

# GEORGIA 2022 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. The president is popularly elected; however, starting with the next presidential election, the president will be chosen by an electoral college comprising all members of parliament, members of the high councils of the autonomous republics, and city council representatives. The country held two rounds of parliamentary elections in 2020. In its final report, the Organization for Security and Cooperation in Europe stated the first round of parliamentary 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 organization did not observe the runoff elections.

The Ministry of Internal Affairs and the State Security Service 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 Coast Guard. The State Security Service is the internal intelligence service responsible for counterintelligence, counterterrorism, and anticorruption efforts. There were indications that at times government officials did not maintain exclusive control of domestic security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or inhuman, cruel, or degrading treatment; arbitrary arrest or incarcerations; serious problems with the independence of the judiciary, along with investigations and prosecutions widely considered to be politically motivated; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media, including violence and threats of violence against journalists; substantial interference with the freedom of peaceful assembly and freedom of association; refoulement; and

crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons and activists.

The government took steps to investigate some officials for human rights abuses, but impunity remained a problem. The government's failure to credibly investigate and prosecute the organizers of July 2021 violence in advance of the Pride March resulted in impunity for those abuses. Lack of accountability also continued for the inappropriate police use of force against journalists and protesters during June 2019 demonstrations and the 2017 abduction and rendition from the country 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 cessation of hostilities from 2008 remained in effect, but Russian guards restricted the movement of local populations. Significant human rights issues in the regions included credible reports of unlawful detentions; restrictions on movement, especially of ethnic Georgians; and restrictions on the ability of ethnic Georgians to own property or register businesses and to receive education in their native language. 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 there. 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 continued, 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**

### **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 Special Investigation Service (SIS) investigates whether security force killings were justifiable, and the Prosecutor General's Office pursues prosecutions of these cases.

During the year, there was one report of a possible arbitrary or unlawful death in occupied South Ossetia. Gennady Bestaev, a Georgian citizen, was illegally arrested by the de facto regime for crossing the border and sentenced by the de facto court of Tskhinvali to three years in prison in November 2019. He died on February 16 after being released from prison in November 2021 following a stroke.

## **b. Disappearance**

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

The case of Azerbaijani freelance journalist and activist Afgan Mukhtarli received new attention on July 26, when former deputy head of the State Security Service Ioseb Gogashvili released a statement while in detention. In his statement, he alleged that Georgian Dream founder Bidzina Ivanishvili had ordered Mukhtarli's 2017 kidnapping. Later that day, Mukhtarli called on the government to interview Gogashvili in the context of the investigation into his case. Mukhtarli had returned to the country in April 2021 to provide testimony to the Prosecutor General's Office in connection with his reported 2017 abduction and forced rendition to Azerbaijan. The Prosecutor General's Office acknowledged a crime had been committed against him and conferred "victim status" to him in 2021. In an April 2021 interview with *Meydan TV*, Mukhtarli asserted that government bodies, including the Ministry of Internal Affairs and the State Security Service, had cooperated with Azerbaijan's State Border Service and State Security Service in his abduction. Following Mukhtarli's March 2020 release from Azerbaijani prison, he moved to Germany, where he resided with his family. In the absence of accountability, concerns continued regarding impunity for government officials in connection with the Mukhtarli case.

More than 2,300 individuals remained missing following the 1992-93 war in Abkhazia and the 2008 Russian invasion, according to the International Committee of the Red Cross. There was no progress into the 2008 disappearances of ethnic Ossetians Alan Khachirov, Alan Khugaev, and Soltan Pliev, and the cases remained unresolved.

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

## **Punishment, and Other Related Abuses**

While the constitution and law prohibit such practices, there were reports government officials employed them. The public defender's report for 2021, published in April 2022, noted that while the SIS's investigations into crimes committed by law enforcement officers were effective in 2021, the Prosecutor's Office refused to prosecute the cases, seemingly in an effort to cover up crimes by government officials. The report also noted isolated incidents of alleged physical violence against prisoners by the staff of closed prison facilities and some incidents of what the report termed "psychological violence," including verbal abuse of prisoners by prison staff in such facilities for going on a hunger strike, lodging complaints against the staff, or telephoning the Public Defender's Office (PDO).

The report termed the incidents of physical and psychological violence by police against persons in custody to be mistreatment. According to the report, there was a total of 495 mistreatment allegations. Detainees alleged that the use of excessive force and physical and psychological violence by law enforcement officials were particularly problematic in cases of administrative arrests. Bodily injuries inflicted either during or after arrest in administrative cases featured in 26 percent of the 495 allegations, down from 34.3 percent in 2020 but up from 12.8 percent in 2016.

During the year, the public defender repeatedly urged authorities to provide timely and appropriate medical treatment for detained former President Mikheil Saakashvili. The public defender issued several statements urging authorities to implement the recommendations of a team of medical doctors who examined Saakashvili in 2021. On March 11, the public defender noted that, "According to the standard set by the European Court of Human Rights, the lack of timely, full, and adequate treatment, accurate diagnosis, and proper medical care may equate to a violation of Article 3 of the Convention on Human Rights, which pertains to torture, inhuman and/or degrading treatment." On May 4, she reported, "The patient's condition is considered to have deteriorated significantly, and timely provision of qualified medical care is crucial." On December 6, the PDO reported the independent team of medical experts had again examined Saakashvili, assessed that his health had "deteriorated sharply" since they last examined him in late April, and considered his condition as "severe." The PDO also reported the experts' conclusion that despite having undergone all treatment available in the

country, his condition was “rapidly deteriorating.”

Prior to his return to the country in October 2021, Saakashvili was tried in absentia and convicted on various charges, including abuse of power for ordering a physical assault on a former member of parliament (see the 2018 *Country Report on Human Rights Practices* for Georgia).

Following a December 2021 parliamentary vote, the SIS was abolished in March. In its place, two separate agencies to investigate abuse of power by law enforcement officials and to protect personal data were established. In contrast to the previous mandate to investigate all law enforcement equally, the law does not authorize the new investigative agency to investigate certain crimes committed by prosecutors, such as murder and bodily harm. As part of the reorganization, the state inspector was removed from office in March, despite the fact that she had three years remaining in her constitutionally mandated term. Ruling Georgian Dream party members of parliament expedited the December 2021 vote by introducing the legislation and holding all three readings on it in less than a week, without consultation with key stakeholders and in the face of strong domestic and international criticism.

In the days leading up to Parliament’s actions, the SIS had been investigating alleged inhuman treatment of former President Saakashvili during his forced November 2021 transfer from the Rustavi prison to the Gldani penitentiary clinic. The SIS had recently stated that the Justice Ministry and the Special Penitentiary Service violated the data protection law by releasing several controversial videos of Saakashvili’s transfer. In a February 18 report, the Organization for Security and Cooperation in Europe’s (OSCE) Office for Democracy Institutions and Human Rights criticized the process by which the new laws were adopted without consultation. The report also raised concern that the legal changes could affect “protection from serious human rights abuses by law enforcement officials, reducing the state’s ability to effectively investigate allegations of torture, ill-treatment and deaths in custody, including through undermining the independence of the institution of the State Inspector’s Service and the expansion of its mandate to cover a broad range of crimes outside of its originally envisaged purpose.”

In November the Constitutional Court partially satisfied the legal claim of the

former state inspector that she was improperly removed from her position. The Constitutional Court determined that the unconditional dismissal of the state inspector and her deputies elected with a guaranteed term of office, without offering an adequate, equivalent position or fair compensation, could not meet the constitutional standards of protection of the right to unhindered public service activities. A number of experts expressed concern the Court's ruling – finding the dismissal of the inspector and her deputies would have been constitutional had it been accompanied by fair compensation – set a precedent that could be used to remove other senior public officials seeking to perform their professional duties independently.

In January, two police officers were arrested in connection with the beating of a minor with a disability at a police office at the subway station in Tbilisi. One of the officers was charged with beating the minor. In July he was found guilty of inhuman treatment of a minor using official powers and sentenced to five years in prison. A judge convicted the other officer, who witnessed the beating, of abusing official powers and sentenced him to a one-year conditional prison term.

As of year's end, several former officials remained on trial in absentia at Tbilisi City Court in various cases of torture and other crimes allegedly committed under the former government. The officials included former Deputy Chief of the General Staff Giorgi Kalandadze; former Deputy Culture Minister Giorgi Udesiani; and former Director of the Gldani No. 8 Prison Aleksandre Mukhadze. The cases remained pending.

The State Security Service of Georgia (SSSG) reported that in May de facto authorities in Russian-occupied South Ossetia sentenced Georgian citizen Mamuka Chkhikvadze to five and a half years in prison. Chkhikvadze had been detained by Russian forces near the occupation line in December 2021 and beaten in a Tskhinvali prison. In December 2021 the European Court of Human Rights (ECHR) instructed the Russian Federation, as a party exercising effective control over the occupied territories, to provide information on Chkhikvadze's condition by January 4. On May 4, the Council of Europe's Committee of Ministers reiterated their call for Russia to release immediately Chkhikvadze and all other illegal detainees.

## **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** According to the PDO report for 2021, overcrowding remained a problem and Prisons Nos. 2 and 8 continued to house together pretrial and convicted inmates. As in previous years, the problem of long-term isolation of prisoners and placement in de-escalation rooms and solitary confinement cells was highlighted in multiple “prison visit” reports as well as in the annual report of the public defender’s National Preventive Mechanism (NPM), the PDO’s 2021 report, and the Council of Europe’s Committee for the Prevention of Torture’s (CPT) 2018 and May 2021 reports. There were reports that inmates with mental health issues and juveniles were confined for extended periods in de-escalation rooms; in some cases, inmates claimed to have been handcuffed. According to the PDO and the CPT, de-escalation rooms and solitary confinement cells were used as punishment, and the PDO termed their use as cruel, inhuman, and degrading treatment.

The Justice Ministry’s General Inspector’s Office reported an increase in inmate-on-inmate violence, which in most cases was believed to be underreported and inadequately investigated. According to the General Inspector’s Office, 509 cases of inmate injuries resulting from violence among prisoners occurred in 2021, compared with 465 in 2020. CPT and NPM reports continued to identify informal management of prisons by “influential inmates” (“watchers”), a problem that affected primarily semi-open facilities. The PDO reported that such informal control by influential inmates “often leads to interprisoner violence and bullying” and that “watchers” controlled prisoners’ access to clothing, food, medicine, and packages sent from their families. Some prisoners victimized by “watchers” requested transfer to high-risk prisons or self-isolation to escape abuse, increasing risks of mental health problems among the prison population.

Lack of fresh air and activities remained issues at closed institutions. Inmates in “closed” prisons (Prisons Nos. 2 and 8) and high-risk institutions (Prisons Nos. 3

and 6) were confined to their cells for 23 hours a day, with limited or no access to rehabilitation or resocialization services. Long-term confinement had a negative effect on inmates' mental health – with a larger impact on those with existing mental health conditions. The PDO's annual report for 2021 stated that toilets in temporary detention isolators containing two or more individuals were not screened, that there was an open sewer hole rather than a flushing system, and that prolonged placement of detainees in such conditions may constitute degrading treatment. The report also noted that sanitary and hygienic conditions were poor at Prison No. 17 and that most prisoners there were not provided with adequate living space.

While the Ministry of Justice maintained a special medical unit for prisoners with disabilities, the PDO reported that prisons and temporary detention centers lacked such services. Mental health care remained inadequate within the penitentiary system. Initial screenings of prisoners' mental health using a specialized instrument that previously only occurred at Prisons Nos. 2 and 8 under a pilot project supported by the Council of Europe were integrated into the ambulatory medical file of inmates. The system lacked qualified numbers of social workers, psychologists, psychiatrists, and medical staff. Timely referral of inmates for specialized medical care was lacking and performed only in emergencies. The PDO's annual report for 2021 stated that patients in psychiatric institutions remained subject to "frequent and vicious" application of physical and chemical restraint. The report also described the living conditions of such patients as constituting ill-treatment.

**Administration:** Obstacles continued to deter inmates from reporting complaints and abuse, including intimidation, distrust of the outcome, lack of staff confidentiality, and location of complaint boxes. According to the NPM's 2021 annual report, complaints to the PDO about prison staff abuse fell from 57 in 2020 to 36 in 2021. The PDO again attributed this low number of complaints to intimidation via the informal "watcher" system. Instead of writing a complaint, inmates appealed to "influential prisoners" to solve their problems. Prisoners indicated that following their complaints, including appeals to the public defender, they were subjected to retaliation in the form of physical violence, systematic verbal abuse, and threats by penitentiary officials of worsened conditions and



increased sentences.

Staffing levels of between one and four security officers to more than 100 inmates were inadequate at semi-open facilities and created an insecure environment for both inmates and administration.

During the fall of 2021 and into 2022, inmate visitation and programming gradually resumed, returning to prepandemic levels by mid-2022.

**Independent Monitoring:** The government permitted independent monitoring of prison conditions by international prison monitoring organizations, including the CPT, NPM, and some local and international human rights groups. The CPT completed an ad hoc visit in May 2021. NPM completed 29 preventive visits in 2021, conducting interviews with up to 600 inmates.

**Improvements:** As of year's end, a total of 286 inmates had been released from penal establishments under the provisions of a 2021 amnesty law.

#### **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 selective or 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. The Georgian Young Lawyers' Association (GYLA) noted the law did not explicitly specify the role and powers of a judge in reviewing the lawfulness of arrests and that courts often failed to examine the factual circumstances of the detention.

Upon arrest a detainee must be advised of his or her legal rights. Any statement made after arrest but before a detainee is advised of his or her rights is inadmissible

in court. The arresting officer must immediately take a detainee to the nearest police station and record the arrest, providing a copy to the detainee and his or her attorney. The PDO reported, however, 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. The PDO also highlighted shortcomings in informing those arrested about their rights, ensuring their timely access to a lawyer, and informing their families. 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 24 hours after detention. Violating these time limits results in the immediate release of the person.

In April 2021 Parliament amended the code of administrative violations to increase the legal requirement for first appearance in court from 12 hours to 24 hours, which can be extended for another 24 hours.

Civil society organizations expressed concern that the amendments contained provisions lengthening the minimum administrative detention period and raising the fines for petty hooliganism and disobedience of police orders, the two charges most frequently used against protesters and others engaged in civil disobedience. GYLA reported excessive and unjustified use of the maximum 48 hours detention term without adequate judicial oversight following the amendments.

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

Detainees have the right to request immediate access to a lawyer of their choice and the right to refuse to make a statement in the absence of counsel. An indigent defendant charged with a crime has the right to counsel appointed at public expense. As a result of government income requirements, however, many low-income defendants were ineligible for government aid and could not afford counsel during critical stages of criminal proceedings, reportedly including during the first 24 hours after arrest. The public defender noted that the law allows limiting a detainee's telephone communication with counsel. 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 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. 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.” In its report for 2020, the PDO stated that police continued to summon individuals as “witnesses” and later arrested them. According to the office, police used “involuntary interviews” of subjects, often in police cars or at police stations. The office also noted 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 hold individuals for up to 15 days without the right to an effective defense, defined evidentiary standard of guilt, or the right to a meaningful appeal.

**Arbitrary Arrest:** Reports of arbitrary detentions continued.

For example, the PDO reported that, as in previous years, law enforcement officials actively resorted to administrative detention of demonstrators, which in many cases did not meet the requirements of necessity and took the form of unjustified interference with freedom of assembly.

Based on the monitoring of seven protests held between April and June, the Human Rights Center (HRC) reported that “law enforcement officers continued to use the mechanisms provided by the Code of Administrative Offenses against protesters, in violation of the right to assemblies and manifestations, mainly in order to discredit and intimidate them and inflict harm on the protest actions.” The demonstrators were mainly arrested under the articles of petty hooliganism and disobedience of a lawful order of a police officer. The report stated the majority of these protests were peaceful and, in any event, the risk of wrongdoing by protesters did not reach the threshold of imminence.

In October 2020, authorities arrested two former members of the government’s

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 on the state border with Azerbaijan. Defendants were initially remanded to pretrial detention that was replaced by bail after almost four months of detention. Georgian NGOs and political opposition contacts described the "cartographers' case" as politically motivated, highlighting the timing of the investigation in the pre-election period. Partisan statements by senior ruling party officials linking the case to the 2020 elections reinforced these concerns. In its annual report released in April, the PDO stated the case had political or other illegal motives.

There were frequent reports of detentions of Georgians along the administrative boundary lines (ABL) of both the Russian-occupied regions of Abkhazia and South Ossetia. Several individuals remained in detention, including those who were detained in previous years.

#### **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 on cases involving politically sensitive subjects or individuals.

The PDO, the nongovernmental 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 (HCOJ) 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, well-connected, and nonreformist judges as the "clan." Other problems they highlighted included the impact of the HCOJ'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 HCOJ's appointments of judges and court chairpersons. In analyzing four waves of judicial reform and other changes in the law since 2013, civil society stakeholders agreed that the reforms were ineffective due to the lack

of political will to foster an independent judiciary, since a large majority of positive changes in the law remained unimplemented or only partially implemented.

On June 23, the EU imposed 12 conditions for Georgia to implement before receiving candidate status, one of which was reform to foster an independent, accountable, and impartial judiciary. In response, Parliament on October 3 released a judicial reform strategy and action plan, and on November 14 initiated amendments to the Law on Common Courts. The Coalition for an Independent and Transparent Judiciary stated that the judicial action plan and proposed amendments failed to address the main problems in the judicial system such as the concentration of power and informal, clan-based influence in the system. According to the Coalition, the justice reform strategy did not provide a unified picture of the challenges in the judiciary or the problems in legislation and practice. According to GYLA, the amendments to the Law on Common Courts did not comply with the recommendations of the EU and international partners, as well as local NGOs. GYLA reported that the proposed changes to the Law on Common Courts did not serve to improve the justice system and described the process as “another missed opportunity for substantial changes in the justice system.”

On June 20, the Venice Commission published its assessment of December 2021 amendments to the Law on Common Courts. While noting that the formal accelerated legislative procedure appeared to have been respected, the Venice Commission regretted that the adoption of the amendments was done with excessive haste, lacked transparency as to its motives and aims, and was conducted without inclusive and effective consultations. The Venice Commission stressed that the following combined factors may create a chilling effect on judges’ freedom of expression and independence within the judiciary: the rushed adoption of the amendments, increased powers permitting the High Council of Justice to transfer judges without their consent, and the new and vague grounds for disciplinary misconduct and for the suspension of a judge’s salary in the case of a disciplinary investigation.

The independence of individual judges remained compromised through levers primarily within the judiciary by an influential group of judges pejoratively referred to as the “clan,” on behalf of the authorities. Such levers included

problematic selection, appointment, and disciplinary processes; promotion processes; the lack of authority of individual courts to select their court chairs; manipulation of the randomized case assignment process; transferring judges from one court to another; instructions on how to rule in specific court cases; and pressure. During the year, some former judges publicly stated they had faced pressure from senior judges to rule a particular way in specific court cases.

NGOs warned that the authority to select individual court chairs remained with the HCOJ. Judges rotated as chairs of courts or court chambers, meaning that the HCOJ entrusted the chairmanship position to a closed circle of judges. On June 27, after consultations with the Tbilisi Court of Appeals' judges, the HCOJ unanimously supported the appointment of Mikheil Chinchaladze, allegedly one of the key figures of the informal influential group of so-called clan judges as the court chairman for a second term. According to the Coalition for an Independent and Transparent Judiciary, "The High Council of Justice's decision further deepens the problem of internal influences and clan-based governance in the judiciary. It undermines public trust towards judicial independence and damages the crucial process of Georgia's European integration."

A lack of transparency in the court system also undermined public trust in the judiciary. Access to court decisions remained restricted since courts ceased publishing decisions in 2020. A 2019 Constitutional Court ruling obliged Parliament to provide public access to court decisions by the standards established by the Court.

In addition, there were credible allegations that some influential "clan" members were corrupt. For example, on August 6, news outlet *Studio Monitor* released a report online titled *The Hidden Wealth of Leaders of the Judicial Clan*. On August 7, *Studio Monitor* published a report online by the Organized Crime and Corruption Reporting Project, titled *Unexplained Wealth of Top Georgian Judge Highlights Obstacles Along Country's Path to Europe*. According to the reports, some of the country's most influential judges either failed to fully declare all assets or declared assets that significantly exceeded their declared income.

## **Trial Procedures**

The constitution and law provide for the right to a fair and public trial. The PDO reported numerous violations of the right to a fair trial, and NGOs noted this right was not enforced in some high-profile, politically sensitive cases. NGOs reported courts were inconsistent in their approaches to closing hearings to the public and at times did not provide an explanation for holding a closed hearing. The code on administrative offenses does not provide the necessary due-process provisions, especially when dealing with violations that could result in a defendant's loss of liberty.

The PDO, local civil society and international human rights organizations harshly criticized the May 16 Tbilisi City Court decision to sentence Nika Gvaramia, director of the main opposition-leaning TV channel, to three and a half years in prison for abuse of power and harming the financial interests of the Rustavi 2 TV channel when he headed it. According to NGO Amnesty International, Gvaramia's conviction exposed "the government's growing influence over the courts in a number of cases aimed at muzzling their critics and opponents." The PDO and NGOs described the case as political prosecution. On November 2, the Tbilisi Court of Appeals upheld the lower court's May ruling. In their assessments, the PDO and NGOs raised concerns regarding various legal deficiencies and called the judgments of both courts unsubstantiated. According to the PDO, "we identified the violation of various components of the right to a fair trial in the case of Nika Gvaramia." NGOs also raised the issue of the conflict of interest of the trial judge, Lasha Chkhikvadze, given his friendship with the Commercial Director of Rustavi 2 TV channel. The law allows for trial in absentia in certain cases where the defendant has left the country.

Defendants have the right to an attorney at public expense if they are indigent, but many defendants and their attorneys did not have adequate time and facilities to prepare a defense. According to GYLA's *Criminal Trial Monitoring Report* covering the period of March 2021 to September 2022, in 92 percent of cases, defendants were represented by lawyers during trials. Lawyers appointed by the state represented 18 percent of the cases. According to the PDO report for 2021 published in April, the rate of involvement of defense lawyers during the first 24 hours of an arrest decreased significantly from 45 percent in 2020 to 17.4 percent

in 2021. The PDO reported that arrested individuals often complained that the penitentiary obstructed their communication with lawyers.

Prolonged criminal court hearings remained a significant shortcoming. In its annual report for 2021, the PDO highlighted that criminal cases were often delayed, going unreasonably beyond the terms determined by legislation, particularly in appeals courts and in administrative cases appealed by prisoners. GYLA reported that 333 (39 percent) of the main court hearings monitored by GYLA between March 2021 and September 2022 were postponed. The main reasons for postponements were negotiations of plea agreements (79 cases, 24 percent of the total); the absence of the prosecutor's witnesses (71 cases, 21 percent); and the absence of the defendants (73 cases, 22 percent), which was mainly due to the lack of escort officers or technical shortcomings during remote court trials.

The related cases of founding Millennium Challenge Fund Georgia CEO Lasha Shanidze, and Shanidze's father Shalva were among those that had been deliberated for years. After appealing to the Supreme Court in November 2021, the Court declined to hear Lasha's appeal on May 10. At year's end, the Supreme Court's response to Shalva's appeal remained pending.

The PDO in its 2021 annual report stated hearings to determine whether a case has enough merit for full consideration in criminal proceedings were often conducted unreasonably beyond the legally established time frames. As for delays in reviewing civil and administrative cases, the report noted that 61.5 percent of incoming complaints registered by the Civil Chamber of Tbilisi Court of Appeal and 35 percent of complaints in the Kutaisi Appeals Court in the first nine months of 2021 were not decided by the court within the legally required time frames.

Court Watch reported that the main cause of the delays was an insufficient number of judges. As a result of the backlog, most judges failed to comply with statutory terms for case review, which could be subject to judicial discipline, thus allegedly making the judges vulnerable to additional pressure. NGOs reported that the HCOJ periodically announced competitions to fill judicial vacancies but stated they were unable to fill the positions due to a shortage of qualified applicants. NGOs claimed that the HCOJ was responsible for the shortage, to hinder the influx



of new candidates into the system.

The PDO, civil society, and the international community recognized the administrative code lacked some due process provisions, since the law allows for those found guilty of certain administrative offenses to be punished with imprisonment without the due process provisions afforded to defendants charged under the criminal code. NGOs noted that lack of due process guarantees and a low standard of proof for using administrative imprisonment created a risk of abuse of police discretion and selective use of administrative offenses. GYLA reported a significant increase in the use of administrative imprisonment compared with the previous year and routine use of the maximum 48-hour administrative detention period after Parliament adopted amendments to the administrative code lengthening the permissible period of detention. The NGO also noted that civil society and legal assistance organizations were not notified when a protester was detained under the administrative code, creating an ad hoc system where some defendants received legal representation only by chance if a civil society representative happened to be in the court that day and could offer it.

GYLA reported weak judicial oversight over plea agreements, referencing the courts' approval of almost all motions for plea agreements submitted by prosecutors. GYLA noted that the courts did not fully explain to defendants their rights at the plea hearings and often did not inquire into possible violations of defendants' rights by law enforcement officers. GYLA claimed courts devoted insufficient time to plea agreement hearings, did not review the factual circumstances of the case, the reasonableness of the plea agreements, or the fairness and lawfulness of the proposed sentences. The number of criminal cases resolved by a plea bargain increased from 65.9 percent in 2021 to 70.9 percent for the year.

## **Political Prisoners and Detainees**

NGOs and opposition parties stated the government held political prisoners and detainees.

The PDO, NGOs, opposition parties, and international groups including Amnesty International and the Committee to Protect Journalists criticized the May 16 prison

sentence of Nika Gvaramia, head of opposition-leaning TV channel *Mtavari Arkhi* as politically motivated (see Trial Procedures and section 2.a.).

Opposition party members considered former President Mikheil Saakashvili to be a political detainee (see section 1.c.).

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.

During the first six months of the year, 48 cases had been filed against the country at the ECHR, compared with 120 cases in all of 2021. According to the Justice Ministry, since 2012 a total of 86 such cases were resolved with a settlement between parties, and 43 cases with the government's acknowledgement of a violation.

### **Property Seizure and 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 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 the right of inheritance.

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

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

The constitution and law prohibit such actions; however, 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. Civil society, journalists, and the international community raised concerns regarding the SSSG’s secret surveillance system, its lack of political neutrality, and weak oversight.

On September 6, Parliament passed controversial amendments that expanded the government’s ability to conduct covert investigative measures, overriding a presidential veto, despite concerns raised from the Venice Commission and others. The amendments included provisions extending the maximum surveillance period from six to nine months and for an indefinite period for over 70 selected crimes, authorizing surveillance for an additional 27 crimes, and permitting surveillance of an individual without notification for years.

Concerns continued during the year regarding alleged illegal surveillance. On July 13, *Maestro TV* released a recording of a discussion within opposition media outlet *Mtavari Arkhi*, whose director confirmed the authenticity of the recording while stating it appeared to have been edited. *TV Pirveli* released materials on September 17 that appeared to reveal extensive surveillance by the SSSG of several opposition parties. Photos of two agents surveilling an ambassador also were released.

Concerns also continued regarding a lack of accountability for previous instances of alleged illegal surveillance. On May 18, for example, five leading watchdog organizations criticized the Tbilisi Prosecutor’s Office for ineffectively

investigating credible reports in August and September 2021 of alleged illegal surveillance by the SSSG. In their joint statement, the organizations noted that the content of the conversations had been confirmed by a number of the subjects of the surveillance. They concluded that the SSSG “is not motivated by the interest of investigating the alleged systematic crime, identifying the criminals and punishing them.” On June 8, then EU Ambassador to Georgia Carl Hartzell called on the authorities to inform the diplomatic community “of the results of the promised investigation into the reported massive wiretapping of Georgian and foreign citizens, as revealed in September 2021.”

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media; however, during the year journalists, NGOs, and the international community raised serious concerns regarding the government’s respect for freedom of expression. These concerns focused on the conviction of the head of an opposition-leaning media outlet, the worsening environment for media pluralism, and insufficient accountability for violence against journalists that took place in July 2021. In addition, the PDO noted in its April report covering 2021 that the country lacked proper statistics on offenses committed against journalists, which impeded awareness of the scale of the problem.

**Freedom of Expression:** Journalists, NGOs, and the international community raised serious concerns regarding the government’s respect for freedom of expression. Developments during the year included the May 16 prison sentencing of the country’s highest rated opposition-leaning TV station *Mtavari Arkhi* head Nika Gvaramia (see section 1.e.). On May 17, Amnesty International described his three-and-one-half-year sentence as “a blatant act of politically motivated prosecution in retaliation of his dissenting views and criticism of the authorities.” Amnesty International also stated Gvaramia’s conviction highlighted “mounting concerns over declining media freedom in Georgia.” On May 18, 42 domestic organizations stated, “the imprisonment of Nika Gvaramia is perceived as a

warning and threat to other independent media outlets to stop critical coverage of the government's performance, to cease watchdog activities, and to refrain from the disclosure of facts that are undesirable to the government.” On December 7, following the appeals court decision to uphold Gvaramia's sentence, the PDO stated that “political motivation is clear” in the case and Article 18 of the European Convention on Human Rights was violated.

The PDO, some media watchers, NGOs, and opposition parties expressed suspicion that a number of other criminal prosecutions against critical media outlets or their owners also were politically motivated. Such prosecutions included the 2019 charging of Avtandil Tsereteli, the father of *TV Pirveli*'s founder, for his alleged involvement in a money laundering case, along with the founder of TBC Bank and his deputy, Badri Japaridze, who were both leaders of the opposition party Lelo. In January Tbilisi City Court found the three guilty of fraud and sentenced them to seven years in prison. The court vacated the sentence due to the statute of limitations. Observers expressed concern that convicting someone of a crime past the statute of limitations and then vacating the sentence was highly unusual. On February 15, ruling party MPs voted to terminate Japaridze's parliamentary mandate based on his conviction,

In August the Georgian National Communications Commission (GNCC), in response to a ruling party appeal, fined *Mtavari Arkhi* 118,688 Georgian lari (GEL) (\$42,300) and issued warnings to critical media outlets *Formula TV* and *TV Pirveli* for airing a clip titled “Going Home to Europe,” which the GNCC considered a political ad that could only be aired during a pre-election period. The video featured some current and former Georgian Dream members in a photo collage with President Putin and called for the public to participate in a June 24 pro-European rally. *Mtavari* noted the ad did not appear to meet the legal definition of a political ad because it did not encourage a vote for or against a candidate or an issue on a ballot. Watchdogs considered the fine “alarming” and “incompatible with the management principles of a modern, democratic state.” *Mtavari* refused to pay the fine and appealed GNCC's decision in court along with *Formula* and *TV Pirveli*.

Two court cases with freedom of expression implications remained pending. One, with the Supreme Court, involved an appeal of a March 2021 Tbilisi Court of

Appeals ruling that overturned a 2019 decision that the report by NGO Transparency International/Georgia (TI Georgia) on corruption raising concerns over judicial independence was not libelous. The second, with the Constitutional Court, involved a case regarding notary Bachana Shengelia, who was suspended from office in 2020 for comments he posted on Facebook regarding the controversial 2018 death of his mother, school principal Ia Kerzaia (see the *Country Report on Human Rights Practices* for Georgia for 2019).

A significant number of journalists reported during the year that government officials either prevented them from covering public events or did not provide them with key public information when requested. For example, on March 19, *TV Pirveli* journalist Natalia Kajaia was not allowed to enter Parliament soon after having posed critical questions to Speaker of the Parliament Shalva Papuashvili. On March 22, opposition-leaning media were not allowed to enter the National Gallery during Minister of Culture Tea Tsulukiani's official visit. In September *Business Media Group* journalist Telara Gelantia was not allowed to cover a government meeting.

**Violence and Harassment:** The number of cases of violence against journalists due to their reporting decreased compared with 2021, when more than 50 journalists were assaulted in July (see section 2.b.). According to the Media Advocacy Coalition and the Georgian Charter of Journalistic Ethics, there were 11 cases of such attacks as of December 12. Examples of such attacks included the June 30 physical assault of Vato Tsereteli, the founder and owner of *TV Pirveli*, by the chair of Parliament's Legal Committee, Anri Okhanashvili. The Prosecutor's Office launched an investigation into the incident. Okhanashvili stated he was provoked by Tsereteli, who "got the response he deserved." The Coalition for Media Advocacy expressed concern over the violent act and called on the ruling party for accountability and to end attacks on journalists.

In connection with the July 2021 violent acts against journalists in advance of a Tbilisi Pride event, 27 persons were prosecuted and convicted of different charges (see section 2.b.). Civil society, the PDO, and observers in the international community believed that the government did not adequately investigate and prosecute such violence. On April 18, TI Georgia filed a suit in Tbilisi Court on behalf of 24 journalists, alleging that the "state failed to fulfill its constitutional

duty” to protect the journalists from injury in July 2021. On November 4, the GYLA filed a complaint with the European Court of Human Rights on behalf of 16 journalists in connection with the July 2021 violence. The PDO reported December 6 the investigations into the July 2021 violence did not meet thoroughness or timeliness standards.

While violent assaults against journalists decreased compared with 2021, the number of defamation lawsuits against critical media representatives increased, according to an April TI Georgia report. TI Georgia reported 28 lawsuits against critical TV channels *Mtavari Arkhi*, *Formula*, and *TV Pirveli* since late 2021, which it described as “an alarmingly high number.” A large number of these cases were filed by ruling party members or persons close to them. TI Georgia assessed that the large number of lawsuits against critical media outlets in a short period of time “clearly point to a coordinated tendency aimed at intimidating media outlets and restricting their activities.” TI Georgia also noted a change in judicial practice in one case, which shifted the burden of proof from the plaintiff to the respondent.

The 2022 *Human Rights in Georgia* report by the Georgian Democracy Institute (GDI) highlighted a growing tendency of government representatives or persons associated with the government to initiate defamation lawsuits against media critical of the government. The report noted 32 such cases, which GDI considered aimed at discrediting critical media outlets and discouraging them from expressing critical opinions.

TI Georgia’s April report also raised concerns about efforts to freeze the personal bank accounts of critical media representatives, pending trial. The report cited as an example a lawsuit by businessman Nugzar Alugishvili against Nodar Meladze, head of the *TV Pirveli* newsroom, and Maka Andronikashvili, an investigative journalist, over a TV story Alugishvili claimed was harmful, discrediting, and defamatory. The plaintiff demanded GEL 20,000 (\$7,270) in total from Meladze, Andronikashvili, and *TV Pirveli* in compensation for moral and reputational damages and requested that their personal bank accounts be frozen pending trial. The Tbilisi City Court ruled against freezing the accounts.

Concerns continued during the year regarding alleged illegal surveillance of journalists (see section 1.f.).

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:**

Independent media were active and expressed a wide variety of views. NGOs continued to express concern regarding the close relationship between the Georgian Public Broadcaster (GPB) and Georgian National Communications Commission (GNCC) and the ruling party. In April the Media Advocacy Coalition expressed concern that Vasil Maghlaperidze's leadership of the GPB board "will damage" the broadcaster's mission of impartiality. Maghlaperidze acted as the GPB general director and was the ruling party's deputy chairman and member of its political council.

On April 29, GPB fired three journalists, "Akhali Kvira" program anchor Imeda Darsalia, Sopho Zedelashvili, and Tamta Janadze, over "false and unfounded statements made publicly." The journalists accused GPB of censoring their work. They claimed the channel had a "blacklist" of pundits GPB journalists could not interview. Darsalia said GPB officials blocked coverage of protests in Belarus and the airing of a story about the "war crimes" of the Soviet Union. On May 31, the journalists appealed the decision to the City Court. On October 21, the PDO recommended the GPB provide restitution to the journalists; however, the GPB rejected the recommendation.

On December 22, Parliament adopted amendments to the Law on Broadcasting. Media watchdogs, including Media Advocacy Coalition, criticized the amendments, stating the amendments could restrict the freedom of expression and worsen the media environment. The law expanded GNCC's supervision over media content, amended the procedure of defamation cases, shifting the burden of proof from the plaintiff to the media, and provided a vague definition of hate speech. The ruling party stated the aim of the amendments was to harmonize legislation on audiovisual media with EU standards.

Media watchdogs expressed concern that the Ministry of Defense's lawsuit against *Formula TV* majority owner and former Defense Minister Davit Kezerashvili was aimed at seizing the government-critical television station. Kezerashvili also feared that the state would eventually freeze his only asset in Georgia. On March 29, Tbilisi City Court awarded more than five million euros (\$5.8 million) to the defense ministry in compensation for Kezerashvili's alleged embezzlement during his tenure at the ministry. Kezerashvili appealed this ruling. According to *OC*



*Media*, Georgian Democracy Initiative Director Eduard Marikashvili commented November 17, “Since Kezerashvili reportedly owns no other assets in Georgia, there is a big probability that legally [freezing of assets] would be possible to enforce only through *Formula* shares and nothing else.” In a related criminal case, in September 2021, the Supreme Court convicted Kezerashvili and sentenced him to 10 years in prison in absentia, which was reduced by half based on a 2012 amnesty law. Kezerashvili filed a claim in relation to his criminal case with the European Court of Human Rights.

**Nongovernmental Impact:** There were reports of attacks on journalists by nongovernment actors. In March unidentified individuals attacked *Mtavari Arkhi*’s Zugdidi-based crew and broke their equipment outside the Alt-Info/Conservative Movement Party office. The Media Advocacy Coalition attributed this violent act to the current “hostile media environment” and urged the SIS to immediately launch an investigation. The investigation was ongoing at year’s end.

On March 2, during a trial in connection with the violent events of July 2021, *Formula TV* journalist Rati Tsverava was verbally assaulted by individuals associated with violent groups in front of the court building. *Rustavi 2* journalists Archil Chichiboshvili and Khatuna Gagnidze were also verbally assaulted. Investigations were ongoing at year’s end.

## **Internet Freedom**

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

There were credible allegations the ruling party employed bots and trolls to manipulate social media discourse about democracy and NGOs advocating democratic reforms. For example, in a May 22 op-ed on news website *civil.ge*, analyst Hans Gutbrod wrote, “Government-affiliated outlets and bots flood social media with hateful messaging, much of it antidemocratic and anti-Western.” In a September 15 *civil.ge* interview, TI Georgia Executive Director Eka Gigauri said, “Since the ruling party actively engages its hired ‘experts,’ as well as the social media trolls and bots on an industrial scale in its campaign, perhaps it is achieving some results in terms of public opinion.”

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

## **Restrictions on Academic Freedom and Cultural Events**

While there were no significant legal restrictions on education or cultural expression, NGOs and media reports suggested there was a widespread perception that government support and continued employment were dependent on supporting the ruling party. There were concrete but unverified reports that employment, grants, and access to other state resources were restricted or curtailed in response to political criticism.

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

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

### **Freedom of Peaceful Assembly**

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

The PDO's annual report on 2021, released in April, stated that law enforcement officials often used disproportionate force when managing and breaking up rallies and used the administrative code to detain demonstrators. The PDO stated that the use of the code "in many cases did not meet the requirements of necessity and took the form of unjustified interference with freedom of assembly."

Concerns continued during the year regarding insufficient accountability for the violence by far-right counterdemonstrators during a July 2021 Pride event. As of year's end, a total of 31 individuals were prosecuted and convicted. The majority of the defendants received short prison sentences, ranging from one to 1.3 years, or a fine, while a few received five years. Authorities did not, however, prosecute

any individuals responsible for organizing or inciting the violence.

On June 14, nine NGOs followed up on a June 12 *TV Pirveli* news report alleging SSSG involvement in the planning and execution of the July 2021 violence. The NGOs stated in part that while the violence had been considered “an exceptional case of police inactivity,” the *TV Pirveli* report “prompts an even more dangerous and disturbing assumption that it may be the SSS[G] that stands behind the planning and management of that mass violence.”

On November 7, GYLA announced it had submitted a case to the ECHR on behalf of 16 journalists, cameramen, and photographers who were subjected to the July 2021 violence. GYLA highlighted that none of the organizers of the violence had been arrested and stated that law enforcement officials lacked the political will to hold the organizers accountable.

The July 2021 violence involved approximately 3,000 far-right demonstrators who violently rioted through Tbilisi, destroying an opposition protest site at Parliament, attacking NGO offices, and assaulting more than 50 journalists and others following statements from Prime Minister Garibashvili that called the planned Tbilisi Pride event, March for Dignity, inappropriate and described it as a plot by “Saakashvili and the radical opposition” aimed at sparking tension and destabilization in the country.

The violence by far-right groups, comments by the government, and the inaction of security forces were widely condemned by NGOs, the PDO, and the international community.

On July 6, 2021, a spontaneous protest against the July 5 violence occurred outside of Parliament. Far-right groups mobilized approximately 500 counter-protesters who threw rocks, bottles, and fireworks at peaceful protesters and police. Once again, police did not deploy sufficient riot control equipment and personnel.

### **Freedom of Association**

There were reports that some government representatives and supporters of the ruling party pressured political opposition figures (see section 3).

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

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

### **d. Freedom of Movement and the Right to Leave the Country**

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. International humanitarian organizations reported that the majority of the approximately 290,000 internally displaced persons (IDPs) from Russian-occupied Abkhazia and South Ossetia wished to return to their areas of origin but lacked adequate security provisions and political, human, economic, and movement protections, absent a political resolution to the conflicts.

Foreigners were restricted from moving in and out of South Ossetia, but some could access Abkhazia with approval from the de facto authorities. The law prohibits entry into and exit from the Russian-occupied regions by non-Georgians through the territory of neighboring states (i.e., Russia).

Russia and Abkhaz de facto authorities limited international organizations' ability to operate in Abkhazia, although international organizations had greater ability to operate there than in South Ossetia.

Russian and South Ossetian de facto authorities limited access of international organizations, including humanitarian organizations, to South Ossetia. Before COVID-19, the cochair 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 discussions. GID cochair visits resumed in 2021 and continued in 2022, with visits in May, September, and November. The International Committee of the Red Cross, with an 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 (ABLs). 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, particularly in South Ossetia, hindered access to medical care in Tbilisi-administered territory for residents in the occupied territories. There was, however, some effective cooperation across the Abkhazia ABL to save lives during the COVID-19 pandemic. The main Abkhazia crossing remained open for all residents who possessed locally authorized travel documents. In August de facto authorities of South Ossetia began allowing residents of Akhalkalaki and Java districts to cross two checkpoints from the 20th to the 30th of every month.

The GID cochairs and other international actors continued to express concern that prolonged closures of crossings would undermine livelihoods, prevent local residents from getting the pensions, food, and medicine they needed, and potentially cause a new wave of displacement.

Residents of Abkhazia who had Georgian citizenship could not use their Georgian passports to cross the Abkhazia ABL to or from Tbilisi-administered territory. De facto authorities continued to prohibit 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 would enable them to cross but would strip them of voting, property, and other rights. 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 a maximum of six months. 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 South Ossetia de facto authorities were the only document that allowed

movement across the South Ossetia ABL to or from Tbilisi-administered territory.

According to the Democracy Research Institute (DRI), in May 2021 the de facto authorities of South Ossetia further tightened restrictions imposed on Akhlagori residents, making it impossible to obtain passes to get to the rest of Georgia.

Individuals who approached the ABLs or crossings risked detention by members of the Russian Federal Border Service (Russian guards). Russian guards along the Abkhazia ABL typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines. Along the South Ossetia ABL, Russian guards frequently transferred individuals to de facto authorities. The SSSG reported detentions by de facto authorities typically lasted two to three days until the detainee paid fines set by a de facto “court,” although some sentences for “violations of the state border” carried considerably longer terms. As of year’s end, the EU Monitoring Mission (EUMM) knew of 45 individuals detained along the ABL with Abkhazia and 58 detained along the ABL with South Ossetia. Local sources reported 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 “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 ABL 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. For example, in October the SSSG told media that Russian occupation forces carried out illegal borderization in the occupied territory, near the village of Knolevi of the Kareli Municipality, and near the village of Dvani, Kareli Municipality, along the South Ossetia ABL and illegally installed metal poles and barbed wire.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The PDO and NGOs, however, alleged 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. There also were credible reports that government officials denied some Russians fleeing incarceration or abuse access to asylum procedures at the border and that the system appeared to lack procedural safeguards for those seeking such protection.

According to UNHCR, from January to October, 2.5 percent of the total rejections were based on national security grounds. Unlike previous years, Syrians and Afghans were granted humanitarian status during the year.

According to the Tolerance and Diversity Institute (TDI) report of 2021, systemic problems emerged that led to the violation of migrants' rights and a discriminatory environment, especially toward those from Asian and African countries. According to TDI, the SSSG played a negative role in issuing residence permits, and there were disproportionately higher rates of refusal of permits for citizens of certain Asian and African countries.

The backlog of asylum cases led to significant delays. According to UNHCR, the average time for administrative review of cases decreased from two years in 2021 to 1.5 years in 2022. The situation for cases to be heard in courts remained the same, however. Following the asylum authority's decision, in case of appeal, an asylum seeker may have to wait for another two years to receive the court's final decision.

**Refoulement:** There were credible reports that border officials denied entry or reentry to some Russian asylum seekers and returned a small number to Russia, where they faced incarceration and potentially torture or other abuse. Also, 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. The penalization for irregular entry for individuals accepted into the asylum procedures remained a problem.

**Access to Basic Services:** Access to education remained a problem due to the language barrier, notwithstanding the government's provision of Georgian language classes.

Asylum seekers received no financial support from the government, and the government-run reception center only assisted 10 percent of the asylum-seeking population. UNHCR provided financial support for vulnerable cases.

Persons with disabilities and mental or psychological needs also encountered problems in accessing various services and allowances. There was no state referral mechanism for persons with specific needs, and UNHCR was often approached for additional support.

**Durable Solutions:** The government offered a path to naturalization for refugees residing on its territory that included required language and history tests. Authorities purportedly denied naturalization to some applicants based on national security concerns. The law requires 10 years of residency for citizenship, further complicating the ability for refugees to receive Georgian citizenship.

**Temporary Protection:** The law on the legal status of aliens and stateless persons provides avenues for temporary stay permits for 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 government provided humanitarian protection to approximately 407 persons, including 325 Ukrainians.

## **f. 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, including persons 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.

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

Despite their 1994 agreement with Georgia, Russia, and UNHCR that called for the safe, secure, and voluntary return of IDPs who fled during the 1992-93 war, Abkhaz de facto authorities continued to prevent the return of those displaced by that war. Between 45,000 and 60,000 IDPs reportedly had returned since that time to the Gali, Ochamchire, and Tkvarcheli regions of eastern Abkhazia, but de facto authorities refused to allow the return of IDPs to other regions. De facto authorities prevented IDPs living elsewhere in the country from reclaiming homes in Abkhazia based on a “law” that expropriated all “abandoned property” from the 1992-93 war. IDPs who returned and managed to obtain Abkhaz “passports” were allowed to 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 ABL and remain in Abkhazia for a period of five years. An applicant must, however, accept the status of an alien (i.e., a Georgian living as a foreigner in Abkhazia), may not purchase property, may not transfer residency rights of property to children born in de facto controlled territory, may not vote, and must accept a lack of other basic rights. In 2019 Abkhaz de facto authorities required additional permits and threatened to discontinue ABL crossing with a Form No. 9 administrative pass. Following the full opening of border crossing points for Abkhazia residents in July 2021, de facto authorities allowed the use of Form No. 9, including for residents who were stranded in Tbilisi-administered territory and whose Form No. 9 had expired.

According to a Democracy Research Institute (DRI) 2020 report, the right to

receive education in the native language was extremely restricted for Georgians living in the occupied territories of Georgia. This practice was systemic and manifested in actions such as the express prohibition of education in the Georgian language, persistent harassment of Georgian-language teachers, banning Georgian handbooks, and preventing university students from continuing their studies in Georgian higher education institutions through direct restrictions of movement or other direct or indirect pressure.

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 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.

### **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 2018 a new constitution went into effect that eliminated direct election of the president and established a fully proportional electoral system for the 2024 parliamentary elections, among other provisions.

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

**Recent Elections:** The country held the most recent national parliamentary elections in October 2020 and second-round runoff elections in 17 of 30 electoral districts in November 2020. In its March 2021 final report, the OSCE mission assessed the October elections were competitive and, overall, 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. Other problems included widespread reports of intimidation of party supporters and public-sector employees. The OSCE also reported continuing shortcomings in the complaints

and appeals process, concluding that “the systemic rejection of the majority of complaints on formalistic grounds significantly limited the opportunity to seek effective legal remedy.” The OSCE did not observe the November 2020 runoff elections, and most domestic observer groups significantly scaled back their observation efforts or did not observe in light of the boycott of the runoffs by opposition parties. Nevertheless, domestic election monitoring organizations raised concerns regarding electoral violations on election day.

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. In November 2020 a total of 26 domestic NGOs issued a statement describing the conduct of the October elections as the worst held under the ruling Georgian Dream party. 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.

On July 22, TI Georgia and the International Society for Fair Elections and Democracy (ISFED) reported their analysis of files provided by whistleblower Ioseb Gogashvili (former deputy head of the SSSG). The files primarily involved documents prepared in 2018-19. With regard to the 2018 presidential election period, the report stated in part “a large-scale scheme of mobilizing voters in favor of the ruling party by illegal means was identified.”

**Political Parties and Political Participation:** According to the July 22 report by TI Georgia and ISFED, the ruling party and the SSSG prepared political profiles of public-school principals, among others. TI Georgia and ISFED accused the authorities of what they termed “political discrimination” against a number of principals whom the Ministry of Education did not reappoint following negative evaluations by the ruling party or the SSSG.

According to the report, some documents contained requests to ruling party leaders from their regional counterparts for the transfer of various law enforcement officials to party headquarters for election campaign purposes, despite legislation prohibiting them from engaging in such activities. TI Georgia and ISFED urged the prosecutor's office to open an investigation into the documents.

During the year, opposition parties reported an uneven playing field due to lack of finances and obstacles to fundraising, the ruling party's control of administrative resources, and deep polarization – including pressure and intimidation – as main obstacles to political participation.

**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.

De facto authorities in Abkhazia continued to prevent ethnic Georgians from participating in de facto elections. Ethnic Georgians willing to apply for de facto Abkhaz passports generally did not receive them in time to participate in de facto elections due to extensive delays. Ethnic Georgians in South Ossetia were also required to accept a South Ossetian “passport” and “citizenship” to participate in political life. International actors, including the OSCE Group of Friends of Georgia, did not recognize the legitimacy of the de facto elections.

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

The law provides criminal penalties for officials convicted of corruption. While the government implemented the law effectively against low-level corruption, NGOs 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. NGOs continued to call for an independent anticorruption agency outside the authority of the SSSG, alleging its officials were abusing its functions.

In December 2021 TI Georgia reported that “the current institutional model of

combating corruption in Georgia does not include all functions (corruption prevention, investigation, implementation of anti-corruption policy, awareness-raising) necessary to curb corruption...there is no independent anti-corruption service that would effectively investigate corruption cases...the infrastructure necessary for the implementation of anti-corruption policy – the Anti-Corruption Council and its Secretariat – is not currently operational.”

On July 25, TI Georgia listed 85 uninvestigated cases of alleged corruption involving high-ranking public officials or persons associated with the ruling party.

**Corruption:** As of September 30, 90 public servants had been charged with corruption, including 55 employed at local municipality administrative agencies. Cases included five senior local officials, including the first deputy head of the SSSG, one mayor, one city council head, and one city council member. Investigations remained open in two high-profile corruption cases involving two former ministers: Dimitry Kumsishvili and Zurab Alavidze. Some observers considered the investigations politically motivated. The investigations lacked transparency, and authorities did not update the public on their progress.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups in most instances operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views in some cases. In other cases, however, government officials failed to cooperate with domestic human rights organizations. For example, the ruling party on August 18 refused to include ISFED in a parliamentary electoral reform working group established in response to one of the EU’s 12 requirements for Georgia to obtain candidacy status, and on September 13, precluded ISFED and TI Georgia from participating in consultations related to the EU’s requirements. Government officials and ruling party parliamentarians also accused selected NGOs of antistate and antigovernment behavior.

**Government Human Rights Bodies:** The PDO is a constitutional institution,

with a mandate to supervise the protection of human rights and freedoms. The PDO performs the function of the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Civil society organizations viewed the PDO as the most objective human rights institution in the country. Parliament appoints the public defender; the PDO does not belong to any branch of the government.

The PDO was increasingly marginalized by the ruling party amid the extreme polarization growing in the country's political arena. During the year, ruling party leaders attacked the public defender, claiming she was politically partial and biased. The current public defender's term ended in early December, and by year's end a new public defender was not selected. NGOs criticized the selection process and claimed the government sought to weaken the institution through a flawed process.

The Gali and Ergneti Incident Prevention and Response Mechanisms (IPRM) were designed to cover issues in Abkhazia and South Ossetia, respectively, including human rights abuses reported in the occupied territories. Several Ergneti IPRM meetings took place during the year in Ergneti, covering abuses in South Ossetia. The Gali IPRM has not met since 2017. The government fully supported and participated actively in Ergneti IPRM meetings.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape is illegal if it is committed by use of force, threat of use of force, or against a person perceived to have a "helpless condition," a legal term generally applied to older individuals, persons with mental or physical disabilities, or others perceived to be unable to resist. Some observers expressed concern that the definition of rape did not conform to international standards to combat gender-based violence, and that the lack of a positive consent framework meant that some reports of rape went uninvestigated or unpunished. A convicted first-time offender may be imprisoned for up to eight years. The government did not enforce the law effectively.

Investigative authorities lacked training on effective procedures on case handling and evidence collection. 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.

In its report for 2021, released in April, the PDO described gender-based murder of women as “one of the main challenges in the reporting period.” The report noted that statistics indicated that femicide and femicide attempts did not decrease. Women’s rights organizations attributed the high number of femicides to a lack of adequate preventive measures by the government.

The law criminalizes domestic violence. In cases that do not result in physical injury, penalties for conviction of domestic violence include 80 to 150 hours of community service or imprisonment for up to two years. Domestic and gender-based violence remained a significant problem that the government took several steps to combat. In June 2021 Parliament approved legislation on the introduction of witness and survivor advocates during investigative and legal proceedings. As a result, the government hired 14 witness and survivor advocates. 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 was a high risk of recurrence of violence, a system of electronic surveillance allowed the Ministry of Internal Affairs 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. The 112 Emergency Center also deployed an app that allows survivors of domestic violence or other forms of gender-based violence to communicate via text message with emergency operators, making it easier to report abuse without alerting the perpetrator who may still be nearby. Shortcomings, however, remained, including a tendency of some police to ask women what they had done to prompt domestic violence against them. A number of victims reported instances of insensitive attitudes from police officers.

According to GYLA, sexual violence remained one of the most serious, most hidden, and unpunished forms of gender-based violence. Current legislation and practice failed to provide effective, survivor-centered, gender-sensitive legal solutions to combat sexual violence. For women and girls experiencing violence, justice was unavailable or difficult to access. Despite the existing challenges, GYLA reported the detection of sexual violence cases and the detection rate of registered crimes increased compared with previous years.

**Other Forms of Gender-based Violence:** Kidnapping women for marriage occurred in remote areas and in ethnic-minority communities but was rare.

**Sexual Harassment:** The government enforced the law somewhat effectively. Sexual harassment is illegal under the code of administrative offenses but is not criminalized; it remained a problem in the workplace. By 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 degrade or results in the degradation of a person or creation of a hostile environment for that person. Based on laws on sexual harassment, 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 PDO identified three instances of sexual harassment. Two cases were under review at year's end.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence.

Authorities regulated the use of surrogacy services. A Ministry of Justice decree regulating civil acts restricts the right to surrogacy to heterosexual couples who have been married or living together for more than one year. Women and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights organizations considered the restriction an infringement on the ability of single women and LGBTQI+ persons to have a child.

The UN Population Fund reported that women from minority communities, women from rural areas, and poor women faced barriers in accessing information related to their reproductive health, and financial barriers limited access to customized



contraceptive options for many women.

According to the PDO, limited access to information about contraceptives remained a problem 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 on safer sex. The lack of comprehensive education prevented girls from understanding the risks associated with early marriage and protecting themselves from early pregnancy.

A study of 2021 practices released by the PDO in April concluded that conducting unnecessary and harmful procedures for women, such as episiotomy, remained common in maternity hospitals. According to the report, a number of sociocultural factors, mainly harmful gender norms and stigma related to sexuality, impeded quality access to sexual and reproductive health services for women and girls from nondominant ethnic groups. The study revealed that lack of information, especially among women from nondominant ethnic groups, was the main factor for receiving inadequate sexual and reproductive health.

**Discrimination:** The law provides for the same legal status and rights for women and men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing business or property.

Civil society organizations continued to report discrimination against women in the workplace. The PDO monitored gender equality complaints, in particular those involving domestic violence and workplace harassment, and stated that gender equality remained a problem.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits discrimination including on the basis of race, skin color, language, citizenship, origin, place of birth or residence, national, ethnic, or social origin.

According to the PDO, “The variety of statements encouraging discrimination against various vulnerable groups by political officials from year to year shows that the state has so far not taken effective steps to reduce stereotypes and ensure

equality between different groups.”

As of December, the Prosecutor General’s Office charged three individuals with committing a crime based on nationality, race, or ethnicity.

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

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

Abkhaz de facto authorities continued policies that threatened the legal status of ethnic minorities, including Georgians, Armenians, Greeks, Roma, and Syrians, living in Abkhazia.

The government continued to report discrimination against ethnic Georgians in the Russian-occupied territories. The PDO continued to note the case of Tamar Mearakishvili, an activist in South Ossetia who alleged persecution by de facto authorities because of her Georgian ethnicity. According to the PDO, the goal of a number of criminal prosecutions against Mearakishvili was to force her to leave the region.

## 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.

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. In response to the arrival of Ukrainian refugees following Russia's full-scale invasion of Ukraine, however, the government enrolled more than 1,500 Ukrainian pupils in schools across the country and provided Ukrainian language instruction and Ukrainian textbooks in several specialized schools.

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. The PDO noted the protection of the rights of children not in school remained problematic.

As in previous years, the de facto Tskhinvali security committee in South Ossetia continued to discriminate against ethnic Georgian teachers and children. For example, de facto officials fired the director of the Georgian school of Akhagori because she refused to expel students who had moved from the Tserovani IDP settlement to Akhagori to study.

**Child Abuse:** The law provides for the right to dignity, life, survival, and development, and prohibits discrimination. Conviction for various forms of child abuse, including trafficking, forced labor, or forced begging, is punishable by a spectrum of noncustodial sentences and prison terms. Conviction of domestic violence against minors is punishable by community service or imprisonment for one to three years, and conviction for trafficking minors is punishable by eight to 20 years' imprisonment, depending on the circumstance. The PDO reported that general education institutions and preschools lacked qualified professionals who could detect and respond to signs of violence against children in a timely manner.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage regardless of gender is 18. Conviction for forced marriage of an individual younger than 18 is punishable by two to four years' imprisonment. The PDO reported the practice of early marriage and engagement remained a problem. Law enforcement agencies, social services, and secondary education institutions did not coordinate their efforts to deal with the problem.

The public defender's annual report for 2021 stated, "Government officials consider early marriage to be an ethnic minority tradition, and it makes no sense to deal with it." Authorities had difficulty providing timely and effective responses to forced marriage. During the year, the PDO reported 144 cases of early marriage in 2021.

**Sexual Exploitation of Children:** Conviction for commercial sexual exploitation of children or possession of child pornography is punishable by up to 20 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 it is committed by use of force, threat of force, or with a victim of a "helpless condition." If these elements are not present, sexual intercourse with a minor can be charged as a crime of "penetration of a sexual nature into the body of a person younger than 16 years of age," which carries a lower sentence. The penalty for conviction for rape is from six years to life imprisonment, depending on circumstances; the government generally enforced the law. Conviction of other sexual crimes carried increased levels of punishment if the victim was a juvenile.

**Displaced Children:** The PDO reported a lack of information regarding street children and noted the inadequacy of resources devoted to them. It was unclear how many children were geographically displaced.

The PDO's 2021 report to the UN Committee on the Rights of the Child described children living and working on the street as a vulnerable social group that faced a high risk of labor exploitation. They lacked protections from forced labor 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.

The population of street children consisted 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. Police and labor inspectors as well as NGOs worked with street children to raise awareness of threats of being trafficked or exploited through illicit work and forced labor; however, the PDO reported more work was needed to protect children from these threats.

While some shelters existed, the full spectrum of services needed did not exist outside of Tbilisi.

**Institutionalized Children:** While the government largely had completed the replacement of large-scale orphanages with alternative arrangements, the PDO reported deinstitutionalization was being carried out in a fragmented manner, without an appropriate plan. The government continued to transfer new cases of children without parental care, as well as the cases of children with disabilities, who were institutionalized in large-scale orphanages, to family and family-type services. 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.

In its report covering 2021 released in April, the PDO reported “systemic violations of the rights of children” and degrading, inhuman, and unequal treatment of minors at the Ninotsminda orphanage. The report stated such abuse lasted for years and had not been investigated. In June 2021 the Tbilisi City Court ruled in favor of the NGO Partnership for Human Rights that children with disabilities should be removed from the Ninotsminda orphanage. By year’s end, an investigation into the case was ongoing. In June, three NGOs – Union “Sapari,” Partnership for Human Rights, and the Center for Social Justice – which represented the interests of the 11 plaintiffs of the Ninotsminda orphanage, stated the ongoing investigation did not meet basic standards for an objective and impartial investigation.

## **Antisemitism**

Observers estimated the Jewish community to be no more than 6,000 persons.

As of the year's end, an appeals court decision was pending regarding whether the 2018 killing in Tbilisi of human rights activist Vitali Safarov, who was of Jewish and Yezidi origin, constituted a hate crime. 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 2019 the Tbilisi City Court convicted the two men and imposed a 15-year prison sentence for the killing of Safarov but dismissed qualifying the killing as a hate crime; the prosecutor appealed the court's decision not to classify the killing as a hate crime.

According to a March TDI report, unidentified groups launched an antisemitic social media campaign against Vitaly Safarov's family. The family asked police to investigate. According to the HRC, the Ministry of Interior began collecting evidence, but did not open an investigation, stating the social media posts did not contain direct threats.

On February 28, the NGO Israeli House learned of a Nazi swastika drawn by unidentified persons on the wall of a Jewish cemetery in Tbilisi. Representatives of the Israeli House reported the incident to police.

TDI reported two cases of antisemitic posts by Orthodox Church clergy members. In one such case, in February priest Giorgi Samsonadze blamed Russian aggression against Ukraine on "Jews with curls."

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses based on Sexual Orientation, Gender Identity or Expression, or Sex**

## Characteristics

**Criminalization:** Consensual same-sex sexual conduct is not criminalized for men or women, and the age of consent is equal.

**Violence Against LGBTQI+ Persons:** Concerns continued regarding the lack of accountability for the organizers of violence against LGBTQI+ persons in July 2021 in advance of a Pride event (see section 2.b., Freedom of Assembly). In December the PDO stated the investigation of the July 2021 violence was not thorough or timely, criticized the Prosecutor's Office for not holding anyone responsible for the organization and leadership of the violence, and described some rulings in the cases brought to court as inconsistent despite similar evidence. According to the PDO, the Prosecutor's Office also ignored the cases of violation of the right to property and did not file appropriate charges.

In May a mob of approximately 30 men attacked five transgender women at their home in Chughureti District, Tbilisi. Tbilisi Pride, a local NGO, stated that the attackers, armed with stones and bricks, assaulted the women as well as their landlord, damaged their house, and made death threats. The Ministry of Internal Affairs launched an investigation, and Tbilisi Pride called on the Prosecutor's Office to consider aggravating circumstance for the alleged hate crime. Similarly in June, approximately 20 men attacked several transgender women on Tamar Mepe Avenue in Tbilisi, and two persons were injured. The Ministry of Internal Affairs launched an investigation. In October, one person killed a foreign transgender woman in Tbilisi and injured another transgender woman. Police detained the accused and launched a murder investigation.

In April the PDO published the *Assessment of the Rights Situation of the LGBT+ Group in Georgia* and noted some improvements in the legal status of the LGBTQI+ community in recent years. For example, the PDO assessment stated that, unlike in previous years, the government increased its cooperation with NGOs and community organizations, as evidenced by the inclusion of some LGBTQI+ needs in human rights actions plans, but the assessment noted a significant disconnect between the legal and formal environment and the legitimate concerns of the LGBTQI+ community. The Georgian Democracy Initiative lamented the government's decision to not specifically address LGBTQI+ issues in the updated

*Human Rights Strategy 2022-30*. The PDO report also noted that the state had not taken additional steps to promote tolerance and peaceful coexistence via systematic human rights education.

In November the Social Justice Center submitted a report on the legal status of LGBTQI+ persons to the Council of Europe's Committee of Ministers. The report criticized the government's response to recent violent acts against such individuals. In particular, the report noted ineffective investigations of hate crimes committed by ultra-right groups, and institutional gaps that hindered the protection of the rights of LGBTQI+ persons. The report attributed these shortcomings to shared values of key government officials and the ultra-right radical groups Alt-Info and the Conservative Movement.

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

The PDO reported LGBTQI+ individuals continued to experience systemic violence, oppression, abuse, intolerance, and discrimination. LGBTQI+ persons were not mentioned in the *Human Rights Strategy 2022-30*. The PDO stated that high-ranking officials, politicians, and public figures rarely made statements in support of equality.

**Availability of Legal Gender Recognition:** There is no law explicitly governing legal gender recognition; however, established practice requires bodily modification surgeries for individuals to petition to change their birth certificates and other legal documents. The law does not provide options for transgender individuals who do not, for medical, financial, or any other reasons, wish to undergo surgery.

The PDO noted the issue of legal gender recognition was not judicially regulated, and the general procedures for considering this process were obscure. The country's only regulatory statute dealing with this subject is the Law on Civil Status Acts. The law, however, does not define "gender reassignment" or outline



any procedures associated with it. As a result, legal gender recognition is entirely dependent on the practice of local courts and administrative agencies, which, according to the PDO, imposed unjustified preconditions on legal gender recognition. Individuals undergoing this administrative procedure were subjected to unnecessary, coercive, and, in some cases, life-threatening medical and surgical interventions. On December 22, the ECHR ruled in favor of three transgender men and found the government in violation of Article 8 of the European Convention on Human Rights. The ECHR noted the country's legislation was "fundamentally at odds" with the state's obligation to ensure "quick, transparent, and accessible procedures for legal gender recognition."

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** So-called conversion therapy practices were not banned. According to Tbilisi Pride, there were several cases of parents taking children to a psychiatrist in an attempt to change the sexual orientation or gender identity or expression of the child.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

The PDO stated that since 2012, the state's failure to provide freedom of assembly to LGBTQI+ persons and organizations in public spaces permitted incitement to violence in those spaces, and the state failed to prosecute and punish those who threatened or carried out this violence.

### **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. A new law on the rights of persons with disabilities came into force in January 2021 but implementation was slow. The PDO 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 PDO reported that violence, especially domestic violence, was a significant

problem for persons with disabilities. According to PDO, a number of challenges remained regarding violence against persons with disabilities, including lack of information about rights, low level of reporting by survivors, lack of training or awareness of law enforcement officials about violence against persons with disabilities, problems with identification of incidents of violence as well as continued impunity, insufficient involvement of the Agency for State Care, and lack of reasonable accommodations for persons with disabilities in criminal cases and during judicial proceedings.

The substantial participation of persons with disabilities and organizations of persons with disabilities in government decision-making processes remained a challenge at all levels.

Protecting the rights of individuals with mental health problems remained a challenge. As of year's end, the government had not developed a strategy for deinstitutionalization. There were significant gaps in the safe management of patients in psychiatric services in the context of the pandemic. HRC identified a number of systemic problems for those with mental health issues in terms of health care, including access to medical facilities and services, as well as difficulties in communicating with medical personnel.

The PDO reported a grave situation in specialized institutions for adults with disabilities and noted lack of infrastructure, problems with safety and sanitary norms, absence of a multidisciplinary approach, and lack of training of personnel in complex behavior management as contributing factors.

## **Other Societal Violence or Discrimination**

Individuals often concealed their HIV or AIDS status from employers due to fear of losing their jobs.

## **Section 7. Worker Rights**

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

The law generally provides for the right of most workers, including government employees, to form and join independent unions, to legally strike, and to bargain

collectively. According to the law, if a trade union or a group of employees 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. 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 "critical services" or related to "human life and health," as defined by the government, were not allowed to strike. The International Labor Organization noted the government's list of such services included some that did not constitute 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.

Due to continued concerns over the country's respect for freedom of association, collective bargaining, and the right to strike, labor unions during the year called upon the government to take further steps to enhance worker protections and protect existing workers' rights. The government, however, did not effectively enforce laws that protect freedom of association or prohibit antiunion discrimination. Penalties were less than those under other laws involving the denial of other civil rights and were rarely applied against violators. 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.

Workers generally exercised their right to strike in accordance with the law but at times faced management retribution. In May, 400 workers went on strike in the Borjomi Georgia water factories, demanding reinstatement of 49 colleagues dismissed in a reorganization, payment of delayed salaries, a collective agreement with the employer, and an end to the "blackmailing and threatening" of outspoken

employees. The three-week strike ended on June 21 after employees reached an agreement with Borjomi Georgia, with the mediation of the government.

Some employers interfered with unions. The Georgian Trade Union Confederation (GTUC) reported widespread instances of harassment in both public and private sectors based on union affiliation, notably in the postal services. In June GTUC reported that due to the discriminatory treatment of employee Natia Chkhetiani, the Labor Inspection Service fined Georgian Wines Producing Company LLC GEL 3,000 (\$1,075). Chkhetiani alleged that the company gave less salary than was stipulated in the contract, did not pay her wages during leave, staff worked on weekends without additional pay, and company management bullied staff who joined trade unions.

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

The law prohibits and criminalizes all forms of forced or compulsory labor. The government did not always effectively enforce laws in connection with forced or compulsory labor.

The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs through the Labor Inspectorate reported it found one case of child labor (see section 7.c.). The Labor Inspectorate initiated an administrative offense case against the violating company. The law permits the Labor Inspectorate to make unannounced visits to businesses suspected of employing forced labor or human trafficking. The ministries of Justice and Internal Affairs, the International Organization for Migration, International Labor Organization, and the Council of Europe provided trainings 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**

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, 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. 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.

The law prohibits all forms of discrimination in the employment process unless the unequal treatment serves to equalize the employment opportunities for job seekers and is a proportionate and necessary means of achieving that goal.

Due to lack of a fully staffed and functioning Labor Inspectorate, the government only sometimes effectively enforced these laws. Some inspections related to cases of discrimination and harassment could not be completed, and the Labor Inspectorate struggled to fully involve plaintiffs in administrative proceedings initiated during inspections. Penalties were less than those provided by similar laws related to civil rights. Penalties were regularly applied against violators.

Discrimination in the workplace was widespread. LGBTQI+ activists said discrimination based on gender identity and sexual orientation remained widespread and underreported. GTUC reported cases of discrimination based on gender and union affiliation. According to GTUC, during 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. As of August, the PDO had received one complaint of discrimination, specific to age discrimination, which was under review. In January Tbilisi State Court found discriminatory treatment due to pregnancy and ordered Tbilisi Inn LLC to reinstate the dismissed employee in the position of hotel manager.

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.

According to GTUC, the difference between the salaries of women and men (32.4 percent) remains a significant problem. The government does not have a methodology for estimating the value of labor and a decent minimum wage, which would ensure a reduction in wage inequality. Remuneration for maternity leave (except for public servants) is limited to a one-time remuneration of GEL 1,000 (\$360) in state aid, which is significantly lower than the subsistence level set by the state. GTUC stated that cases of discrimination against women in the workplace, including related to pregnancy or other family responsibilities, are still frequent. The representation of women in decision-making, leadership positions remain low. There is also a growing trend of poverty among women. Women comprised 55 percent (355,000) of the recipients of subsistence allowance during the year. According to the World Economic Forum, women and men had almost the same level of educational attainment, especially regarding literacy, primary education, and secondary education. 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.

In 2022 the PDO received 151 cases of alleged discrimination, out of which 26 percent concerned the facts of alleged discrimination with respect to employment and occupation. None of the complaints were received on the alleged

discrimination on the ground of age in the field of employment.

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

**Wage and Hour Laws:** 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. During the year, civil society organizations and GTUC criticized the government for not changing the minimum wage rate, which was set in 1990 in the amount of GEL 20 (\$7.20) per month.

The law provides for a 40-hour workweek and a weekly 24-hour rest period unless otherwise determined by a labor contract. Overtime is defined as work by an adult employee in excess of the regular 40-hour workweek, based on an agreement between the parties. An executive order establishes essential services in which overtime pay may not be approved until employees work more than 48 hours a week. Pregnant women or women who have recently given birth may not be required to work overtime. There is no explicit rate for overtime; the law states overtime “be reimbursed at an increased rate of the normal hourly wage...defined by agreement between the parties.” A May 2021 court ruling, however, found in one case that a 125 percent rate qualified as meaningful overtime pay. The law does not explicitly prohibit excessive overtime.

**Occupational Safety and Health:** According to labor rights groups, occupational safety and health (OSH) standards were appropriate for the main industries and OSH experts actively identified unsafe conditions in addition to responding to complaints. Different inspectors within the Labor Inspectorate are responsible for covering OSH and other labor violations. During the last two years, the inspectorate was responsible for reviewing and enforcing compliance with COVID-19 safety provisions, and most of its inspections were to enforce those regulations.

In July the government, with the involvement of GTUC and other parties, passed new regulations defined by the Association Agreement with the EU to ensure safe working conditions at the workplace. The regulation applies to workplaces,

including internships, and covers issues such as adequate space at a desk for each employee, air temperature in closed working spaces during working hours, the number of required lavatory facilities, rest and changing rooms, and shower facilities.

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 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 job as well as a lack of adequate social protection mechanisms in the country, workers were reluctant to be vocal concerning improper and even hazardous working conditions. This situation was particularly acute in some industrial towns where the local population was dependent on a single business operation.

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 issued up to 2,749 residence permits to migrant workers.

According to the Labor Inspectorate, in the first half of the year, 35 workers died and 330 were injured in work-related accidents, compared with 37 deaths and 253 injuries during 2021. The mining and construction sectors remained especially dangerous, with reports of injuries, sleep deprivation, and unregulated work hours. The Labor Inspectorate reports that in 2022, the number of industrial accidents decreased by 5 percent in comparison with 2021, and by 10 percent in comparison with 2020.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced the minimum wage, overtime, and OSH laws in the public sector. Penalties for violations were commensurate with those for other similar crimes, but the number of inspectors was insufficient to enforce compliance fully. Penalties for violations were sometimes applied against violators.

The Labor Inspectorate, which is part of the Ministry of Internally Displaced



Persons from the Occupied Territories, Labor, Health, and Social Affairs, is responsible for enforcement. The Labor Inspectorate has authority over all sectors of the economy and may make unannounced inspections and initiate sanctions. The Labor Inspectorate's new mandate to conduct inspections covering all aspects of labor law took effect in 2021. During the year, inspectors conducted unannounced visits to workplaces and monitored OSH and labor violation cases.

By August, the Labor Inspectorate had 96 total inspectors, with 21 located in the regions. During the year, inspectors received training on different issues, including monitoring of forced labor and labor exploitation, effective communication, and basic issues of labor and technical safety in the mining industry. However, GTUC assessed there was a need for more trained labor inspectors.

**Informal Sector:** According to National Statistics Service data for 2021, the share of informally employed persons in the nonagricultural sector in the labor force was 28.8 percent, although GTUC states that the number is 45 percent. According to a Social Justice Center publication in 2021, the only social safety net was targeted social assistance, which was not directly related to a person's employment status.

Nonstandard and informal work is common in sectors where physical safety is a major concern of employees, such as in open quarries in Tkibuli or Chiatura, as well as construction works in big cities. The tourism industry was also identified as a sector of physically dangerous labor practices, since drivers and guides often perform long, physically demanding, and largely unregulated work. There were frequent cases involving drivers in the tourism sector driving for more than 15 consecutive hours. The law does not adequately ensure the safety of those involved in informal and nonstandard work, and the Labor Inspectorate does not possess the mandate or resources to adequately cover informal and nonstandard employment sectors.