Supreme Court judges. In September 2019 the Organization for Security and Cooperation in Europe’s (OSCE) Office of Democratic Institutions and Human Rights (ODIHR) released a report critical of the amendments and the High Council’s Supreme Court judge 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 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 the lack of transparency in the process could violate

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Article 6 of the European Convention on Human Rights, which provides basic provisions for an independent and impartial tribunal.

Following a lengthy process of public hearings, during which a number of candidates had difficulty demonstrating expertise or independence, in December 2019 parliament appointed 14 of the High Council's 20 nominees to lifetime appointments on the Supreme Court. The Coalition for an Independent and Transparent Judiciary described the 14 appointed judges as "loyal to the clan."

In a case submitted to the Constitutional Court in November 2019, the Public Defender's Office challenged the constitutionality of the amendments regulating the Supreme Court selection process, arguing they violated the right to a fair trial. On July 30, by a split vote of four to four, the Constitutional Court Plenum rejected the office's claim and ruled the High Council's selection process was constitutional. The Public Defender's Office responded that the decision violated the principle of transparency and further eroded trust in the judiciary. On September 16, the independent media outlet *Civil.ge* reported, "The July 30 ruling confirmed yet again the nearly complete takeover of all instances and branches of the Georgian judicial system by the ruling Georgian Dream party." On October 23, Transparency International (TI) Georgia reported the judiciary had become fully controlled by a group of judges referred to as the "clan."

During the period from April to May, the Supreme Court Plenum appointed two controversial judges to the Constitutional Court. NGOs criticized the opaque process and noted the selection decisions took place behind closed doors, candidate information was not shared prior to appointment, and the public did not have a chance to comment about candidates' fitness for the job.

Several NGOs noted public confidence in the appointments required open processes that allowed for public comment. The Coalition for an Independent and Transparent Judiciary expressed "serious concerns" about the qualifications and integrity of the two judges and attributed their appointment to their "loyalty to the clan."

In June the High Council of Justice announced an open competition for 99 vacant judicial positions. The High Council had not used open competition to fill trial

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court and Court of Appeals vacancies since 2018. On November 18, the High Council of Justice concluded the competition by filling only 36 judicial vacancies. As a result of the competition, 24 new judges, who were High School of Justice graduates, entered the system. Moreover, the High Council of Justice reappointed four sitting and eight former judges. Three candidates were appointed in appellate courts, leaving 10 positions vacant, and 33 candidates were appointed in the courts of the first instance, leaving 53 vacancies. Under the “fourth wave” of judicial reform legislation, the High Council of Justice is required to provide reasoning for the appointment or rejection of judicial candidates. By year’s end it had not done so.

On September 30, parliament amended the Law on Common Courts to improve the controversial selection process for Supreme Court judges by requiring the High Council of Justice to provide justification at several stages of the selection process, while also providing the right to appeal High Council decisions. Parliament’s Georgian Dream ruling party had requested a Venice Commission opinion on the amendments but approved the amendments rather than wait for the commission’s opinion. An EU representative described the parliament’s vote as a missed opportunity to foster public confidence in the selection process. The amended law went into effect on October 5.

Access to court decisions was restricted. Despite a June 2019 constitutional ruling that obliged parliament to provide public access to court decisions by the standards established by the Constitutional Court, parliament failed to comply with the obligation. Courts stopped publishing decisions on May 1.

Trial Procedures

The constitution and law provide for the right to a fair and public trial. The Public Defender’s Office 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 (see Political Prisoners and Detainees below). 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

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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.

On March 21, the president declared a state of emergency in response to the COVID-19 pandemic. Under the state of emergency, remote court hearings via electronic means of communication were possible. In May parliament amended the criminal procedure code (CPC) to permit remote criminal court hearings until July 15. In July amendments were made to permit remote criminal hearings until January 2021. December amendments permitted remote criminal hearings until July 1, 2021. The use of remote litigation was not consistently applied. Some judges and court users opposed any form of video conferencing in court proceedings. The low quality of voice and image transmission during video conferences, an insufficient number of properly equipped courtrooms, and the small number of video rooms in places of detention made remote proceedings difficult. During this time NGO representatives, who were largely barred from monitoring court proceedings, and legal professionals expressed concerns that remote litigation posed challenges for the right of the accused to a public hearing and impeded secure, confidential communication with defendants and access to evidence. They also noted remote litigation caused delays due to technical difficulties and witness intimidation when witnesses were physically present in a police station.

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 a 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.

In its report covering March 2019 through February, GYLA noted unreasonable delays in cases and court hearings were a serious factor in limiting the right to

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timely justice. The requirement of a continuous trial was met only in jury trial cases. GYLA also reported weak reasoning in court judgments and judges' inability to maintain order in many cases. In its annual report for 2019 released in April, the Public Defender's Office highlighted consideration of criminal cases was often delayed, going unreasonably beyond the terms determined by legislation, particularly in appeals courts and in administrative cases appealed by prisoners. The office also highlighted unreasonable delays--sometimes for five months--in courts' handing decisions to parties and shortcomings in the examination of civil and administrative cases by appellate courts within the statutory time limit.

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. In April 2019 prosecutors appealed the Tbilisi Appellate Court decision convicting Barabadze on lesser charges to the Supreme Court. The case was awaiting a Supreme Court decision as of year's end.

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 defendants and their attorneys did not always have adequate time and facilities to prepare a defense. In April the Public Defender's Office reported positive changes made by the state in 2019 resulted in more frequent involvement of a lawyer in a case within the first 24 hours.

GYLA monitored online criminal trials during the March-June period. According to GYLA's report, plea agreement court hearings, as well as pretrial and merits hearings, showed the defense was unable to establish effective communication with defendants remanded in penitentiary institutions due to emergency state restrictions. During virtual court hearings, several lawyers requested permission to

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have a conversation with the accused privately, yet the secretary of the session explained he or she would not be able to ensure the confidentiality of the conversation with the accused.

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.

The Public Defender's Office, civil society, and the international community recognized 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 is 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.

On May 22, parliament amended the code of administrative offenses to conform with standards set by the Constitutional Court. The amendments made it easier to appeal administrative penalties, including appeals of 15-day administrative detentions. These amendments followed a previous round of November 2019 administrative code amendments in response to an April 2019 Constitutional Court ruling which stated that requiring a defendant to appeal a court decision within 10 days after the issuance of that decision was unconstitutional. Parliament accordingly amended the code of administrative offenses by permitting an appeal within 10 days of the defendant's receipt of the court's decision containing the reasoning for the ruling. The amendments also introduced a new rule that if the circumstances do not allow the court decision to be handed to the defendant, it will be made public and will be considered to have been submitted to the defendant on the third day of its publication.

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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. In a report covering March 2019 through February, GYLA stated its monitors attended 527 plea agreement court hearings against 558 defendants. In four cases only, the court did not grant the motion submitted by the Prosecutor General's Office on a plea agreement. In 190 (34 percent) of the observed court hearings, judges did not fully inform the defendants of their rights relating to the plea agreement. In 52 (10 percent) of the cases, the judge did not ask the accused whether he had been subjected to torture, or inhuman or degrading treatment by law enforcement officials.

Based on the monitoring of criminal cases related to the June 2019 protests outside parliament, on June 24, the Human Rights Center reported defendants accepted unfair plea deals and often admitted guilt only to avoid a lengthy and delayed criminal process against them. This often happened when defendants were placed in pretrial detention. When making a decision on the plea agreement, the court is required to examine whether the accusation is substantiated, whether the requested punishment is just, and whether there is valid evidence to prove the guilt of the defendant. According to the Human Rights Center, however, these requirements were not met in the criminal cases related to the June 2019 protests.

Political Prisoners and Detainees

In a joint September 2019 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 cases against the former director of the television station Rustavi 2 and against the father of the owner of TV Pirveli (see section 2.a.), and some cases of incarceration of those who in June 2019 protested Russia's occupation of parts of the country's territory, including opposition party leader Irakli Okruashvili (see section 2.b., Freedom of

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Assembly).

Opposition party members and family members of prisoners stated the government held political prisoners. On May 15, President Salome Zourabichvili pardoned and released from incarceration European Georgia leader Gigi Ugulava and Victorious Georgia founder Irakli Okruashvili. Opposition parties had demanded their release based on a March 8 pre-election agreement with the ruling Georgian Dream party. Opposition parties and the international community welcomed the pardons.

The opposition continued to urge the release of opposition figure Giorgi Rurua, characterizing him as a political prisoner whose release was envisioned under the March 8 political agreement between ruling and opposition parties. In addition to election system changes, the agreement contained a provision that the government would address the appearance of political interference in the judicial system. On July 30, Rurua was sentenced to four years' imprisonment on two charges. On August 4, nine NGOs expressed concerns the case against Rurua was politically motivated and stated, "Prosecution on political grounds has recently become a weapon to influence political opponents or critical media outlets."

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

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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 2019 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 Justice Ministry reported that as of July, 52 cases were filed against Georgia at the ECHR, compared with 131 cases in all of 2019. According to the ministry, since 2012 a total of 86 cases were resolved with a settlement between parties, and 43 were resolved with the government's acknowledgement of a violation.

Courts continued to suffer from excessive caseload and failed to dispose of civil cases within the fixed statutory terms. According to the civil procedure code, courts are required to hear civil cases within two months after receiving an application. A court that hears a particularly complex case may extend this term by up to five months, except for claims involving maintenance payments, compensation of damages incurred as a result of injury or other bodily harm or the death of a breadwinner, labor relations, and use of residences, which must be reviewed within one month.

The backlogs worsened during the year due to the COVID-19 pandemic.

Courts heard a small number of civil cases remotely. According to NGOs monitoring the courts, the fact that the respondent rarely agreed to electronic proceedings prevented systematic use of remote hearings in civil cases.

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 April 2019 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

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the right of inheritance.

In a June 29 report on human rights, Abkhaz “ombudsperson” Asida Shakryl addressed rights violations of the ethnic Georgian population residing in occupied Abkhazia. She particularly highlighted that the law neglects the rights of the “indigenous” population. For example, persons permanently residing in the Gali district, whose ancestors were born in Abkhazia and own property, have no right to elect members of, or be elected to “local government” bodies. They also have no right to sell or buy real estate.

In a 2010 decree, de facto South Ossetian authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhalkalaki Region. The decree also declared all property in Akhalkalaki 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.

On November 27, the Georgian Democracy Research Institute (DRI) reported de facto South Ossetian authorities were using a “family reunification program” to relocate residents of South Ossetia to live with family members in Tbilisi-administered territory. Persons accepted to the “program” reportedly received “exit documents” from the de facto authorities, according to which they would not be allowed to return and reclaim property in South Ossetia. DRI raised particular concerns about the long-term effects of this program on residents of Akhalkalaki.

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. TI Georgia and the Human Rights Education and

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Monitoring Center continued to raise concerns regarding the State Security Service of Georgia's secret surveillance system and its lack of political neutrality and weak oversight.

During the year the Constitutional Court continued to review a case submitted by Member of Parliament Eka Beselia regarding the January 2019 release of a secretly recorded videotape of her private life. At the time of the videotape's release, Beselia had been a Georgian Dream member of parliament advocating the strengthening of judicial independence. The president, the Public Defender's Office, NGOs, and others urged law enforcement officials to prevent illegal surveillance and hold accountable those responsible for circulating such recordings. In January 2019 the Public Defender's Office and the nongovernmental "This Affects You Too" campaign separately noted 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 justices. As of year's end, two new Constitutional Court judges were studying the case file.

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. In addition to raising such concerns, the Public Defender's Office noted in its April parliamentary report covering 2019 that the country continued to lack proper statistics on offenses

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committed against journalists.

Freedom of Speech: NGOs accused the justice minister of attempting to restrict freedom of speech by suspending notary Bachana Shengelia from office on June 19 for comments he posted on Facebook regarding the controversial 2018 death of his mother, school principal Ia Kerzaia (see the *2019 Country Reports on Human Rights* for Georgia, section 3). GYLA described the suspension as a restriction on freedom of expression and submitted a case on Shengelia's behalf to the Constitutional Court on July 6.

Freedom of Press and Media, Including Online Media: Independent media were very active and expressed a wide variety of views. NGOs continued to express concern regarding the close relationship between the heads of the Georgian Public Broadcaster and Georgian National Communications Commission (GNCC) and the ruling party, the public broadcaster's editorial bias in favor of the ruling party, decreased media pluralism, and a number of criminal prosecutions against owners of media outlets that appeared politically motivated.

In June parliament appointed Bondo Mdzinarishvili as a member of the nine-member Georgian Public Broadcaster Board of Trustees. Many media watchers expressed concern about Mdzinarishvili's appointment, as he was known for his homophobic rhetoric at TV Obiektivi.

Some media outlets, watchdog groups, and NGOs continued to express concern regarding decreased media pluralism and continuing political influence in media. Concerns also persisted regarding government interference with some media outlets. Persistent allegations of political pressure on public broadcasters remained. During the year civil society groups alleged the ruling party continued to attempt to gain undue influence over Adjara Public Broadcaster following the controversial dismissal of Natia Kapanadze, the former director of Adjara Television, in April 2019. Kapanadze appealed the decision in court but lost. After several attempts, in November 2019 the Adjara Public Broadcaster Advisory Council elected a new director, Giorgi Kokhreidze, who fired and harassed dozens of employees who were vocally critical of the management.

On February 2, Natia Zoidze, deputy director of the Georgian Public Broadcaster,

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resigned as a result of what Reporters without Borders termed “political pressure.” Approximately one-third of the station’s employees (100) founded an alternative trade union to protect their rights. Solidarity rallies were held in several cities, including Batumi, Kutaisi, and Tbilisi, in support of Adjara Public Broadcaster’s employees and editorial policy. In March the public defender expressed concern regarding the possible negative effect the developments might have on freedom of expression, as did Reporters without Borders; Harlem Desir, the OSCE representative on freedom of the media; and 33 local NGOs. Former employees of Adjara Public Broadcaster and their respective trade unions filed several lawsuits and applied to the Prosecutor’s Office alleging harassment, interference with journalistic activities, and unlawful termination by Giorgi Kokhreidze.

Concerns continued regarding decreased media pluralism and an increase in the concentration of media outlets in favor of the ruling party following the July 2019 ECHR ruling in favor of a former owner of Rustavi 2, Kibar Khalvashi. Whereas the previous owner had been affiliated with the opposition United National Movement (UNM) party, Khalvashi was affiliated with the ruling party. During the year some journalists who had been fired due to changes of management and staff sought to defend their labor rights in court. Many media watchers expressed concern and called upon international watchdog groups to monitor thoroughly developments around the station. As of December, Rustavi 2’s reporting critical of the government had softened, particularly in the pre-election period. Rustavi 2’s former general director, Nika Gvaramia, and many journalists who formerly worked for Rustavi 2 moved to media outlet Mtavari Arkhi, which was established in September 2019 and was aligned with the opposition UNM party and one of the harshest critics of the ruling party. Other journalists who had worked at Rustavi 2 joined Formula TV, launched in August 2019, or TV Pirveli.

The Public Defender’s Office, some media watchers, NGOs, and opposition parties expressed suspicion that a number of criminal prosecutions against critical media outlets or their owners were politically motivated. On July 9, for example, the public defender stated that multiple criminal cases against owners of independent television companies raised questions about “attempts to persecute independent and critical media in the country.” On August 4, nine NGOs questioned the legality of the July 30 Tbilisi City Court criminal conviction of Giorgi Rurua, a

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shareholder of Mtavari Arkhi, and four-year prison sentence on charges related to the illegal purchase, storage, and carrying of firearms and ammunition. They also stated they saw reason to suspect the case was politically motivated. Several rights groups and opposition parties attributed the criminal proceedings against Rurua, and the verdict against him, to his activism during the June 2019 protest rallies (see Section 2.b., Freedom of Assembly) and his acquisition of a share in the opposition television station.

On December 1, Mtavari Arkhi's general director Nika Gvaramia was notified a court case against him would resume on December 7. The opposition perceived this as the ruling party's retribution for Mtavari Arkhi's favorable coverage of the UNM. The case involved allegations that Nika Gvaramia exchanged advertising for two vehicles from Porsche Center Tbilisi. In summer 2019 Gvaramia was charged with abuse of power, misappropriation of property, and commercial bribery. The public defender stated that holding a company director civilly liable for the company's decision should apply only in exceptional circumstances and that criminal liability should be even rarer. Gvaramia and a number of media advocacy groups disputed the charges, claiming they were politically motivated. Earlier in the year, Gvaramia claimed to have been physically assaulted and his family surveilled. His trial date remained postponed at year's end.

In early January journalists from a business program at Maestro, a member of Imedi Media Holding, alleged censorship and political interference from Imedi TV's director shortly before the program was shut down in March. The Georgian Charter of Journalistic Ethics (GCJE) described the case as a violation of the charter's principle providing noninterference with journalists' work.

Media rights groups alleged the GNCC sought to restrict freedom of the broadcast media through controversial amendments passed by parliament to the electronic communication law. The amendments, which were adopted on July 17, allow the GNCC to appoint special "media managers" to telecommunications companies--which include a number of broadcasters that operate as electronic communication companies through multiplexes--to enforce GNCC decisions. Local telecommunication companies also criticized the amendments, as did Reporters without Borders, which characterized the amendments as a government attempt to

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control radio stations and television channels.

Passage of the July amendments occurred in the context of concerns the GNCC sought to restrict freedom of expression through its online platform, Media Critic, created in December 2019. The platform was designed to examine and guide media content, and many media watchers voiced concern that the GNCC had overstepped its operational mandate. Mediachecker, a self-regulatory media monitoring platform, asserted Media Critic's main activity was to criticize independent media outlets.

On November 1, the OSCE/ODIHR election observation mission reported that during the parliamentary election campaign the diverse and pluralistic media were highly polarized, and there was little analytical reporting and policy-based discussion, detracting from the voters' ability to make a fully informed choice. The November 9 monitoring report on parliamentary elections by the GCJE stated the Georgian Public Broadcaster's newscasts dedicated the largest portion of the time to the ruling party and that the government enjoyed the highest indicators of positive coverage.

By law media outlets are obligated to disclose information concerning their owners.

Violence and Harassment: There were attacks on journalists during the October election campaign allegedly by political party representatives. The GCJE, in a statement released in November, complained of verbal and physical abuse against media on Election Day by unknown assailants. On one occasion at a voting precinct, a journalist from online *Publika.ge* was assaulted and injured and his camera was broken. A criminal investigation was underway. In addition, a TV Pirveli journalist was hit in the face, and an *On.ge* reporter's camera was damaged.

The GCJE also reported disproportionate use of force by law enforcement officials at a rally near the Central Election Commission. According to media reports, police injured four journalists and damaged their equipment. The GCJE alleged police intentionally targeted the media representatives with water cannons.

Throughout the year the Prosecutor General's Office repeatedly claimed it

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continued to investigate attacks on journalists by law enforcement officers during the June 2019 protests in which several journalists were injured. Some journalists and NGOs claimed these injuries occurred as a result of the deliberate targeting of journalists. For example, GYLA stated law enforcement officers “deliberately fired rubber bullets” at media representatives, despite their identification badges. According to the Charter of Journalistic Ethics, 39 journalists were among the 240 injured, and GYLA and TI Georgia asserted they should be recognized as victims. The Prosecutor General’s Office questioned several journalists as witnesses. As of year’s end, the Prosecutor General’s investigation continued.

On June 12, the State Security Service of Georgia arrested a Russian citizen suspected in an alleged plot to kill Giorgi Gabunia, a Mtavari Arkhi journalist who in July 2019 insulted President Putin on a live show. The station’s general director and local media said the head of the Chechen Republic, Ramzan Kadyrov, ordered the killing. The latter denied his involvement. The Media Advocacy Coalition and Reporters without Borders urged the government to investigate the incident in a timely manner. On November 27, Gabunia received victim status. As of year’s end, the investigation continued.

There were some reports of harassment against media. For example, NGOs considered the State Security Service of Georgia’s investigation of Mtavari Arkhi for a report it broadcast to constitute harassment. On June 20, a number of media observers announced they considered the investigation gross interference in the editorial independence of the media, creating a risk of self-censorship. TI Georgia and the Media Advocacy Coalition advised the government to use the GCJE or a self-regulatory body operating at the television channel instead of opening a criminal investigation. The investigation was opened under the charge of discrediting the government, inflaming mistrust toward the authorities, which is punishable under the criminal code.

On June 24, the general secretary of the ruling party, Mayor Kakha Kaladze, posted to Facebook a photograph depicting three opposition-leaning media outlets (Mtavari Arkhi, Formula TV, and TV Pirveli) as generators of lies. The page referred to “Mtavari (main) Lie,” “Formula of the Lie,” and “Pirveli (first) Lie.” The post advertised a new initiative from the mayor of Tbilisi’s office, “Truth

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Punch,” a Facebook live series that was intended to combat disinformation in the media. On June 25, the Media Advocacy Coalition along with 11 member rights groups characterized the mayor’s post as an attempt “to use his political power to intensify attacks on media.” The mayor’s office took down the Truth Punch platform after two live streams, attributing the move to the summer season and criticism by media experts.

On October 21, a few days before parliamentary elections, Avtandil Tsereteli, father of the TV Pirveli owner, stated his life was threatened by some unknown persons if he did not change the station’s editorial policy.

Some watchdog groups, such as TI Georgia, expressed concern that law enforcement bodies summoned journalists for questioning and asked them to identify their sources. The law allows journalists to maintain the anonymity of their sources and not to be compelled to testify as a witness.

Nongovernmental Impact: Media observers, NGO representatives, and opposition politicians alleged Georgian Dream party chair and former prime minister Bidzina Ivanishvili continued to exert a powerful influence over the government and judiciary, including in government actions against the owner of TV Pirveli and the general director of Mtavari Arkhi.

On May 5, Facebook removed a network of pages, groups, and accounts linked to news agency Espersona, a media organization owned by a former Georgian Dream public relations consultant, claiming these were “fake news” pages. At the same time, Facebook took down a set of assets connected to the UNM party. Both parties denied any connection to the pages in question.

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but concerns remained regarding unauthorized surveillance. Insufficient

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

In February a number of governments criticized Russia for launching disruptive cyberattacks in Georgia in October 2019. The cyberattacks directly affected the population, several thousand government and privately run websites, and interrupted the broadcast of at least two major television stations. In October, according to the Georgian Public Broadcaster website, a “cyberattack” caused it to stop broadcasting in the early evening on election day. It resumed broadcasting shortly after polls closed.

Academic Freedom and Cultural Events

On August 25, the Board of Appeals held a hearing on terminating the authorization of the Shota Rustaveli School-Lyceum. The board upheld a March decision citing numerous academic, managerial, and facility violations. The school’s representative appealed, highlighting ethnic Azeri children who would be deprived of education and the disproportional nature of the decision compared to similar cases. In March government education officials had terminated the authorization of the school, which was alleged to be affiliated with exiled Turkish Islamic scholar and cleric Fethullah Gulen, without giving the school time to redress shortcomings. The school’s authorization had been valid until 2023. A monitoring team from the Education Ministry’s National Center for Education Quality Development, however, visited the school in February and in March released a report asserting the school did not meet one of three standards required by law. The Authorization Board of General Education Institutions used the report as grounds immediately to terminate the school’s authorization without allowing school representatives to respond to and resolve the cited shortcomings. The board had given other schools a deadline for resolving deficiencies rather than issuing an immediate revocation of authorization. According to *civil.ge*, the school was the third alleged Gulen-affiliated educational institution closed by the Ministry of Education since 2017.

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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 Public Defender's Office and NGOs reported that police sometimes restricted, or ineffectively managed, freedom of assembly.

To combat the COVID-19 pandemic, the government instituted a state of emergency from March 21 through May 22. In the context of this state of emergency, on March 21, the president issued a decree restricting freedom of assembly. On May 22, parliament passed amendments to the Law on Public Health giving the government power to restrict movement and gatherings, and to implement other measures without a state of emergency to prevent the spread of COVID-19 until July 15. On July 14, parliament extended the amendments until the end of the year. On December 29, parliament extended the amendments to the Law on Public Health for six months, allowing the government to restrict rights without declaring a state of emergency and parliamentary oversight until July 1, 2021. There were no significant reports that the government abused its powers under the state of emergency.

While a number of protests took place during the year, there were reports that police restricted freedom of assembly at times. For example, the public defender and NGOs criticized police use of water cannons to disperse protesters outside of the Central Election Commission on November 8, after protesters tried to breach a metal fence around the commission. The public defender and the Georgian Democracy Initiative characterized this use of force as disproportionate. GYLA called it illegitimate and cited film footage showing that in some cases water cannons were directly targeted against peaceful protesters, resulting in injuries.

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There were reports police continued to employ the administrative offenses code to restrict freedom of assembly. For example, in its December 10 report, Georgian Democracy Initiative stated authorities engaged in arbitrary administrative detention at a November 28 rally. In its June 19 report, GYLA stated police used the code to engage in the mass arrest of protesters in June 2019. The association described this as “unjustifiably restricting the right to peaceful assembly and demonstration.”

During the year the Public Defender’s Office and NGOs continued to report on the police response to the June 2019 protests outside parliament and the lack of accountability for police abuses. The protests proceeded peacefully until some protesters attempted to force their way into the parliament building. Police then used rubber bullets, tear gas, and water cannons without warning to break up the protests, injuring more than 200 persons, according to the Public Defender’s Office.

In its annual report on 2019 released in April, and on June 20, the Public Defender’s Office stated the force used in dispersing the rally could not be considered proportionate. The office also highlighted police failure to warn the protesters as required by law and give them adequate time to leave the area prior to the use of force and special equipment, such as rubber bullets. There also were widespread accusations by NGOs that police used disproportionate and excessive force. In a June report, GYLA concluded the events of June 2019 remained uninvestigated by authorities and accused the Internal Affairs Ministry of having used “mostly illegal and disproportionate force” to disperse protesters and “excessive and unnecessary force” against individuals in police custody. The association reported that police subjected some individuals to mistreatment during and after their detention.

Following the events of June 2019, the Special Tasks Department of the Ministry of Internal Affairs abandoned the use of rubber bullets in its less-lethal munitions arsenal.

In connection with the June 2019 events, the Prosecutor General’s Office filed charges against one Internal Affairs Ministry Special Tasks Department officer for intentionally targeting nonviolent protesters and two criminal police officers for

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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 Tbilisi City Court was trying the three cases separately. The three defendants were charged with exceeding authority by using violence or weapons, a crime punishable by five to eight years of imprisonment and deprivation of the right to hold public office for up to three years. All three defendants were released on bail, and their trials continued as of year's end.

In a special March 31 interim report, the Public Defender's Office stated the prosecutor's investigation of law enforcement actions in dispersing the protests was "still far from establishing the truth." The office particularly faulted the Prosecutor General's Office for the investigation's lack of timeliness and thoroughness, including failing to provide a systemic legal analysis of events, failing to objectively or fully assess the responsibility of senior officials, and not fully implementing the Public Defender Office's recommendations.

Three law enforcement officials were prosecuted in connection with the June 2019 events. As of June authorities had charged 17 activists with engaging in violence during the protests. Noting a substantially higher number of activists than police officers were injured, GYLA and the Human Rights Center raised concerns regarding the impartiality of the Prosecutor's Office and termed the disparity in prosecutions "selective" in their June reports.

In its June 24 report, the Human Rights Center highlighted problems in the prosecution of a number of criminal cases against activists, including Morris Machalikashvili (also see section 1.e.). Machalikashvili, a nephew of Malkhaz Machalikashvili (see section 1.a.), was arrested following the June 20 protests and charged with "participation in group acts of violence against government officers." He was previously detained in July 2019. Although investigators published video purporting to show Morris pushing police officers, the Human Rights Center reported the video did not show him engaging in violence against police. Malkhaz Machalikashvili and the Human Rights Center claimed Morris was only trying to exit the crowd and alleged the government was using Morris' arrest to pressure Malkhaz Machalikashvili to drop his campaign for an investigation into his son's death. On February 6, the court approved a plea agreement with Morris

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Machalikashvili that provided for a two-year conditional sentence.

The public defender reported violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, whether in the family or in public spaces, was a serious problem to which the government had not appropriately responded. As an example, she cited the government's failure to take adequate measures to prevent homophobic groups from violently restricting the freedom of assembly of peaceful LGBTI activists in 2019. In October the Public Defender's Office held a meeting with members of Tbilisi Pride and governmental offices to discuss the numerous vandalism attacks on Tbilisi Pride's office over the summer. Civil society representatives at the meeting claimed police were not doing enough to prevent the attacks from happening and not investigating persons they believed were directing these attacks.

Freedom of Association

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

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 internal movement due to a lack of access to the Russian-occupied regions of Abkhazia and South Ossetia. The majority of the approximately 290,000 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

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movement protections 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. The law prohibits entry into and exit from the Russian-occupied regions through the territory of neighboring states (i.e., Russia). There were reports in 2018 that Russia prohibited citizens of Commonwealth of Independent States countries from entering Abkhazia except from Russia, which violated Georgian law. These citizens, however, were at times able to enter from Tbilisi-administered territory if they were staff members of international organizations or if there was a request from an international organization such as the United Nations.

Russia and de facto Abkhaz authorities limited international organizations' ability to operate in Abkhazia. Russia and de facto South Ossetian authorities limited access of international organizations, including humanitarian organizations, to South Ossetia. Before COVID-19, the cochairs of the Geneva International Discussions (GID)--representing the United Nations, the OSCE, and the EU--visited South Ossetia and Abkhazia approximately quarterly prior to most rounds of the GID. The ICRC office in Tskhinvali was the only international organization represented in South Ossetia.

De facto authorities and Russian forces in the Russian-occupied territories also restricted the movement of the local population across the administrative boundary lines. 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 Tbilisi-administered territory for residents in the occupied territories. On July 7, media outlets reported the death of Akhalgori resident Gela Gariev at the Tskhinvali hospital after several failed attempts to cross the South Ossetia administrative boundary line to receive medical treatment in Tbilisi-administered territory. By year's end 16 persons reportedly died in occupied South Ossetia due to inability to cross into Tbilisi-administered territory to receive higher quality medical care. The last person was Onise Gatenashvili, who died on November 14 during ICRC-administered medical evacuation to Tbilisi-administered territory. The reason of death was determined

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to be delayed treatment.

In September 2019 de facto South Ossetian authorities closed all but one checkpoint along the South Ossetia administrative boundary line, claiming it was necessary for “national security.” The GID cochairs and other international actors expressed concern that prolonged crossing closures would undermine livelihoods; prevent local residents from getting the pensions, food, and medicine they needed; and potentially cause a new wave of displacement. As of year’s end, all crossing points remained closed.

Since 2017, when de facto authorities closed two of the four remaining Abkhazia administrative boundary line crossing points, crossings stayed open only at the Enguri Bridge and Saberio-Pakhulani. On March 14, asserting preventive measures were needed to avoid the spread of COVID-19, de facto authorities closed the Enguri and Saberio-Pakhulani crossing points as well. According to reliable sources, the closures particularly affected ethnic Georgian Gali residents, who became practically unable to collect their pensions and allowances or to receive scheduled (nonemergency) medical treatment in Tbilisi-administered territory. The Gali clinics were also said to be largely ignored by de facto Abkhaz authorities in terms of receiving international humanitarian medical assistance.

As of December, however, de facto Abkhaz authorities briefly opened the Enguri crossing point seven times during the year to allow the return of residents who received medical treatment in Tbilisi-administered territory. Also, starting in mid-October, the Office of the UN High Commissioner for Refugees (UNHCR) facilitated Georgian-Abkhaz cooperation to establish a “humanitarian corridor” at the Enguri crossing point, which enabled ethnic Georgian residents of Abkhazia to access life-saving medicines and pensions from the government.

Regarding travel documents, residents of Abkhazia who had Georgian citizenship could not use their Georgian passports to cross the Abkhazia administrative boundary line to or from Tbilisi-administered territory. Since 2018 de facto authorities prohibited older Soviet-era passports, used by thousands of ethnic Georgians living in Abkhazia for crossing, threatening the livelihood of many residents. De facto authorities claimed residents without valid crossing documents were allowed to apply for residence permits (reserved for “foreign” residents) that

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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. Crossing permits issued by de facto South Ossetian authorities were the only document that allowed movement across the South Ossetia administrative boundary line to or from Tbilisi-administered territory.

De facto Abkhaz authorities prohibited Georgian Orthodox Church clergy from entering the occupied territory.

Villagers who approached the administrative boundary lines or crossings risked detention by members of the Russian Federal Border Service (referred to hereinafter as “Russian guards”). Russian guards along the Abkhazia administrative boundary line typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines. Along the South Ossetia administrative boundary line, Russian guards frequently transferred individuals to de facto authorities. The State Security Service of Georgia reported 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 31, the EU Monitoring Mission (EUMM) was aware of eight individuals detained along the administrative boundary line with Abkhazia and 56 detained along the administrative boundary line with South Ossetia. There were credible reports based on local sources that on several occasions de facto security actors or Russian guards crossed into Tbilisi-administered territory to detain an individual. Most often, the arrested individuals were accused of violating the

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“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 and reinforce fencing and other physical barriers along the administrative boundary line between Tbilisi-administered territory 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 an illustrative example of the effects of the Russian “borderization” policy, as a result of barbed wire installed by Russian guards in 2012, the house of 80-year-old Data Vanishvili was on the occupied South Ossetian side, while his plot of land, which he had been tilling all his life, remained on Tbilisi-administered territory. Since then Datishvili has been unable to go to Tbilisi-administered territory to collect his Georgian pension or go in the direction of Tskhinvali to buy foodstuffs and other essential goods, since he refused to relinquish his Georgian passport. On April 17, the de facto regime detained Datishvili’s grandson, Malkhaz Kurtaev, and his wife, Tatia Adikashvili, who were staying with him, reportedly after a short trip to Tbilisi-administered territory. De facto authorities released both shortly afterwards.

e. Status and Treatment of Internally Displaced Persons

According to UNHCR, as of December there were approximately 290,000 IDPs from the 1992-93 and 2008 conflicts. UNHCR estimated 240,000 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. As of year’s end, a long-planned IDP social allowance reform to change the assistance from status-based to needs-based had not been implemented.

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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 administrative boundary line 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, de facto Abkhaz authorities continued to prevent the return of those displaced by the war. Between 45,000 and 60,000 IDPs had returned since that time to the Gali, Ochamchire, and Tkvarcheli regions of eastern Abkhazia, but de facto Abkhaz 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 buy and sell property.

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 administrative boundary line 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. In 2019 de facto Abkhaz authorities required additional permits and threatened to discontinue administrative boundary line crossing with a Form No. 9 administrative pass. During the year, before the pandemic closures, Form No. 9 was reportedly allowed sporadically for crossing after new de facto president Aslan Bzhania came to power.

Since 2015 UNHCR reported a widening documentation gap in Russian-occupied Abkhazia, noting fewer residents of Gali district held valid documents due to the expiration and nonrenewal of documentation by de facto authorities there. The

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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

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Refoulement: In 2019 UNHCR learned of a few cases of asylum seekers who were denied access to the territory (and consequently the asylum procedure) at the border and whose return may have amounted to indirect refoulement. During 2019, but also in 2020, the penalization for irregular entry for individuals accepted into the asylum procedures remained a problem.

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 Public Defender's Office and NGOs, however, alleged 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. UNHCR reported concerns regarding applications from citizens of Afghanistan, Eritrea, Iran, Iraq, Syria, 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 transferred to the Ministry of Internal Affairs.

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In 2019 the number of asylum seekers increased. By December 2019 the overall recognition rate increased to 16 percent, compared with 14.5 percent in 2018. The overall recognition rate, however, dropped to 3 percent in the first half of the year.

The overall protection situation became more complicated for persons in need of asylum or refugee status. Gaps remained between asylum seekers' access to the country's territory and the fairness and efficiency of the refugee status determination procedures, the provision of assistance by national authorities, including free legal aid at the administrative stage of the asylum procedure, the need to adjust the reception capacities to the needs of asylum seekers, and effectively engaging the judiciary in the substantive review of asylum decisions.

UNHCR raised concerns regarding the trend since the end of 2019 of the government not issuing or not extending identification cards for newly registered asylum seekers or asylum seekers already in process and not extending residence documents for recognized refugees and humanitarian status holders, for reasons not provided to them, as required by law. The lack of identification hindered the access of asylum seekers to all the rights provided by law, leaving them vulnerable to deportation or refoulement.

Employment: Persons under international protection have legal access to the labor market. Foreigners, including persons under international protection, may register in 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

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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 that includes required language and history tests. Authorities purportedly denied naturalization to some applicants based on national security concerns.

Temporary Protection: The law on the legal status of aliens and stateless persons provides avenues for temporary stay permits for those individuals who were rejected for international protection but cannot be returned to their countries of origin due to the reasons stated in the law. The Ministry of Internal Affairs may grant temporary stay permits to individuals who meet the criteria for refugee status or humanitarian protection but who were rejected on national security grounds.

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 and establishes a fully proportional electoral system for the 2024 parliamentary elections, among other provisions. Parliament adopted a series of constitutional amendments and electoral reforms aimed at strengthening electoral processes and transitioning to a more proportional electoral system for the October 31 parliamentary elections. The measures included a prohibition on teachers campaigning during work hours, third-party financing regulations, and a mandatory gender quota aimed at increasing women's participation in parliament.

Elections and Political Participation

Recent Elections: The country held parliamentary elections on October 31 and second-round runoff elections in 17 of 30 electoral districts on November 21. The OSCE deployed a limited number of observers for the October 31 elections due to the COVID-19 pandemic. In its November 1 preliminary statement, the OSCE mission assessed the October 31 elections were competitive and, overall,

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fundamental freedoms were respected, but stated “pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state” reduced public confidence in some aspects of the process. The mission particularly highlighted concerns about ruling party dominance in election commissions. It also reported continuing shortcomings in the complaints and appeals process, noting that during the pre-election period, of more than 300 complaints, the majority were rejected, “many without due consideration, undermining the right to effective legal remedy.”

Credible domestic civil society organizations deployed approximately 3,000 election observers across the country. They alleged misuse of administrative resources by the ruling party, voter intimidation, vote buying, violations of ballot secrecy, obstruction of journalists and domestic election observers, and inaccurate and altered vote tabulation at the precinct and district level. Domestic organizations submitted hundreds of electoral complaints and were highly critical of the Central Election Commission’s management of the elections. On November 4, a total of 26 domestic NGOs issued a statement describing the conduct of the October 31 elections as the worst held under Georgian Dream. In addition, opposition parties alleged the number of missing ballots in certain precincts indicated there was widespread “carousel voting.” Leading domestic nonpartisan election monitors reported the majority of their postelection complaints were rejected by the election administration and courts, undermining public confidence in the electoral process and the outcome of the election.

As a result of the alleged violations leading up to and on election day, opposition parties boycotted the runoff elections on November 21 and refused to take their seats in parliament. On December 11, the new parliament was sworn in, but only the ruling Georgian Dream members of parliament took their seats (Georgian Dream won 90 of 150 seats). The OSCE did not observe the November 21 runoff elections, and most domestic observer groups significantly scaled back their observation efforts or did not observe because of the boycott. Despite the boycott, domestic election monitoring organizations raised concerns regarding electoral violations on election day.

Throughout November and December, foreign embassies facilitated a series of

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negotiations between the ruling Georgian Dream party and opposition parties, at the request of the parties. Negotiations continued at year's end.

Political Parties and Political Participation: Reports of political violence continued. For example, in its November 2 election report, the international NGO National Democratic Institute stated that parties, civil society organizations, and media outlets reported “multiple incidents of violence and intimidation during the campaign period.” Altercations between supporters of competing political parties in September, including violent street fights in Marneuli and Bolnisi, left several persons injured. On November 16, the office of a UNM candidate was reportedly firebombed with Molotov cocktails. On December 24, TI Georgia reported the Ministry of Internal Affairs had commenced investigations into all election-related violence and arrested several individuals. Citing the Ministry of Internal Affairs, TI Georgia noted that, as of October 20, police had opened investigations into 59 cases of election-related violence, of which six were terminated. In nine of the remaining 53 cases, prosecutions were underway. TI observed, however, that the Internal Affairs Ministry had not released updated statistics on investigations underway since October 20.

Following a 2018 assault by the then mayor of Marneuli, Temur Abazov, on a citizen whom he forced to apologize to “41” (the Georgian Dream party's ballot number) and whose face he allegedly smeared with his own urine, the Prosecutor General's Office opened an investigation into those involved, including the mayor, UNM member of parliament 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. The Rustavi City Court acquitted Abazov on February 12. The Prosecutor General's Office appealed the case to the Tbilisi Appellate Court; at year's end the case was pending.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. The law provides for a gender quota for candidates for seats in parliament. The law aims to increase the number of women in the electoral process by 2024 and requires that every third candidate on a party list be a

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woman by 2028.

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 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 continued to cite weak checks and balances and a lack of independence of law enforcement agencies 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, TI Georgia stated the country failed to pursue a “result-oriented anticorruption policy that would make it possible to investigate cases of corruption, especially those at high levels of government.” In June, TI Georgia, in its *National Integrity System Assessment for Georgia*, noted enforcement of the law was inadequate with respect to preventing conflicts of interest and corruption in the public sector. The country also lacked an independent anticorruption agency to combat high-level corruption.

The Anticorruption Coordination Council included government officials, legal professionals, business representatives, civil society, and international organizations. In October 2019 the minister of justice announced the government had approved its 2019-21 anticorruption strategy.

TI Georgia in its October report, *Corruption and Anti-Corruption Policy in Georgia: 2016-2020*, noted the government annually approves national action

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plans to combat corruption. It reported some shortcomings, however, including ineffective investigations of cases of alleged high-level corruption. 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 anticorruption watchdogs.

Corruption: In a high-profile case, the head of the Omega Group, a large conglomerate including independent Iberia TV, alleged in 2018 that current and former high-level officials had demanded bribes and engaged in violent racketeering, to include the physical abuse of a former minister. During the year there were no developments in the case. In a separate case involving Iberia TV, on March 5, the Tbilisi City Court convicted former prosecutor general Zurab Adeishvili and former deputy prosecutor general Giorgi Latsabidze of exceeding official powers in 2004-07 by illegally seizing the broadcasting license of Iberia TV so the television station could be controlled by the Saakashvili government. The Tbilisi City Court sentenced Adeishvili to two years' imprisonment. The length of sentence was reduced by 25 percent under the amnesty law; as a result, he was sentenced to imprisonment for 18 months. Latsabidze was fined 40,000 lari (\$12,000). In the same ruling, the court restricted Adeishvili and Latsabidze from holding any position in public sector.

As of August, 13 sitting or former public servants had been charged with corruption since January.

In 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 at year's end but lacked transparency, and authorities did not update the public on their progress.

As of year's end, the Anticorruption Agency of the State Security Service of Georgia had detained nine public servants at the local and central levels for taking bribes, including the mayor of Borjomi, Levan Lipartia, and the chair of the city council, Giorgi Gogichaishvili. NGOs continued to call for an independent anticorruption agency outside the authority of the State Security Service, alleging its officials were abusing its functions.

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The trial of TBC Bank cofounders Mamuka Khazaradze and Badri Japaridze, which began in December 2019, continued during the year. The case stemmed from bank transactions in 2008 when 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 Prosecutor General's Office, TBC Bank released Tsereteli's companies from financial liabilities in 2012 despite their failure to repay the loans. In a March 2019 interview with Imedi TV, Georgian Dream party chair Bidzina Ivanishvili accused Khazaradze of directing an assault against the government. July 2019 charges by the Prosecutor General's Office came just weeks after Khazaradze's announcement of his intent to establish a civil movement. Khazaradze established the movement "Lelo" and in December 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.). In August 2019 the Prosecutor General's Office charged Avtandil Tsereteli with providing support to Khazaradze and Japaridze in the alleged money-laundering scheme. A group of 20 NGOs, including TI 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, given the amount of time that had transpired. In April the public defender's annual report for 2019 stated there was no evidence in the case files for the July 2019 charge of money laundering in 2008. On May 14, TI Georgia released an assessment by an international expert that there was no proof that Mamuka Khazaradze, Badri Japaridze, or Avtandil Tsereteli committed a money-laundering offense, either individually or as coconspirators.

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 TI Georgia estimated six members of parliament had undeclared assets in 2019. The Civil Service Bureau received annual financial declarations from public officials and published them in mid-January.

Section 5. Governmental Attitude Regarding International

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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. Government officials were somewhat responsive to their views.

The United Nations or Other International Bodies: While there was little official information on the human rights situation in the Russian-occupied regions of South Ossetia and Abkhazia due to limited access, allegations of abuse persisted. De facto authorities in the occupied territories continued to deny unimpeded access to the United Nations and other international bodies.

Government Human Rights Bodies: NGOs viewed the Public Defender's Office, which has a mandate to monitor human rights and investigate allegations of abuse and discrimination, as the most objective of the government's human rights bodies. The constitution limits the public defender to one six-year term in office.

The Public Defender's Office lacks authority to initiate prosecutions or other legal actions, but it may recommend action, and the government must respond. While the office generally operated without government interference and was considered effective, the office reported 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 Public Defender's Office 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.

By law the Prosecutor General's Office is responsible for the protection of human rights and fundamental freedoms. The human rights unit of the office monitors government prosecutions overall and supervises compliance with national and

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international human rights obligations and standards. The unit reviews statistical and analytical activities related to the Prosecutor General's Office or the justice system at large, and it is responsible for examining and responding to recommendations of national and international institutions involving human rights.

The Prosecutor General's Office is required to investigate high-profile cases and other criminal offenses. The office may take control of any investigation if it determines that 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 office--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 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 investigations 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 human rights unit of the Prosecutor General's Office has a mandate to monitor and investigate allegations of abuse and discrimination. The Prosecutor General's Office 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. As of November the Investigative Department of the State Inspector's Service had commenced 256 criminal investigations; four of 256 cases investigated by the State Inspector's Service were prosecuted, and convictions were obtained in three cases.

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,

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IPRM meetings in Gali (Abkhazia) had been suspended since 2018. Regular IPRM meetings in Ergneti (South Ossetia) had also been suspended, although IPRM meetings took place in Ergneti on July 30 and September 24. In August 2019 South Ossetian participants walked out of an IPRM meeting in Ergneti. De facto authorities in the occupied territories did not grant representatives of the Public Defender's Office access. The government 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. The government did not enforce the law effectively.

At the end of 2019, the head of the Sapari women's organization, Baia Pataraia, alleged the enforcement of the law on sexual crimes was problematic. Investigative authorities lacked training on effective procedures on case handling and evidence collection. Victims were often told to focus on physical violence as proof of sexual violence. GYLA reported sexual violence was prevalent and underreported. In only a small number of reported cases were perpetrators convicted. Prosecutors applied overly burdensome evidence requirements for bringing charges against perpetrators of sexual violence, while overwhelmingly strict requirements for convictions of sexual violence crimes were applied by judges.

During the year a study by the Public Defender's Office into cases of sexual violence revealed a number of serious legislative shortcomings in regulation of crimes involving sexual violence, as well as in investigation, criminal prosecution, and court hearing of such crimes, falling short of the standards of Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and international human rights. The

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analysis of the cases showed that in the cases of rape and other sexual violence, the court did not consider the absence of a victim's consent an integral part of the definition of crime. Furthermore, the legislation does not consider a broad spectrum of circumstances that may affect the victim's will and provides for a disproportionately lenient punishment for a crime committed in certain conditions.

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 gender-based violence remained a significant problem that the government took several steps to combat. The Ministry of Internal Affairs had a risk assessment tool that enables a police officer to decide whether to issue a restraining order based on a questionnaire available in the restraining order protocol, the data assessment, and risk analysis. In addition, if there is a high risk of recurrence of violence, a system of electronic surveillance allows the Ministry of Internal Affairs permanently to monitor abusers 24 hours a day. The high rate of domestic violence showed reporting of incidents increased in the country and that police were responding. Shortcomings, however, remained. In one example, in October 2019 an employee of the Tbilisi City Council accused councilmember Ilia Jishkariani of sexual assault and beating. The Prosecutor's Office charged Jishkariani with sexual and other violence; however, the trial at Tbilisi City Court had not begun as of year's end.

The Public Defender's Office highlighted a shortage of measures to prevent violence against women and to empower survivors of domestic violence. The office analyzed gender-based killings (femicides) and concluded they demonstrated an absence of mechanisms to prevent violence against women in the country.

As of year's end, the Ministry of Internal Affairs opened 90 investigations into allegations of rape and the Prosecutor General's Office prosecuted 44 individuals on rape charges, compared with 29 in 2019.

During the year and in 2019, parliament approved amendments to the Law on Violence against Women and Domestic Violence that eliminated shortcomings in the law concerning the detection of domestic violence in minors by crisis and

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shelter staff. The law also promotes a prevention-oriented approach to correct abusers' behavior and reduce recidivism. Overall, the Public Defender's Office and women's rights NGOs welcomed the new legislation but emphasized the need for the government to improve coordination between government agencies working on the issue.

NGOs and the government expanded the services provided to survivors of domestic violence in recent years. GYLA reported that considering the increase of domestic violence cases by one-third worldwide during the pandemic, the official statistics on domestic violence and violence against women did not change significantly, which indicated a possible underreporting of domestic violence incidents by victims.

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 survivor and from using common property, such as a residence or vehicle, for six months.

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.

In 2019 UN Women conducted a population-level survey and a study on gender-based violence, according to which women's biggest risk in Abkhazia was violence from intimate partners, with 15 percent of respondents having experienced physical abuse, 30 percent emotional abuse, and 8 percent sexual violence in their lifetime, while 5 percent experienced physical abuse, 14 percent emotional abuse and 7 percent sexual violence in the last 12 months. This risk was more pronounced in rural areas, where 22 percent experienced physical violence, 32 percent emotional violence, and 15 percent sexual violence in their lifetime. Violence by nonpartners was also a problem, with 15 percent of the women surveyed reporting at least one form of physical or sexual violence in their lifetime by a nonpartner.

Authorities worked to combat domestic and gender-based violence during the COVID-19 pandemic. In cooperation with the NGO Women's Information

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Center, short text messages were sent to the population on April 14-15 in Georgian, Azerbaijani, and Armenian, explaining the mechanisms and forms of reporting domestic violence to police. The short text message had a built-in link that allowed the user to download an emergency services application and, if necessary, use the silent alarm button to send a message. After sending the text message, up to 5,000 users downloaded the application. The government also produced a video with information on legal instruments and services available in the country against domestic violence and gender-based violence that was shown on both public and commercial television channels.

Other Harmful Traditional Practices: Kidnapping women for marriage occurred in remote areas and ethnic minority communities but was rare. The Public Defender's Office reported some cases of kidnapping for forced marriage and early marriage in its 2019 report. The practice of early marriage and engagement remained a significant challenge. Similar to previous years, the lack of coordination among law enforcement agencies, social services, and establishments of secondary education concerning early marriage and engagement was problematic. There was no effective referral mechanism to identify and prevent incidents of early marriage and engagement. The Ministry of Internal Affairs reported that in the first half of the year, the Human Rights Protection and Investigation Quality Monitoring Department held a number of meetings and participated in various activities to eliminate child marriage crimes and raise public awareness about the problem as well as provide timely reporting to police.

Sexual Harassment: Sexual harassment is illegal under the code of administrative offenses but is not criminalized; it remained a problem in the workplace. Under the law sexual harassment is considered a form of discrimination and is defined as an unwanted physical, verbal, or nonverbal action of a sexual nature that aims to or results in the degradation of a person or creation of a hostile environment for that person. Based on amendments to laws on sexual harassment in 2019, the public defender analyzes the case and provides recommendations on the case to authorized persons at the institution where the violation took place. During the year the Public Defender's Office examined eight allegations of sexual harassment and identified violations in five instances. For example, in June the public defender found evidence of sexual harassment committed by a doctor

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against a woman in quarantine. Under May 2019 amendments to the code of administrative offenses, sexual harassment victims may file complaints with police. If found guilty, a person can be fined 300 lari (\$90); repeated violations result in a fine of 500 lari (\$150) or correctional work for up to one month.

Repeated violations in the case of a minor, a pregnant woman, a person unable to resist due to physical or mental helplessness, a person with a disability, or in the presence of a minor with prior knowledge leads to a fine of 800 to 1,000 lari (\$240 to \$300), correctional labor for up to one month, or administrative detention for up to 10 days.

The public defender considered especially problematic a selective approach applied by the state to instances of violence against women and domestic violence involving influential persons as abusers. In such cases, the approach of the state changed and response was delayed, leaving the impression that preference was given not to victims' rights but to abusers' interests. Victims often had to go public to prompt action by relevant authorities.

Reproductive Rights: The law does not regulate the number, spacing, or timing of children for single people or couples. The country regulated the use of surrogacy services, and only heterosexual couples have a right to surrogacy services. In August the Ministry of Justice amended the decree regulating civil acts, restricting the right to surrogacy to heterosexual couples who have been married or living together for more than one year. Women and LGBTI rights organizations considered this a violation of the rights of single women and LGBTI persons who wanted to have a child. The law requires gender confirmation surgery for legal gender-identity change and does not provide transgender individuals who do not wish to undergo confirmation surgery the legal ability to change their gender identity.

The UNFPA reported that women from minority communities, women from rural areas, and poor women faced barriers in accessing information related to their reproductive health.

There were no legal, social, or cultural barriers to access contraception, and contraceptives were available in pharmacies or by prescription, with a prescription exemption for emergency contraceptives. The UNFPA reported, however, that

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financial barriers limited access to customized contraceptive options for many women.

According to the Public Defender's Office, limited access to information about contraceptives remained a challenge for girls and women of childbearing age. The office stated human sexuality education was not fully integrated into school curriculums. Programs in schools failed to provide information to teenagers about safe sexual relations. The lack of comprehensive education prevented girls from defending themselves from early marriage and early pregnancy. According to a UNFPA 2020 report, during 2019 there were 29 births per 1,000 girls 15 to 19 years of age.

The Public Defender's Office stated in 2019 that poor funding and lack of information limited the use of contraceptives and resulted in unplanned pregnancies for women of childbearing age. Women in rural areas, especially remote mountain villages, lacked regular access to family planning services and clinics. Women often had to travel to larger towns for these services, causing additional financial burden.

There were no barriers to receiving skilled personal medical attention during pregnancy and childbirth. During the year, however, the use of maternal health services decreased due to the COVID-19 pandemic, both due to fear of infection and movement restrictions.

The Public Defender's Office reported a lack of post-partum care needed for the prevention of maternal mortality and for maintaining women's mental and physical well-being. Maternal health services were somewhat limited for women who spoke languages other than Georgian.

The Agency for Social Care, under the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, provided medical, psychological, legal, and other kinds of help to survivors of sexual violence. The agency operated two shelters for survivors and their minor children.

The UNFPA reported that the state funded services for victims of sexual violence based on a 2018 decree. The decree stipulates the state budget will fund certain

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services, including, but not limited to, emergency contraceptives and postexposure prophylaxis. Regulations, however, require victims of sexual assault--who may hesitate to come forward--to notify police to receive these services, which can be a barrier for victims and health specialists. Victims of trafficking in persons and domestic violence do not need to cooperate with police to receive services.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Civil society organizations continued to report discrimination against women in the workplace. The Public Defender's Office monitored gender equality complaints, in particular those involving domestic violence and workplace harassment, and stated that gender equality remained a problem, despite a number of steps taken in the past few years to enhance legislative and institutional mechanisms. The office considered the small number of government projects, programs, and initiatives designed to empower women to be inadequate to achieve gender equality.

In August the Ministry of Justice passed amendments to the decree regulating the procedure for approving the registration of civil acts. As of September 1, only couples who are officially married for at least one year or can prove they have lived together for at least one year have the right to hire a surrogate and have a child. Women's rights organizations considered this a violation of the rights of single women who are not officially married and want to have a child. The Ministry of Justice's stated goal was to decrease trafficking risks, but the decision affected single women and men who cannot have children and planned to use surrogacy services. The legislation gives the right to become a parent with surrogacy help only to couples.

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 the age of five.

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

Education: Children of noncitizens often lacked 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 a multiple indicator cluster survey conducted in 2018 by the national statistics office GEOstat and the National Center for Disease Control and Public Health with UNICEF support, total enrollment of preschool children between the ages three and five was 81.8 percent. Enrollment rates were lower for children of ethnic minorities (the rate for Azeri children was 28.8 percent, while the rate for Armenian children was 68.8 percent) as well as children from socially vulnerable groups (poor or large families, single parent families, IDPs, families with persons with disabilities) (63.6 percent) and rural communities (70.2 percent). In 2019 the Public Defender's Office reported that in spite of efforts by municipalities, availability of preschool care and education remained problems. Kindergarten infrastructure, classroom overcrowding, and sanitary compliance with official standards were particularly problematic.

The school dropout rate remained high. Identifying the reasons for the high rate and adopting effective measures to reduce dropouts remained significant problems. The public defender emphasized the problem in several reports, highlighting the impact of early marriage, child poverty, and child labor on the ability of children to access education. In 2019, more than 14,000 minors dropped out of school, compared with 10,433 in 2018. In 2019 the public defender reported schools had no uniform mechanism to process statistical data of school dropouts or to indicate the grounds for dropping out.

According to a UNICEF study released in 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

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fines. Conviction of domestic violence against minors is punishable by imprisonment for one to three years, and conviction for trafficking minors is punishable by eight to 20 years' imprisonment, depending on the circumstance. The Public Defender's Office reported general education institutions and preschools lack qualified professionals who could detect and respond to signs of violence against children in a timely manner.

Authorities referred children who suffered abuse to the relevant community and government services in coordination with stakeholders, including police, schools, and social service agencies. In 2019 there were 3,881 alleged cases of violence against children reported to the government's Social Service Agency, 87 of which involved allegations of domestic violence. According to the Ministry of Internal Affairs, in 2019 courts issued 740 restraining orders in domestic violence cases involving victims who were minors.

On September 1, the Code on the Rights of Children, adopted in 2019, entered into force. 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 the right to dignity, life, survival, and development, and prohibits discrimination.

Child, 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. During the year the Public Defender's Office reported the practice of early marriage and engagement remained problematic. The lack of coordination among law enforcement agencies, social services, and establishments of secondary education concerning early marriage and engagement also remained a problem. Due to COVID-19, home-based learning made it more difficult for social workers to detect cases and intervene promptly. The Public Defender's Office noted that the social service agency did not have guidelines for case management and their response to child marriages was often superficial and fragmented. The Ministry of Internal Affairs launched an information campaign against the practice. The ministry's Human Rights Protection and Investigation Quality Monitoring Department participated in various activities to eliminate child marriage crimes and raise public awareness about the issue, as well as provide timely reporting to

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police. Reports of child marriages continued throughout the year. A 2019 report by the public defender indicated child marriages occurred more frequently among certain ethnic and religious groups. Further, immediate and adequate response to unlawful imprisonment and forced marriage remained a problem, often due to preconceptions and stereotyped attitudes about ethnic minorities. Inadequate response to such incidents encouraged this type of crime, according to the public defender, because it emboldened potential offenders who believed they would not be held responsible for their crimes. According to the report, male elders (*aqsaqals*) decided the fate of girls in cases of early marriage in the Kvemo Kartli region. The response of the state entities in such cases was belated and unproductive, according to the report, potentially because authorities may have been reluctant to enter into conflict with influential locals.

Sexual Exploitation of Children: Conviction for commercial sexual exploitation of children or possession of child pornography is 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 considers sexual intercourse with a juvenile as rape, provided the perpetrator is proven to be aware of the victim's age. The penalty for conviction for 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 2019 the public defender described children living and working in the street as a vulnerable social group that faced a high risk of domestic and sexual violence. They lacked protections from labor and sexual exploitation and had limited access to health care and education. The government's detection, outreach, and actions to protect and assist street children were limited, and access to services for them and their families remained inadequate.

Due to their homelessness and lack of sanitation, street children had a higher risk of COVID-19 infection. The Public Defender's Office reported, based on information received from the A-TIPFUND, that a quarantine area where children were placed was opened in Tbilisi. Mobile groups working under the state subprogram, if necessary, placed street children in this quarantine area as well.

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Displaced Children: The Public Defender's Office reported a lack of information regarding street children and noted the inadequacy of resources devoted to them. It was unclear how many children were geographically displaced, and a significant portion belonged to families that migrate seasonally to Georgia from Azerbaijan. In 2019 the office reported that stereotypical public attitudes toward children living or working in the street and their families posed a problem. The population of street children was diverse, consisting of ethnic Georgians, members of two Romani language groups, Kurds from Azerbaijan, children of Armenian refugees, and children of IDPs from South Ossetia and Abkhazia. Law enforcement officers and labor inspectors began to take enforcement action, but more work was needed to protect children from being trafficked or being exploited through illicit work and forced labor.

Institutionalized Children: The government continued replacing large-scale orphanages with alternative 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.

The government continued to transfer children, including those with disabilities, who are institutionalized in large-scale orphanages to family and family-type services (small group homes for specialized care). The government increased the pool of foster parents and specialized foster parents available to receive children from orphanages and avoid an inflow of new cases to orphanages.

The Public Defender's Office reported protection of minors in state care remained a problem. The protection of children in state care from violence, care for their mental health, protection of right to education, preparation for independent life, improvement of care-taking personnel, and allocation of sufficient human and financial resources posed a challenge. Teachers in small family-type homes as well as foster parents lacked the knowledge and skills to handle children with behavioral problems or children victims of violence. This resulted in children being moved between different types of care, creating additional stress and worsening their situation. Minors with disabilities presented a particular challenge for protection, preparation for independent living, and the right to education

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because programs were not oriented for individual need. The trend of placement of children with behavioral problems or mental health problems together was also problematic, which further aggravated their situation.

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.

As of December an appeals court decision was pending in the 2018 killing in Tbilisi of human rights activist Vitali Safarov, who had Jewish and Yezidi roots. Human rights NGOs alleged the two men responsible for the killing were members of a neo-Nazi group, and a key witness at the trial testified that Safarov was killed because he was Jewish. In 2018 the Prosecutor General's Office added the charge of "premeditated murder due to racial, religious, national, or ethnic intolerance due to his nationality and profession." In June 2019 the Tbilisi City Court convicted the two men of killing Safarov but dismissed qualifying the killing as a hate crime. In November 2019 the prosecutor appealed the court's decision not to classify the killing as a hate crime.

On December 20, Metropolitan Ioane Gamrekeli of the Georgian Orthodox Church delivered a sermon that included a number of traditional anti-Semitic tropes, including references to Jews as "the crucifiers of the Christ" and "the persecutors of Christians." Metropolitan Gamrekeli went on to say, "This is not defined by ethnicity--this is a battle of the lineage of infidels against the Church." The sermon was criticized as anti-Semitic by prominent religious freedom NGOs and civil activists. In response to this criticism, the Georgian ambassador to Israel defended the metropolitan's statement, saying his words were misinterpreted, as the story was simply the retelling of a historical parable. Church officials subsequently issued a statement condemning anti-Semitism.

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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 Public Defender's Office reported 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 office reported that violence, especially sexual violence, was a significant problem for persons with disabilities. Discrimination in employment was also a problem.

The country operated several orphanages for children with disabilities, although the number of residents decreased with the increased use of alternatives, such as specialized foster parents and family-type services.

The government continued operations of state-run institutions for adults with disabilities. Despite some improvements in these institutions, they lacked infrastructure, trained staff, psychosocial services, and opportunities for patients to have contact with the outside world and families. The Public Defender's Office's May report, *Situation of Women's Sexual and Reproductive Health and Rights in Psychiatric and Public Care Institutions*, found shortcomings in meeting the reproductive health needs of women with disabilities at state institutions. The report revealed frequent cases of violence among patients subjected to prolonged hospitalization and at boarding houses for persons with disabilities. Efforts to prevent, identify, and respond to cases were insufficient.

On July 14, parliament adopted the Law on the Rights of Persons with Disabilities. The law establishes principles to guide the government's implementation of the UN Convention on the Rights of Persons with Disabilities and clarifies the

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government's roles and responsibilities to ensure persons with disabilities fully and effectively participate in society. The new law mandates all agencies employ the principles of universal design, reasonable accommodation, and independent living; recognizes Georgian sign language as an official state language; authorizes special plaintiff organizations to represent persons with disabilities in court; requires municipalities to provide services to support independent living for persons with disabilities; and mandates that relevant state agencies ensure all new and old buildings and services will be accessible for persons with disabilities within 15 years. The new law requires the education system to elevate the status of special education teachers and introduce social workers at schools to work on the inclusion of children with disabilities.

In 2019 only 98 of the 10,099 persons with disabilities registered on the public employment portal (Worknet) were employed, compared with 99 of the 6,073 in 2018. Provisions of the law that disqualify a person with disabilities working in the public sector from receiving state disability assistance was seen as a disincentive to such work, although in January the government passed legislation that would maintain social benefits for one year in cases a person with disabilities finds public-sector employment. The Public Defender's Office reported persons with disabilities employed in the public sector, unlike those in the private sector, cannot receive social benefits (with the exception of those with severe disabilities or visual impairments).

Members of National/Racial/Ethnic Minority Groups

The Public Defender's Office and NGOs reported some instances of discrimination against minority communities. As of November 30, the office had received 12 claims of discrimination based on nationality or ethnic origin. When the government declared the Bolnisi-Marneuli region a quarantine zone, for example, one public official encouraged discrimination against ethnic Azeris on their personal Facebook pages. The Public Defender's Office received several other complaints alleging racial discrimination by law-enforcement bodies. In one case, a police officer purportedly commented on the skin color of an individual while on duty. Several claims came from prisons. In one case, the claimant alleged poor treatment by the prison administration because he was ethnically Armenian.

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In 2019 two of the 15 cases of alleged discrimination received by the Public Defender's Office involved commercial banks refusing to provide services to individuals from Iran, Iraq, Syria, and Nigeria. As of November 30, the courts had not determined whether any had suffered discrimination. According to the office, authorities had not taken steps to address discrimination in the provision of commercial financial services. NGOs noted that victims of such discrimination rarely registered claims due to a lack of knowledge about their rights and criticized authorities for not raising greater awareness in minority communities.

During the year the Prosecutor General's Office charged six individuals with committing a crime on the basis of nationality, race, or ethnicity.

Media outlets reported numerous cases of hate speech targeting minority groups during the year.

On May 24, during a weekly Sunday service, the bishop of Marneuli and Hujabi Eparchy, Giorgi Jamdeliani, criticized the mayor of Marneuli, Zaur Durgali, for renovating the statue of Nariman Narimanov, an ethnic Azerbaijani Bolshevik writer and revolutionary born in Georgia and active in Baku and Moscow, and threatened to dismantle the statue. Far-right nationalist radical groups, such as Georgian March, publicly endorsed the bishop's statements and began an aggressive social media campaign. Although the bishop later commented that his criticism was prompted by Narimanov's personality rather than his ethnicity, many local residents perceived his statements as xenophobic.

On May 30, the State Security Service of Georgia initiated an investigation of the events surrounding the Narimanov statue controversy under the law on racial discrimination. Civil society organizations noted the aims of the investigation were not made clear to the public. On July 16, Bishop Giorgi Jamdeliani, Primakov Georgian-Russian Public Center head Dimitri Lordkipanidze, and other nationalist leaders affiliated with Georgian March held a protest rally in Marneuli with the same demands. Press reports suggested the protest was followed by a spontaneous counterrally by young Azerbaijani residents. Police were present to ensure security.

In addition to political, civic, economic, and cultural obstacles, weak Georgian-

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language skills remained the main impediment to integration for members of the country's ethnic minorities. Some minorities asserted the law requiring "adequate command of the official language" to work as a civil servant excluded them from participating in government. The Public Defender's Office 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 Azeri 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. The government, however, closed its review of repatriation applications in 2017.

De facto Abkhaz authorities enacted policies that threatened 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 prohibited Georgian-language instruction there.

The Public Defender's Office 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 Tbilisi-administered territory to teach, or send their children across the administrative boundary line for Georgian-language lessons. According to the EUMM, some Gali students faced difficulties in crossing the administrative boundary line to take university entrance examinations. In autumn 2019 the

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EUMM noted a small increase in the number of schoolchildren crossing the administrative boundary line, and there were more reports of barriers to studying in their mother tongue. During the year, as de facto authorities fully closed the line, purportedly because of the pandemic, prospective students residing in the occupied territories were unable to take the national examinations for university enrollment. The government subsequently decided to enroll all of the applicants without the exams.

De facto South Ossetian 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 Public Defender's Office noted the case of Tamar Mearakishvili, an activist in South Ossetia who alleged persecution by the de facto authorities because of her Georgian ethnicity. In July 2019 de facto authorities in Akhalkalaki cleared Mearakishvili of all charges and lifted all restrictions imposed on her, including the restriction on leaving South Ossetia. The de facto "prosecutor" appealed the decision in September 2019; in October 2019 the court dismissed all charges. The "prosecutor" appealed the decision; on January 17, the de facto "supreme court" partly satisfied the "prosecutor's" appeal, returning one case to the trial court. At the same time, on February 25, the "prosecutor" filed the same charges against Mearakishvili in the other case in which the "supreme court" had acquitted Mearakishvili. In September, Mearakishvili reported she had been without electricity since September 16, in what she characterized as an act of retribution by Akhalkalaki "prosecutor" Alan Kulumbegov. Prior to the cut-off of her electricity, she reportedly complained to the de facto "prosecutor general's office" that Kulumbegov repeatedly sought to blackmail her.

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

The law 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

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Department of the Ministry of Internal Affairs trained officers on hate crimes.

The Public Defender's Office reported 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 office reported that violence against LGBTI individuals, whether in the family or in public spaces, was a serious problem and that the government was unable to respond to this challenge.

LGBTI organizations, NGOs, and the Public Defender's Office reported 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.

Starting in May and continuing through the summer, there were numerous vandalism attacks and anti-LGBTI demonstrations at the Tbilisi Pride office. On May 26, a flag was stolen from the office of Tbilisi Pride. As of year's end, an investigation was underway. On June 7, black paint and eggs were thrown at the Tbilisi Pride's office and at the flag displayed on the office's balcony. The Tbilisi City Court found four persons in violation of the administrative law; three were verbally warned, and one received a fine of 500 lari (\$150). On July 21-22, painted eggs were thrown at the flag displayed on the office's balcony and into the building's entrance. The investigation continued at year's end. On August 3, painted eggs were again thrown at the pride flag on the office's balcony. The case was pending at year's end. During an October meeting with the Public Defender's Office, LGBTI organizations expressed frustration that only the attackers were investigated and none of the organizers behind the attacks had been investigated or charged. LGBTI organizations claimed that persons who were charged were only pawns organized and paid by Levan Vasadze and other prominent anti-LGBTI figures.

As of December the Public Defender's Office had received six complaints of discrimination on the basis of sexual orientation and gender identity. One of the complaints was from a transgender woman in prison who claimed she was unable

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to receive the medication required for her hormonal treatment. In another case, the claimant alleged being threatened due to the claimant's sexual orientation but police did not respond appropriately. In the third case, the claimant alleged being physically attacked and injured on the head by a man not known to the victim. An NGO lawyer told the Ministry of Internal Affairs that, due to the low trust among LGBTI individuals in local law enforcement organizations, the victim appealed to the Public Defender's Office to monitor the investigation process.

In June 2019 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. As of year's end, the case remained on trial at Batumi City Court.

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.

As of December the Public Defender's Office had received one claim involving discrimination against HIV/AIDS-positive persons. The claimant alleged that a representative of the Patriarchy of the Georgian Orthodox Church encouraged discrimination by providing incorrect information on the spread of HIV/AIDS on television.

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. According to the law, if a trade union or a group of employees

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initiates negotiations for the conclusion of a collective agreement, employers shall negotiate in good faith. The parties should provide each other with information relevant to the issues being discussed during negotiations.

Although the law provides for the rights to freedom of association and collective bargaining, employers did not always negotiate in good faith. Employers' obligations to participate in mediation are not clearly defined by law or practice. This was illustrated by a collective bargaining process that deadlocked at the Adjara Public Broadcaster. On March 2, an alternative trade union established within the company notified the broadcaster that it was commencing a collective labor dispute for the purposes of safeguarding the editorial independence and labor rights of the employees. Among other procedural problems, the ineffectiveness of mediation was due to the fact that the employer effectively refused to participate in the process.

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 involved in "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 businesses and services, such as municipal cleaning departments; natural gas transportation and distribution facilities; and oil and gas production, preparation, refining and processing facilities.

The government did not effectively enforce laws that protect freedom of association and prohibit antiunion discrimination. Penalties were not commensurate with those under other laws involving the denial of other civil rights. Remedies to address arbitrary dismissal and legal disputes regarding labor rights were subject to lengthy delays. Employees who believe they were wrongfully terminated must file a complaint in a local court within one month of their termination.

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Labor organizations reported employers' obligations to participate in mediation were unclear, and some refused to participate. On March 2, an alternative trade union of workers at Adjara Public Broadcaster formally sought mediation to safeguard their editorial independence and other issues. The employer effectively refused to participate in the process, preventing the employees from addressing their concerns by these means.

In September parliament adopted amendments to the labor code to protect labor and employee rights and a new law on labor inspection that defines basic principles, authority, and power of inspection and the rights and obligations of the Labor Inspection Service.

Workers generally exercised their right to strike in accordance with the law but at times faced management retribution. In November, Georgian House Ltd (Delisia) fired approximately 20 employees and docked the pay of others following their participation in a strike demanding unpaid wages. Some employers interfered with unions. The Georgian Trade Union Confederation (GTUC) reported the influence of employer-sponsored "yellow" unions in the Georgian Post and Georgian Railways impeded the ability of independent unions to operate. GTUC also reported widespread instances of harassment in both the public and private sectors based on union affiliation, notably in the railway and postal services.

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 commensurate with those for other serious crimes. The low number of investigations into forced or compulsory labor, however, offset the effect of strong penalties.

The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs reported it found no cases of forced or compulsory labor during the year, although GTUC claimed this was because the Labor Inspectorate 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

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Ministry of Justice, Ministry of Internal Affairs, and 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.

The law prohibits children from engaging in harmful activities, such as employment in hazardous work, and forms of exploitation of children, including forced child labor and commercial sexual exploitation. The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs reported that it found one case of child labor law violations during the year, and two other cases were referred to the Ministry of Internal Affairs. The government effectively enforced the law, but some child labor persisted undetected. Experts reported minors were employed in the service, construction, agriculture, and tourism sectors. The penalties for violations of child labor laws were commensurate with those for other serious crimes.

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. In most cases, authorities did not consider this work as abusive or categorize it 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 in distant pastures for six to nine months a year, so their

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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 2018 UNICEF reported that 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 labor code prohibits discrimination in employment due to race; skin color; language, ethnicity, or social status; nationality, origin, or position; place of residence; age; sex, sexual orientation, or marital status; disability; religious, public, political or other affiliation, including affiliation with trade unions; political or other opinions; or other reasons. It does not specifically prohibit discrimination based on HIV or other communicable disease status or social origin. The law further stipulates that discrimination be 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 law requires that the principle of equal treatment should apply to labor and precontractual relations. In May 2019 parliament amended the law to define sexual harassment as a form of discrimination and strengthen regulations against it. By law a person may report sexual harassment in a public space to police for investigation. Cases of sexual harassment in the workplace are submitted to the public defender for investigation.

In July parliament passed a law on supporting employment that prohibits all forms of discrimination in the process of supporting employment, unless unequal treatment serves to equalize the employment opportunities of jobseekers and is a proportionate and necessary means of achieving that goal.

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The government only sometimes effectively enforced these laws, due to the lack of a fully functioning labor inspectorate. Penalties, when enforced, were not commensurate with those provided by similar laws related to civil rights.

Discrimination in the workplace was widespread. 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. At job interviews women often were asked specific questions on marital status, family planning, and household responsibilities. Women were frequently paid less than men for the same work and were less likely to receive promotion opportunities. In addition, vacancy announcements often included age requirements as preconditions to apply for a particular position, despite laws that prohibit discriminatory wording in job announcements. Through August, seven cases were referred to the public defender.

While the law provides for equality in the labor market, NGOs and the Ministry of Internally Displaced Persons from the Occupied Territories, 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, Azeri, and 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

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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. Pregnant women or women who have recently given birth may not be required to work overtime without their consent. Minors between ages 16 and 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 not commensurate with those for other similar crimes, although they were set to increase under legislation scheduled to go into force on January 1, 2021.

Under the law the Labor Inspectorate has a mandate to inspect for occupational safety and health in all sectors of the economy and may make unannounced inspections and initiate penalties. The government effectively enforced the law, and penalties for violations were commensurate with those for other similar crimes, but the number of inspectors was insufficient to enforce compliance fully. During the year the inspectorate was responsible for reviewing and enforcing compliance with COVID-19 safety regulations, and most of its inspections were to enforce those regulations.

The COVID-19 pandemic significantly affected employment and labor relations. According to GTUC, pandemic restrictions had a significant economic impact on the tourism, retail, and transport sectors and also affected the construction, real estate, leisure, and entertainment sectors.

Employer abuses 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 their health or safety would be cause for the employers not to renew their contracts. The Human Rights Education and Monitoring Center reported that, considering the difficulty of finding a new

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job as well as a lack of adequate social protection mechanisms in the country, workers were reluctant to be vocal about improper and even hazardous working conditions due to fear they would lose their jobs. This situation was particularly acute in some industrial towns where the local population was dependent on a single business operation. The COVID-19 pandemic aggravated the situation, putting employees in precarious positions due to their social insecurity and inability to demand adequate working conditions.

Conditions for migrant workers were generally unregulated. While the government did not keep specific statistics on migrant laborers in the country, the Public Services Development Agency may issue up to 5,000 residence permits annually to migrant workers.

More than 35 percent of nonagricultural workers worked in the informal sector. Labor laws do not cover workers performing work outside of “organized labor conditions,” as most informal employment arrangements do not include employment contracts and thus many informal workers were not protected by the law. NGOs reported informal-sector workers were vulnerable to exploitation. These workers also tended to be the most affected by COVID-19 pandemic restrictions.

Human Rights Watch reported that, according to the Georgian Trade Union Confederation, 22 workers died and 110 were injured in work-related accidents through September. The mining and construction sectors remained especially dangerous, with reports of injuries, sleep deprivation, and unregulated work hours.