



Human rights overview in Georgia, according to international and regional human rights organisations

The human rights situation is regularly monitored in most countries of the world. Specific emphasis is placed on countries in transition that have internal conflicts or land disputes. The Government of Georgia has made significant efforts towards enhancing human rights in the country and has introduced reforms to guarantee further advancements.

The aim of this part of the document is to give an overview of the positive achievements in recent years as well as the shortcomings and problems in the human rights sphere in Georgia, according to international organisations and the Government of Georgia.

The documents used in this overview have been compiled in recent years, 2010-2014 by Amnesty International, Georgian Ombudsman, Human Rights Watch, Delegation of the European Union, WEF, Centre for Social Sciences of Georgia, US Department of State Bureau of Democracy, Human Rights and Labour, Freedom & Democracy Watch of Georgia and the opinions of freelance experts.

Introduction

Georgia is a semi-presidential representative democratic republic, with the president as the head of state and the prime minister as the head of government. The executive branch of power is made up of the president and the cabinet of Georgia. The cabinet is composed of ministers who are led by the prime minister and appointed by the president. Notably, the ministers of defence and interior are not members of the cabinet and are subordinated directly to the President of Georgia. Giorgi Margvelashvili is the current President of Georgia after winning 62.12% of the vote in the 2013 election. Since 2013, Irakli Garibashvili has been the Prime Minister of Georgia.

Georgia is divided into 9 regions, 1 city and 2 autonomous republics. These in turn are subdivided into 69 districts. The occupied territories of Georgia (also known as Russian-occupied territories) are the territories occupied by Russia following the Russo-Georgian War in 2008. They consist of Abkhazia and South Ossetia. 20% of Georgia's internationally recognised territory is under Russian military occupation. After the war, Russian military bases were established in Abkhazia and South Ossetia. Russia does not allow the European Union Monitoring Mission to enter South Ossetia and Abkhazia.

It has to be noted that figures and other data in this overview do not, in most cases, include

the occupied regions of South Ossetia and Abkhazia, due to the limited access to the regions. The authorities did not provide international organisations with regular access. Among other things, regarding the two disputed territories, the reports have suggested limits on freedom of movement, restrictions on political participation and ethnic discrimination in these regions.

Human rights in Georgia

Human rights in Georgia are guaranteed by the state constitution, which came into power in 1995. Since then, it has undergone numerous amendments. The constitution of Georgia provides for an executive branch that reports to the prime minister, a unicameral parliament and a separate judiciary. The government is accountable to parliament. The president is the head of state and commander-in-chief.

There is an independent human rights public defender elected by the Parliament of Georgia to ensure such rights are enforced.

Art 7 of the constitution states:

“The state shall recognise and protect universally recognised human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the state shall be bound by these rights and freedoms as directly acting law.” Aspects of human rights and their protection are also mentioned in numerous other paragraphs. (http://www.parliament.ge/files/68_1944_951190_CONSTITIT_27_12.06.pdf)

Let us start with the words of Thomas Hammarberg (EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia): “Georgia is going through the second transition process since its independence. The first such basic change started with the Revolution of Roses in November 2003 with its definite break with Communist traditions and with its ambitions of a genuinely democratic transformation. The ongoing process of change started with the parliamentary election in October 2012.

The Government which was established after the revolution aimed at radical reform of the Georgian society. It took steps to introduce a liberal market economy, to combat organised crime and stamp out corruption. It dismissed previous judges and introduced more rational methodology and structures in the judicial system. The High Council of Justice was moved from being under presidential subordination to being a formally more independent institution. The endemic corruption in the judiciary was addressed. A new Criminal Procedure Code was adopted. Steps were also taken against corruption within the police and, in particular, the patrol police became more professional.

Among other positive steps was the adoption of a National Concept for Tolerance and Civic Integration and an Action Plan aiming at promoting tolerance in society towards minorities and possibilities for them to participate in public life. This resulted, for instance, in the building of schools and some other infrastructural developments in minority areas.

However, all was not perfect. Especially during the last years, serious problems began to emerge, some of them contributing to the result in the 2012 election. The consequences of the disastrous 2008 war had certainly an impact as well.” (GEORGIA IN TRANSITION, Report on the human rights dimension: background, steps taken and remaining challenge,

Assessment and recommendations by Thomas Hammarberg, Sep 2013).

Human Rights Watch states in its 2014 Georgia report: “The October 2012 parliamentary elections marked Georgia’s first peaceful transition of power since independence. The opposition coalition, led by billionaire Bidzina Ivanishvili, defeated President Mikheil Saakashvili’s party and gained a majority in parliament. The new government inherited troubling human rights problems, including little judicial independence and misuse of administrative (misdemeanor) charges to detain activists for minor infractions without having to follow full due process.

Graphic video material, released in September 2012, depicted the torture and ill-treatment of inmates, highlighting a long-standing problem of prisoner abuse. Rectifying past abuses and holding former government officials accountable without turning the process into political retribution is a serious challenge.”

The October 2013 presidential election completed a peaceful transition of power in Georgia after the difficult cohabitation between Prime Minister Bidzina Ivanishvili and his political rival President Mikheil Saakashvili. Investigations into torture and ill-treatment in custody were slow and lacked transparency. Investigations into past abuses raised some concerns regarding selective justice and politically motivated prosecutions. The police did not adequately respond to several violent incidents against religious minorities and lesbian, gay, bisexual and transgender (LGBT) people.

Key international actors

Georgia deepened its political and economic ties with the European Union through the Eastern Partnership process, which was closely tied to progress in governance and human rights.

The European Union closely engaged with the new Georgian government to monitor the human rights record and urge much-needed reforms. It created and funded an expert position to advise the government on legal, constitutional and human rights.

In September – after regular visits to Georgia and extensive consultations with officials, the political opposition and civil society – Hammarberg published a report with recommendations for the government to address religious intolerance, independence of the judiciary, prison conditions, ill-treatment and torture, illegal surveillance, minority rights and other human rights issues.

In its March European Neighbourhood Policy (ENP) progress report, the EU noted that Georgia “acted on most [of the ENP’s] key recommendations,” but also highlighted the need to ensure the independence of the judiciary, avoid selective justice and increase the accountability and democratic oversight of law enforcement agencies.

In its annual human rights report in April, the United States Department of State flagged concerns about shortfalls in the rule of law and lack of judicial independence, as well as restrictions on freedom of association and assembly.

The International Criminal Court prosecutor continued to monitor local investigations into crimes committed during the 2008 Georgia-Russian conflict over South Ossetia, while noting in a November 2012 report that these investigations had yet to yield any results.

International observers, led by the Organization for Security and Co-operation in Europe, positively assessed the October 27 presidential election, highlighting respect for fundamental freedoms of expression, movement, and assembly. However, observers also noted allegations of political pressure (<http://www.hrw.org/world-report/2014/country-chapters/georgia>)

On 27 June 2014, Georgia signed an Association Agreement with the European Union. The memo states among other things: “The EU and Georgia will cooperate on: strengthening the rule of law, advancing judicial reforms, fighting corruption, ensuring respect for fundamental rights and freedoms and strengthening democratic institutions.

Main areas of cooperation:

Core reforms: reforms are foreseen in a number of key areas, including public governance, justice, law enforcement, economic recovery and growth, consumer protection and sectors such as energy, transport, environmental protection, industrial development, social development and protection, education, youth and culture.

Values: the Agreement puts a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms, good governance, a well-functioning market economy and sustainable development.” (http://europa.eu/rapid/press-release_MEMO-14-430_en.htm)

In September 2008, NATO and Georgia established the NATO-Georgia Commission (NGC) to oversee NATO’s assistance to Georgia following the conflict with Russia. The NGC plays a central role in supervising the process set in hand at the Bucharest Summit where NATO leaders agreed that Georgia will become a member of NATO. In December 2008, Allied Foreign Ministers agreed that Georgia should develop an Annual National Programme (ANP) under the auspices of the NGC. In this framework, the Alliance is maximising its advice, assistance and support for Georgia’s reform efforts, particularly in the field of democratic, institutional and defence reforms.

At the 2014 Wales Summit, Allied leaders reaffirmed all elements of their decision made at the Bucharest Summit, and they welcomed Georgia’s progress since then in meeting its Euro-Atlantic aspirations through reforms, the conduct of transparent and peaceful elections, the implementation of its ANP and active political engagement with the Alliance within the NGC. (http://www.nato.int/cps/en/natolive/topics_38988.htm)

Georgia has been a member of the Council of Europe (CoE) since 1999. The CoE’s country-specific projects in Georgia have recently focused on promotion and protection of human rights, particularly in the area of promoting penitentiary and judicial reform. Georgia has also been part of multilateral CoE projects, notably the joint European Union/Council of Europe regional programmes on the fight against ill-treatment and impunity as well as the promotion of media freedom and ethical journalism, and the Eastern Partnership facility, particularly in the fields of good governance, democracy and justice, where the CoE’s expertise can prove most effective. (https://wcd.coe.int/ViewDoc.jsp?id=2102099#P111_3499)

The subjects that are most frequently occurring in the documents about the conditions of human rights in Georgia have been divided in this chapter into the following subjects:

1. Equal Treatment: Gender Equality, Non-discrimination, Violence against Women

- 1.1. Gender Equality
- 1.2. Violence against Women, Domestic Violence
- 1.3. Human Trafficking
- 1.4. Equal Treatment and Non-discrimination
- 1.5. Racial/Ethnic Discrimination, Integration
- 1.6. Persons with Disabilities
- 1.7. LGBTQ Rights, Sexual Orientation and Gender Identity
- 1.8. Children's Rights

2. Freedom of Religion

3. Torture and Ill-treatment, Prison Conditions

- 3.1. Prison Conditions, Human Rights of the Inmates
- 3.2. Investigations into Past Abuses
- 3.3. Right to Fair Trial, Administration of Justice and Due Process

4. Asylum Seekers and Refugee Rights and Protection

5. Right to Privacy

6. Freedom of Assembly

1. Equal Treatment

1.1 Gender Equality

The Public Defender has presented the chapter of his "Gender Equality and Women's Rights" report for 2013 to the NGO sector, international organisations and governmental bodies.

According to the data for 2013, the key challenge for gender equality is low rate of women's involvement into political life of the country. Women's share in the parliament is 11 %: 21 % in the Cabinet of Ministers and 10 % in local self-government bodies.

Despite of the fact that after the Parliamentary Elections of 2012 women's representation in the legislative body increase by 5%, Georgia still remains in the list of countries where women's representation on a decision-making level is low.

The legal arrangement measures taken in 2013 for facilitation of women's political participation are worth mentioning. The amendment of organic law of Georgian on political unions of citizens provided for additional 30% on party funding if in the part list submitted by

the party, 30% of every ten members would be opposite sex. In 2014, as a result of interagency cooperation, 2014-2016 Action Plan of the activities for implementation of gender equality policy has been elaborated; one of the key objectives of this action plan is to facilitate women's political participation. An important step towards gender mainstreaming was introduction of the position of the advisor on gender equality issues at institutional level.

In 2013, the department of gender equality was established at the Office of Public Defender; this initiative makes the Office of Public Defender number one state institute, which established a structural unit dedicated to gender equality.

As of 2013, women's economic activity and participation in economic life of the country is very low. According to the data of "Global Gender Gap Index" Georgia holds 64th position among 136 countries. According to the same source, instead of progressing, Georgia is regressing in comparison to the previous years; According to the data from the same source according to the index of equal pay for equal work, the situation is alarming.

Legislative initiatives of 2013, aimed at improvement women's labour rights are worth welcoming. In particular, the term of leave and remuneration for pregnancy, maternity and child care increased;

According to the data of the Ministry of Internal Affairs, total number of domestic conflict calls/reports received by the operational management center of LEPL "112" emergency assistance during the year of 2013; among the registered cases, following indicators of violence were registered: physical - 139; psychological - 188; economic – 18 and coercive - 13.

After the study of the statements applied in the Office of Public Defender, revealed many problems domestic conflict with monitoring of administrative - legal measures, restraining and protective orders. In some cases, the Ministry of Internal Affairs has failed to provide effective measures.

In 2013 Public Defender found out about the facts of harassment of women in public places, which was demonstrated in degrading acts against them.

According to the information provided in the report, as per the data of the Ministry of Education and Science of Georgia, 7 367 girls from public and private schools ceased basic education course during the period of October 2011-January 2013; in most cases the reason was early marriage. Despite of the recommendations provided in the report, the issue of early marriage is still very urgent and unfortunately, no effective steps have been yet taken.

Georgian law does not give a definition of a status of a single mother, and therefore, there are no state programs to support them. The "single mother" is a person who has never had a husband or is a widow and has a child (children). The problem of general nature is that single motherhood in Georgia is linked not only to paternal ignorance of a child and evasion of responsibility, but also social and state's indifference. On the one hand, society's stereotypical attitude and on the other hand the government's lack of assistance programs result in extremely severe material and legal condition of single mothers.
<http://www.ombudsman.ge/en/news/genderuli-tanasworoba-da-qalta-uflebebi.page>

The UN Women portfolio in Georgia is comprised of interventions in the areas of: Women,

Peace and Security, Elimination of Violence against Women, Social and Economic Empowerment of Women, Mainstreaming gender into national planning and budgeting processes. http://www.ungeorgia.ge/eng/UN_in_Georgia/un_agencies?info_id=28

The Centre of Social Sciences (financed by the USAID) made the following conclusion in its 2014 study "Promoting gender equality in employment"

“The present study has depicted the inequality among the average salary distribution among man and women regardless the similar educational attainments. Women’s average salary ranges between the 251-400 GEL whereas in man’s case the average salary is between 401-700 GEL. Educational level does not affect man’s salary (except PhD degree), while women should have an undergraduate or graduate degree to earn the average salary of man with secondary education. The unequal average salaries can be influenced by the fact that more man (65%) work for the private sector, whereas women are working in private and public sectors in equal shares (47% respectively). Horizontal and vertical segregation also contributes to wage inequality - the study has found the evidence of both horizontal and vertical segregation in Georgia.

Vertical segregation is manifested by the fact that 65% of respondents reported having a male manager, whereas 31% reported having female direct manager. Horizontal segregation is reflected in findings that 79% of employees at human health and social work sector and 78% of employees at education sector are women, whereas 96% of employees in construction sector, 91% of employees in transportation and storage sector and 47% of employees at public administration and defence, compulsory social security sector are man. It is noteworthy that membership in trade unions is rather low (13%) and 27% of total average of employed population do not have valid contracts with their employer, although slightly more women than men are members of trade unions. Implying that there is risk of increasing the non-contract employment, already presented in high proportion on Georgian labour market. Instead, the opportunity of encouraging the trade unions to act as supporters for the labour rights and equal rights can be used to improve the situation.” ("Promoting gender equality in employment," Bendelani, Turk, Amashukeli, Khechushvili 2014, CSS)

The World Economic Forum places Georgia 85th out of 142 countries, with its weakest aspects being health and survival and political empowerment. (<http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=GEO>)

Georgia

	OVERALL		ECONOMIC PARTICIPATION		EDUCATIONAL ATTAINMENT		HEALTH AND SURVIVAL		POLITICAL EMPOWERMENT	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
Gender Gap Index 2014 (out of 142 countries)	85	0.685	66	0.675	80	0.989	115	0.967	94	0.111
Gender Gap Index 2013 (out of 136 countries)	86	0.675	64	0.674	89	0.979	126	0.955	97	0.091
Gender Gap Index 2012 (out of 135 countries)	85	0.669	57	0.677	89	0.979	129	0.950	109	0.071
Gender Gap Index 2011 (out of 135 countries)	86	0.662	54	0.672	67	0.990	128	0.948	120	0.039
Gender Gap Index 2010 (out of 134 countries)	88	0.660	54	0.675	87	0.981	129	0.944	119	0.039
Gender Gap Index 2009 (out of 134 countries)	83	0.668	54	0.675	82	0.985	131	0.939	103	0.073
Gender Gap Index 2008 (out of 130 countries)	82	0.665	69	0.635	1	1.000	127	0.939	92	0.088
Gender Gap Index 2007 (out of 128 countries)	67	0.666	69	0.630	28	0.998	125	0.933	66	0.104
Gender Gap Index 2006 (out of 115 countries)	54	0.670	41	0.656	28	0.997	115	0.923	59	0.104

1.2 Violence against Women, Domestic Violence

According to Nino Elbakidze, a lawyer and women's rights activist in Georgia, "Women in Georgia continue to be more socially disadvantaged. Domestic violence and women's rights to inheritance and property are major issues. Married women with children are respected whereas single women have a hard time in this conservative society. There are very few women in influential positions and only ten per cent of the country's parliamentary MPs are women." (<https://www.giz.de/en/worldwide/22522.html>)

Justice Minister Tea Tsulukiani has noted that data collected about violence against women by the previous government are not sufficient to thoroughly calculate if there have been any developments to the better. It has also been noted that rising numbers of women reporting violence does indicate the extent of the problem but also indicates raised awareness and trust, in that after involving the authorities the situation can get better; this implies the improved efficiency of the law enforcing institutions. Meanwhile, human right's activists say that laws still need further amendments. For example, rape is only registered if the victim and abuser are not married; there is no definition of marital rape, etc.

According to research funded by the UN (2010), one in every 11 married women in Georgia is subjected to physical, sexual and other forms of violence from her husband or partner. But rights groups say the real number could be much higher because victims rarely speak out.

There are no official data, but media reports suggest 23 women in Georgia were killed by their husbands in 2014. For a small country, domestic violence has assumed epidemic proportions, activists say. In 2006, Georgia adopted a law on domestic violence. But women's rights campaigners say it may not be working in practice. Justice Minister Tea Tsulukiani says the police are not the problem.

"Victims often withdraw complaints. Now we are strengthening the practice and guidelines, so the police can - notwithstanding whatever the victim says - continue the procedure." (<http://www.bbc.com/news/world-europe-30215360>)

On 4 November 2013, Ambassador of Estonia Priit Turk, Ambassador of the United States

Richard Norland, and Georgian Minister of Internal Affairs Irakli Gharibashvili opened a conference in Tbilisi about the fight against domestic violence. The event took place within the framework of a joint Estonia-US development cooperation project entitled “Capacity Building for Georgian Authorities on Combating Domestic Violence”.

The cooperative project was started in September 2012 and will go through the end of February 2014. The Georgian Ministry of Internal Affairs, the Georgian Police Academy, the Estonian Police and Border Guard Board, and the International Organization for Migration’s Tbilisi representation were partners in the project.

Georgia is a development cooperation priority country for Estonia and the fight against domestic violence is one of the priority themes for Estonia’s development cooperation programme for Georgia in the period 2012-2015 (<http://www.tbilisi.vm.ee/news/aid-780>).

1.3 Human Trafficking

According to the Freedom House report 2014, Georgia is a source, transit, and destination country for trafficking in persons according to the U.S. State Department’s 2013 Trafficking in Persons Report. While the government does not fully comply with the minimum standards for the elimination of trafficking, it has made significant efforts to do so. The new government finalized an anti-trafficking action plan for 2013–14, which President Saakashvili signed in March 2013. (<https://freedomhouse.org/report/freedom-world/2014/georgia#.VMYm6GzMS74>)

The government of Georgia, in co-operation with NGOs and international organisations, has amended legislation and initiated numerous activities to stop human trafficking. The initiatives include (social) rehabilitation, awareness campaigns both among the public and officials, and legal help. The projects have focused on men used as a forced labour, women being trafficked for sexual employment or forced labour, and child trafficking.

In an overview entitled “Human Trafficking: Georgia”, Natia Chelidze, the author of CARIM-East Explanatory Note 13/33 implies: “Georgia has transformed into a country of destination, a fact confirmed by a series of cases of human trafficking covered by media. In 2012, a flow of immigrants from Central Asia, Uzbekistan in particular, in the direction of Adjara, including the Black Sea towns of Batumi, Gonio, Sarpi and Kvariati has extended. Overall, 27 brothels disguised under the names of hotels and cafes employing up to five hundred women of Central Asian origin were disclosed in Gonio in the summer of 2012.

(...) Since 2009, the Ministry of Interior of Georgia has maintained an updated database titled "Do not become a slave!" on its website concerning trafficking in persons and combating irregular migration. It contains a legislative base, hotline numbers and links to all the international and non-governmental organizations working on the issues of combating trafficking and irregular migration. (http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-33.pdf)

1.4 Equal Treatment and Non-discrimination

There are not many studies devoted to discrimination in Georgia, so one cannot say much about the nature and extent of the problem.

In April 2014, Amnesty International called on the Georgian authorities to ensure that the country's first anti-discrimination bill would become an effective tool to combat discrimination. They made a statement to the Georgian government in a public opinion document – “Georgian authorities should not water down the country's first anti-discrimination bill” (AMNESTY INTERNATIONAL PUBLIC STATEMENT 24 AI Index: EUR 56/001/2014)

The bill, is drafted by the Ministry of Justice of Georgia, defines different forms and grounds of discrimination and prohibits all types of discrimination in Georgia. Passage of the bill is an important step towards fulfilling Georgia's international legal obligation to combat discrimination, and a pre-condition for Georgia to fulfil the requirements of the visa liberalization program with the EU.

The initial draft of the bill envisaged creation of the institution of an Inspector as the implementation mechanism of the new law. It envisaged that the Inspector would have the authority to receive and review complaints, investigate allegations of discrimination, impose certain sanctions against those responsible as well as refer cases to criminal prosecution authorities for further action.

The initial draft of the bill was endorsed by Georgian civil society organizations and representatives of different minorities in the country, as well as by the international organizations and experts.

The Georgian government decided to amend the draft shortly before it was officially introduced to the Parliament. The changes substantively altered the bill, significantly reducing its ability to effectively enforce anti-discrimination law.

The institution of the Inspector has been removed from the bill and instead, the already existing national human rights institution of Georgia – the Public Defender – is designated as the body responsible for overseeing implementation of the new law. The Public Defender does not have the authority to impose any penalties or obligatory measures and is restricted to only recommendatory functions. No additional financial and other resources have been dedicated to the Public Defender to carry out its work as the anti-discriminatory implementation mechanism. This change therefore raises concerns that the right to non-discrimination envisaged in the bill will not be enforceable in practice.

Prior to the submission of the draft bill to the parliament, a special clause was introduced in it regarding the Georgian Orthodox Church. The clause reads that none of the articles of the anti-discrimination law should be interpreted contrary to the 2002 Constitutional Agreement between Georgia and the Georgian Orthodox Church. The 2002 Constitutional Agreement gives a legal grounding to the relationship between the state and the Church, and refers to a “special role” which the Church has played in the history of Georgia. It grants the Georgian Orthodox Church certain privileges, including tax privileges, as well as a special advisory role with the government, and it is widely seen as discriminatory vis-à-vis other religions groups in the country. Leaders of the Church have been cited as making discriminatory remarks with regard to various minorities, and have also spoken of the need to “protect the [Christian Orthodox] majority”.

It is important that the new anti-discrimination law is effective, since discrimination has been a significant problem in Georgia. During the last two years there have been cases of attacks

on and discrimination against members of religious minorities and the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in the country. The recent changes in the draft bill also come at a time when the Prime Minister of Georgia introduced a plan to outlaw same-sex marriage in the Constitution of Georgia.

Currently, the Civil Code of Georgia defines marriage as an institution between a man and a woman only, however, the Constitution does not specify such a discriminatory restriction. The Georgian government should take into consideration the concerns of civil society and offer a bill that would not only outlaw discrimination on paper, but would also enforce prohibition of all forms of discrimination in practice. <http://www.amnesty.org/en/library/asset/EUR56/001/2014/en/01b5e8d5-6705-47cf-b0f6-fb3fab931aad/eur560012014en.html>

ISET Policy Institute blog: “On May 2, 2014, the Georgian parliament unanimously passed the law on the elimination of any form of discrimination. The stated objective of the law is to ensure that any physical or legal entity equally benefits from all rights defined by Georgian legislation, irrespective of race, skin colour, language, sex, citizenship, place of origin, birth or residence, wealth or class status, religion or belief, national, ethnic or social belonging, profession, marital or health status, disabilities, sexual orientation, gender identity, political or other considerations, etc. Acute discussions between parliament and church representatives, especially about the phrase on sexual orientation and gender identity, preceded the adoption of the law" (<http://www.iset.ge/blog/?p=3300>).

1.5 Racial/Ethnic Discrimination, Integration

Country Reports on Human Rights Practices for 2013 United States Department of State, Bureau of Democracy, Human Rights and Labour:

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

According to the UNHCR, as of January there were 156 stateless persons in the country, compared with 1,569 in 2012.”

In June 2009, the government interagency commission issued a report on the implementation of the National Concept and Action Plan on Tolerance and Civil Integration (2009-14). The report noted positive trends, such as the active participation of the minority regions in the October 2012 parliamentary elections; the implementation of infrastructure rehabilitation and economic projects in the minority regions; and the government’s focus on Georgian-language instruction projects.

The OHCHR/UNDP-supported NGO Coalition noted in its September report that ethnic minority representation in the government remained limited and far lower than its representation in the country. The public defender's Monitoring Results of Implementation of the National Concept and Action Plan on Tolerance and Civil Integration, which covered the period from 2010 to February 2012, reported few minorities involved in the executive branch of government, political parties and civil society.

Georgian-language skills continued to be the main impediment to integration for the country's ethnic minorities; however, political, civic, economic and cultural obstacles to integration also remained. Some minorities claimed that the law requiring all government officials to speak Georgian excluded them from participating in government. The law requires that ethnic minority students learn Georgian as a second language. The public defender's 2012 Situation of Human Rights and Freedom report noted that a significant portion of the ethnic minority population lacked proficiency in the state language, hindering their civil integration. In part, the report attributed the problem to inadequate Georgian-language instruction at preschool educational centres in minority regions. The report also noted an insufficient number of Georgian-speaking government administrators in minority regions. Additionally, some government materials distributed to the public were only available in Georgian. While the Ministry of Reintegration asserted it translated all major legislative acts into Armenian, Azeri and Russian, a civil society watchdog group reported that, aside from the constitution and the National Concept on Tolerance and Civil Integration, the government only translated abstracts of a limited number of laws into minority languages (United States Department of State; Bureau of Democracy, Human Rights and Labour).

(...) The European Center for Minority Issues (ECMI) reported that Roma appeared to suffer from widespread societal prejudice and marginalization and that the government needed to do more to integrate Roma. The ECMI estimated the Romani population at 1,500, with no more than 300 in any one location. The most recent census, conducted in 2002, reported the number of Roma at 472. Roma lived principally in the Tbilisi, Kutaisi, Kobuleti, Kakheti, and Sukhumi regions. The ECMI reported the Romani community suffered from extreme poverty, unemployment, lack of education and health care, and isolation from larger society.

<http://www.state.gov/documents/organization/220492.pdf>

1.6 Persons with Disabilities

It has been noted that the financial support from the government towards disabled people has increased, but is still insufficient when it comes to crucial issues.

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

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. Very few public facilities or buildings were accessible, although the Ministry

of Internal Affairs, Ministry of Justice, Ministry of Education, and Office of the Public Defender's buildings complied with the law. Public and private transportation offered no accommodation for persons with disabilities. Sidewalk and street crossing accessibility was poor," is noted in the Country Report on Human Rights Practices for 2013, United States Department of State; Bureau of Democracy, Human Rights and Labor (<http://www.state.gov/documents/organization/220492.pdf>)

1.7 LGBTQ Rights, Sexual Orientation and Gender Identity

On 17 May 2013, a peaceful gathering to mark International Day Against Homophobia was violently disrupted by thousands of counter-demonstrators, including some Orthodox clergy. The day before, the patriarch of the Georgian Orthodox Church publicly urged the authorities not to allow the gathering, calling it an "an insult" to Georgian traditions.

Police had to evacuate the LGBT activists to safety, but they failed to contain the mob, which attacked a van carrying the activists, throwing stones and other objects; one journalist was hit on the head and briefly hospitalised. Authorities charged two Orthodox priests and three other men with obstructing freedom of assembly and petty hooliganism. The Tbilisi City Court ordered that charges be dropped against one priest. At time of writing, the trials against the others were ongoing.

Identoba, a local LGBT rights group, reported 34 incidents of violence and intimidation against LGBT people during and after the 17 May incident. The group noted that many victims do not report homophobic violence due to fear of retribution and police failure to investigate adequately. <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

Police in the Georgian capital Tbilisi failed to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) activists as thousands of people violently attacked a Pride event today in what Amnesty International said was an ineffective response to organized and violent homophobia.

Georgian LGBTI activists were assembling in the capital's Pushkin park for a peaceful rally to mark the International Day against Homophobia and Transphobia (IDAHO) when the event was cut short by a throng of angry counter-protesters reported to number in the thousands.

The ensuing violence resulted in 17 people being injured – 12 of whom were hospitalized, including three policemen and a journalist.

"Ironically this shameful violence marred a day that is meant to mark solidarity in the face of homophobic violence around the world, and it shows that the Georgian authorities have a long way to go to promote tolerance and protect LGBTI people and their human rights," said John Dalhuisen, Europe and Central Asia Programme Director at Amnesty International.

"The authorities must investigate this violence and bring to justice those responsible for committing acts punishable by law."

Video from the scene depicts dozens of people apparently attempting to lynch a young man because they believed he was gay – something he denies, while making the sign of the cross in front of a nearby church. Police intervened to separate the man from the crowd, but no arrests were made at the time.

The attackers at today's event were accompanied by – and appear to have been encouraged by – the religious authorities from the Georgian Orthodox Church.

According to media reports, on Thursday the Church's highest authority, Patriarch Ilia II, called on the authorities to ban the LGBTI rights event, saying it would be "an insult" to Georgian tradition.

Amnesty International noted that this is the second consecutive year that police in Tbilisi have failed to protect LGBTI activists from violent attacks by Orthodox groups inspired by such intolerance.

“It is becoming a dangerous trend in Georgia to condone and leave unpunished the acts of violence against religious and sexual minorities if they are perpetrated by the Orthodox religious clergy or their followers. It is simply unacceptable for the authorities to continue to allow attacks in the name of religion or on the basis of anyone's real or perceived sexual orientation or gender identity,” said Dalhuisen.

“It was clear from last year’s events, as well as this year’s announcements for the planned counter-demonstrations, that violence was to be expected. The police appeared to have been woefully unprepared and failed once again to ensure that LGBTI activists could exercise their right to freedom of assembly and expression.

“By failing to take effective measures and hold these accountable to justice, the Georgian authorities are allowing the intolerance and impunity to grow and fester. They must improve their policing of peaceful demonstrations in future and ensure that this is not allowed to happen again,” Dalhuisen added. <http://www.amnesty.org/en/news/georgia-homophobic-violence-mars-tbilisi-pride-event-2013-05-17>

Social prejudices against LGBT persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity. LGBT organizations reported that most LGBT persons concealed their sexual orientation for fear of harassment. Few LGBT organizations worked openly because of the extensive societal stigma against LGBT persons.

<http://www.globalequality.org/storage/documents/pdf/human%20rights%20reports-2013-europe%20and%20euroasia.pdf>

1.8 Children’s Rights

The law provides for acquisition of citizenship by birth on the country’s territory. It applies to children of stateless individuals. According to the UNICEF data, 97% of children are registered. Problems remain to some extent with Roma children, who are born at home and, if not registered, lack access to medical treatment. The quality of education fluctuates greatly, depending on the rural or urban areas between Tbilisi and other regions. According to the Country Report on Human Rights Practices for 2013, United States Department of State, Bureau of Democracy, Human Rights and Labor; p 48 states: “The quality of education in the occupied regions of Abkhazia and South Ossetia, outside of the government’s control, was reportedly poor. In rural areas school facilities were often inadequate and lacked heating, libraries, and blackboards. <http://www.state.gov/documents/organization/220492.pdf>

They also imply to some cases of the abuse of street children, although it is mentioned not to

be a societal pattern. UNICEF reported that the response by school professionals, police and social workers to reported cases of violence against children was often inadequate due to cultural inclinations to avoid interference in family affairs.

Difficult economic conditions contributed to the problem of street children, although the number was not considered high and decreased annually. UNICEF estimated that approximately 1,500 children lived and worked in the streets in the country's cities in 2012. However, in recent years, there has been no relevant research and the public defender noted the lack of resources for gathering further data.

According to UNICEF, 14 percent of women between the ages of 20 and 24 were married or cohabitating with a partner before they were 18 (a legal age for marriage).

The government is making efforts on changing large scale orphanages into offering smaller foster parenting arrangements; it has also continued to provide higher education grants for institutionalised and foster care children, including full coverage of tuition and a stipend, and it has provided emergency assistance to foster families.

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

2. Freedom of Religion

In 2013, US Department of State, Bureau of Democracy, Human Rights and Labour published their report on Human Rights Practices for 2013, where it stated: "During the year there were several instances of discrimination against the Muslim community. The public defender and civil society expressed their concern about intolerance and violence directed against Muslims." (Country Reports on Human Rights Practices for 2013; US Department of State, Bureau of Democracy, Human Rights and Labor (<http://www.state.gov/documents/organization/220492.pdf>).

Since November 2012, Orthodox Christian communities in several villages prevented, at times violently, Muslims from holding religious services in houses converted into mosques. Although the prime minister made several public statements condemning the violence, little action was taken to hold the offenders accountable.

In August 2013, local authorities in western Georgia forcefully removed a minaret from a mosque, leading to a clash between local Muslim residents and police. Officials claimed they wanted to inspect the minaret because it allegedly lacked the proper import license. Several days later, the authorities returned the minaret but did not reinstall it due to protests by the local Christian community.

In April three drunk military police officer's verbally assaulted residents in a village in Adjara region—which has a significant Muslim population—arbitrarily stopping cars and searching people, calling them "Tatars" and demanding they show crosses around their necks. The Defence Ministry sacked the officers, and police arrested at least two of them. <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

There were also incidents between members of the Armenian Church and Georgians. The clash at the Armenian Church in Georgia was mentioned by The Institute for War & Peace Reporting and investigated by Ucha Nanuashvili, the official human rights ombudsman in Georgia. Claims that Armenians were the target of ethnic attacks are disputed by eyewitnesses.

“These two Orthodox Churches are among the most ancient in the world, going back nearly to the dawn of Christianity, and have played a key role in the formation of their respective nations. Therefore, a recent escalation in tensions between the Georgian Orthodox Church and the Armenian Apostolic Church merits closer attention than a superficial glance might suggest,” claims The Jamestown Foundation [Tensions Between Georgian and Armenian Churches Escalate; Publication: Eurasia Daily Monitor Volume: 11 Issue: 146; August 8, 2014; By: Paul Goble](#)

3. Torture and Ill-treatment, Prison Conditions

In June 2013, courts convicted 14 former prison officials implicated in beatings and torture in prison that were revealed in videos released in 2012. Six received prison terms ranging from three to six years; eight plea-bargained, receiving sentences ranging from six months to five years. However, the prosecutor general fully released Vladimir Bedukadze from criminal responsibility, who provided information about the torture in which he was also involved. Many local and international observers criticised the move.

In July, a court acquitted five former police officers who faced multiple charges, including ill-treatment and rape of a detainee, leading to an exchange of accusations between the Prosecutor’s Office and the judiciary. The former claimed that it provided forensic examinations, victim and witness statements, and other evidence at trial, while the latter asserted that some evidence was contradictory and the prosecution failed to substantiate the charges.

In July, Mamuka Mikautadze, 36, was found hanged a day after police interrogated and then released him regarding drug possession. According to his wife, Mikautadze complained that police had beaten and forced him to sign false testimony incriminating his friend. Local rights groups alleged that police were slow to respond to Mikautadze’s family’s allegations. The investigation was ongoing at time of writing.

In January, parliament adopted a broad prison amnesty, leading to the release of over 8,000 inmates. This alleviated severe overcrowding, a chronic problem in Georgian prisons. <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

In the same year, 2013, according to the Ministry of Justice, authorities initiated six investigations into allegations of torture, three into inhuman treatment, and one into the use of duress to compel evidence during the year. (Country Reports on Human Rights Practices for 2013, United States Department of State, Bureau of Democracy, Human Rights and Labor. (<http://www.state.gov/documents/organization/220492.pdf>))

3.1 Investigations into Past Abuses

In response to over 20,000 complaints about alleged past abuses, the authorities charged 35 former officials from a variety of ministries with, inter alia, abuse of office, embezzlement

and false arrest; 14 of them were in custody at time of writing. The authorities did not explain the criteria they used to determine which cases of past abuses to investigate, and while investigating past abuses prosecutors questioned over 6,000 persons, mostly UNM party activists. Both factors caused the opposition to allege its activists were subject to politically motivated pressure.

Among those arrested was Vano Merabishvili, the UNM's secretary general and former interior minister, who faces charges including embezzlement and abuse of office for obstructing a high-profile murder investigation. Merabishvili's prosecution, ahead of the presidential election, raised concern among some observers that it was politically motivated.

<http://www.hrw.org/world-report/2014/country-chapters/georgia>

As for the inquiries, a Georgian court has sentenced former Defense Minister Bacho Akhalaia to 7,5 years in prison for torturing convicts in 2006. The Tbilisi City Court also gave prison sentences to former high-ranking Interior Ministry officials Giorgi Mazmishvili, and brothers Levan and Megis Kardava, the latter of whom was tried in absentia. Levan Kardava and Mazmishvili were found guilty of the killings of three people who were suspected of planning a prison escape for their relatives and given 11-year terms. Akhalaia, who served as chief of Georgia's penitentiary system at the time of the murders and has also served as interior minister, was accused with Megis Kardava of torturing the convicts whose relatives were purportedly going to help them escape. Akhalaia, 34, is already in jail and has been charged with offenses in several other criminal cases. He has rejected the charges. (<http://www.rferl.org/content/georgia-ex-minister-jailed-torture/26650931.html>)

3.2 Prison Conditions, Human Rights of the Inmates

Country Reports on Human Rights Practices for 2013, United States Department of State; Bureau of Democracy, Human Rights and Labor: "While reports of torture in prison decreased substantially, during the year NGOs and the public defender documented several cases outside the penitentiary system of police officers mistreating detainees, beating them, denying them access to sanitation, or withholding permission to contact a lawyer. The Georgian Young Lawyers' Association (GYLA) reported that periodically individuals, upon admission to police detention facilities, showed signs of physical injuries. NGOs, international observers, and the public defender criticized the government's lack of investigation into alleged instances of police officers' excessive use of force."

In its public statement in November 2014 on Georgia: "Reports of ill-treatment in prison must be thoroughly investigated" Amnesty International called on the Georgian authorities to thoroughly investigate the recently emerged new reports of ill-treatment of inmates in Prison N8.

The representatives of the Public Defender of Georgia visited the Prison No.8 in Tbilisi, the Capital of Georgia, and discovered two prisoners who reportedly had been ill-treated by the penitentiary staff. According to the Public Defender's statement, his representatives heard screaming and saw blood stains on the floor as they entered the building of the prison and after their persistent demands the prison administration showed them two prisoners laying in the shower room. The statement says that the prisoners' hands were chained to their feet,

while both had recent wounds purportedly as a result of physical violence: one of them was bleeding from his face and the other had a black eye.

The Prosecutor's Office of Georgia launched an investigation into the allegations; however the investigation was initiated not on the grounds of torture or degrading or inhuman treatment, which are crimes under the Georgian Criminal Code, but merely on the grounds of "exceeding official powers" by public servants. According to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), each state party shall make acts of torture offences "punishable by appropriate penalties" and "ensure that all acts of torture are offences under its criminal law".

In a separate incident in 2012, footage aired by Georgian TV stations showed inmates in the same Prison No. 8 being beaten by more than a dozen prison staff, while other prisoners were brought in to the room, seemingly to await their turn. The footage also showed two inmates being raped with a stick and a broomstick by prison guards, who continued to abuse them despite their pleas.

The current Government of Georgia, which came to power shortly after the release of the 2012 torture videos, pledged to improve the situation in penitentiary institutions. The evidence presented by the Public Defender of Georgia strongly suggests that the problem of ill-treatment still remains in the Georgian prisons and more work is yet to be done to effectively eradicate it.

Background

In 2013, the Georgian Courts sentenced 16 former penitentiary officials in the aftermath of the release of the 2012 torture videos. The officials were sentenced to between six months and six years of imprisonment. However, a former member of staff of the Prison No.8, Vladimer Bedukadze, who released the torture videos and was himself accused of torture, was fully exonerated from criminal responsibility by the Chief Prosecutor of Georgia on the grounds that he had cooperated with the investigation. Eight of those convicted had also made plea bargain agreements with the prosecution, resulting in the reduction of their sentences, two of whom were released immediately as they had served the period of their sentence in pre-trial detention. This, and particularly the dropping of all charges against one of these former officials, has provoked criticism in Georgia and internationally. In his 2005 report, the UN Special Rapporteur on Torture and Other Ill-treatment had recommended that the Georgian government not use plea-bargaining to exempt law-enforcement officials facing accusations of torture or other-ill treatment from criminal liability.

All allegations of torture or other ill-treatment, past and present, should be addressed via prompt, effective, impartial and independent investigations, bringing all those complicit in this crime to justice and providing reparations to victims. AI Index: EUR 56/002/2014

<http://www.amnesty.org/en/library/asset/EUR56/002/2014/en/d44e044d-4b88-4880-a066-152243f47233/eur560022014en.html>

3.3 Right to Fair Trial, Administration of Justice and Due Process

The Georgian constitution and other legislation are very clear: the judiciary must be independent and free from any political or other undue influence. In practice, however, this crucial principle has not been fully respected. Courts have been subject to direct or indirect political pressure and have not always been able to protect their integrity. The intention to separate the executive branch from the judicial was declared but not genuinely implemented. (GEORGIA IN TRANSITION, Report on the human rights dimension: background, steps taken and remaining challenge, Assessment and recommendations by Thomas Hammarber, Sep 2013)

Although the constitution and law provide for an independent judiciary, external and internal influence on the judiciary remained a problem. NGOs noted that Prime Minister Bidzina Ivanishvili called for all parties to abstain from pressuring the courts. The Prosecutor's Office largely refrained from public criticism of the judiciary. Following the 2012 elections, prosecutors from the new government generally represented a different political party than the judges, who were appointed during the Saakashvili administration. With this change oversight of the executive branch by the judiciary became stricter, most particularly in cases involving former Saakashvili administration officials, and judges typically applied higher standards to requests from prosecutors to institute wiretaps, search residences, and detain defendants before trial in these cases. Country Report on Human Rights Practices for 2013, United States Department of State, Bureau of Democracy, Human Rights and Labor; p 17

"In a significant development (in 2013), a number of judges formed a new judges' association. For the first time, an alternative voice from the bench provided an outlet for individual judges to voice their opinions – apart from the "official" court opinion – on court-related problems and concerns," Country Report on Human Rights Practices for 2013, United States Department of State, Bureau of Democracy, Human Rights and Labor; p 18

Amid reports of the accused not being able to understand their rights read by the judges and inmates going on hunger strike demanding changes, in reviewing certain cases the Georgian Bar Association (GBA) expressed concerns about the mistreatment of prosecutors, trial procedures not being announced in time for public hearings, pressure of confession, alleged politically motivated arrests and the lack of due process in property rights that are mentioned in the reports.

"The system of resolving criminal cases through plea-bargaining has been an increasing and dominant aspect of Georgian criminal justice ever since 2004. It has been regarded as an effective, time-saving and non-bureaucratic method which could off-load the court system and also offer good solutions to suspects. Official data indicate that plea agreements are applied in around 90 per cent of all criminal cases. This trend continues more or less on the same level today.

Safeguards are necessary to protect against blackmailing and other misuse of the plea bargain system. Courts are legally obliged to certify that an agreement has been reached without use of violence, intimidation, deception, or illegal promise, and that the defendant has had an opportunity to obtain legal assistance." (GEORGIA IN TRANSITION, Report on the human rights dimension: background, steps taken and remaining challenge, Assessment and recommendations by Thomas Hammarber,

Sep

2013).

In 2013, the ECHR ruled against the government in two cases involving alleged violations of the European Convention on Human Rights. According to the Ministry of Justice, the authorities paid compensation in both cases.

More reading on the subject of justice system is found in <http://www.state.gov/documents/organization/220492.pdf>

4. Asylum Seekers and Refugee Rights and Protection

Article 47 of the Constitution of Georgia states: 2. In accordance with universally recognised rules of international law, the procedure established by law, Georgia shall grant asylum to foreign citizens and stateless persons.

Paragraph 3. It shall be inadmissible to extradite/transfer an individual seeking a shelter, being persecuted for political creed or prosecuted for an action not regarded as a crime under the legislation of Georgia. (http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf)

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

The law imposes limitations on foreigners moving into and out of Abkhazia and South Ossetia. There were no reports that Georgian authorities unduly restricted any international humanitarian organizations. Russian and Abkhaz de facto authorities limited international organizations' ability to operate in Abkhazia. Russian and South Ossetian de facto authorities blocked virtually all international organizations, including humanitarian organizations, from regular access to South Ossetia. (Country Reports on Human Rights Practices for 2013; United States Department of State; Bureau of Democracy, Human Rights and Labor; p 34)

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

As of November 1, a total of 622 persons had applied for asylum, compared with 600 applications in all of 2012. The vast majority of asylum seekers were from the Middle East (Iraq, Egypt, and Syria). Prior to 2012 the government rejected asylum claims from all but Russian citizens. In 2012 and throughout the year, however, it granted refugee status to a small number of asylum seekers from Iraq, Egypt, and Syria. During the year the government

recognized the refugee status of only 5 percent of asylum seekers and granted “humanitarian status” in 16 percent of the cases adjudicated. The vast majority of asylum seekers (67 percent) were Iraqi refugees from Syria who were displaced a second time to Georgia, representing a low recognition rate. (Country Reports on Human Rights Practices for 2013; United States Department of State; Bureau of Democracy, Human Rights and Labor; p 36)

After a decade of some of the most liberal migration policies in the world, Georgia’s new law on the Legal Status of Aliens and Stateless Persons came into effect in September 2014, shortening the length of time that visitors are allowed to stay in Georgia without a visa from 360 to 90 days and reintroducing visa requirements for citizens of 13 countries, including Iraq. Long-term visas are issued in Georgian diplomatic representations only and the process takes 30 days. It is not possible to apply for a long-term visa in Georgia. In order to obtain a temporary residency permit, an applicant has to present a valid long-term (study, work, etc.) visa.

This has sparked a debate about the economic and human rights background, although the steps are also justified by the EU requirements and generally greater control over immigration in the country.

5. Right to Privacy

In September 2013, officials destroyed over 181 hours of secret video recordings of individuals’ private lives, mostly of a sexual nature, obtained in recent years through illegal government surveillance. Opposition politicians, journalists, and civil society activists had been particular targets.

In May, a deputy interior minister leaked one of the videos involving a journalist who had been fiercely critical of senior officials. The deputy minister was dismissed and is awaiting trial on charges of illegal use or distribution of private information.

Other illegal, secret recordings have not been destroyed. In July, parliament adopted an amnesty bill exempting from criminal responsibility those who had been involved in illegal surveillance, and those who were in possession of such recordings but voluntarily handed them over by November 20.

The Interior Ministry maintains surveillance equipment on the premises of telecommunication operators, giving it automatic access to all communications without judicial oversight. <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

NGOs have suffered criticism from the current government as they still keep pressuring for further restrictions on illegal surveillance and spying. This has caused tension and accusations from the current government that NGOs (namely Transparency International Georgia (TIG), International Society for Fair Elections and Democracy (ISFED), and Georgian Young Lawyer’s Association (GYLA)), are politically biased. The NGOs have rejected these accusations.

6. Freedom of the Media

According to Council of Europe Action Plan for Georgia (2013-2015), Georgia adopted a law on Information Security in 2012, which was drafted by the Data Exchange Agency under the Ministry of Justice. The law was meant to enhance the security of data in the advent of new technologies. The law proved controversial in the country, especially among the civil society, due to its highly negative impact on freedom of expression, particularly on the Internet, since it introduced arbitrary procedures in the classification of information available to the public. Moreover, the law contradicted the provisions of the Georgian Constitution with regard to freedom of expression.

The Action Plan aims to co-operate with the government and stakeholders in following areas: to review the existing legal framework and support Internet policies/regulations which maximise the right to freedom of expression, understood as the right to receive and impart information through new technological means; to strengthen the watchdog role of civil society and the media on Internet and human rights; to increase the Internet private sector's understanding and respect for human rights and transparency of services provided to Internet users; to increase the dialogue and accountability of government in relation with all categories of stakeholders through an open, inclusive multi-stakeholder participatory mechanism based on human rights and fundamental freedoms; to support and encourage national representatives to participate in the international Internet governance and human rights dialogue as EuroDIG, IGF, etc. (https://wcd.coe.int/ViewDoc.jsp?id=2102099#P752_75045)

In 2013, Georgia tops the media freedom list in a survey of media freedom among those eastern European countries that are not members of EU but associated through the Eastern Partnership. (<http://dfwatch.net/georgia-tops-media-freedom-list-in-eastern-partnership-85328>)

Georgia has a diverse print and broadcast media. In spring 2013 parliament approved a package of amendments to media laws, supported by a coalition of media organizations. The amendments envisage a more democratic composition of the board of Georgia Public Broadcaster (GPB), greater financial transparency of television companies, and a requirement that cable networks and satellite content providers broadcast all television stations that carry news. Previously, they were required to do so only for 60 days before elections.

Eka Kvesitadze and Davit Paichadze, the hosts of two GPB policy talk shows, alleged that the GPB's decision not to renew their contracts in September 2013 was politically motivated. Although the station director's written order attributed the non-renewal to the start of the new television season, he told one of the journalists it was because he "did not like their tone." <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

7. Freedom of Assembly

In February 2013, hundreds of protesters gathered in front of the Tbilisi National Library, where President Mikheil Saakashvili planned to hold his annual State of the Nation address. The protesters verbally insulted and physically attacked several UNM (United National Movement) members and the Tbilisi mayor. The public defender criticized police for failing to proactively ensure the safety of the UNM members, despite the fact that they had accurate

information on the protesters' numbers, demands, and mood. A court convicted two protesters of petty hooliganism and released them after imposing a fine. <http://www.hrw.org/world-report/2014/country-chapters/georgia?page=3>

In July 2013, violent mobs attacked UNM campaign events in Zugdidi and Batumi. Police detained over a dozen assailants; the courts convicted them on administrative charges, fined them _____ and _____ released _____ them.

There have also been reports on problems related to freedom of assembly for both sexual and religious minorities (see chapters 1.7 and 2)