

World Report 2015 - Georgia

Georgia's ruling coalition swept to an overwhelming victory in municipal elections in 2014 amid some concerns of pre-election pressure on opposition candidates and violence. Investigations into past abuses continued to raise some questions regarding selective justice and politically motivated prosecutions. Lack of accountability for abuses committed by law enforcement remained a problem. Other areas of concern include minority and women rights.

Georgia deepened its ties with the European Union by signing and ratifying the Association Agreement that is closely tied to progress in governance and human rights.

Municipal Elections

The ruling Georgian Dream party won an overwhelming victory in local municipal elections in June and July, giving it full control of all the executive branches of local self-governing bodies across the country, as well as a majority of seats in local councils. Domestic election observers noted some technical flaws and procedural irregularities during the vote, but claimed these had no effect on the overall outcome.

During the pre-election period, however, media and nongovernmental groups (NGOs) reported multiple allegations of pressure on opposition candidates to withdraw their candidacies, including actual withdrawals in more than a dozen municipalities, disruption of opposition gatherings, and several episodes of violence against candidates' campaigners. In June, the Chief Prosecutor's Office said that it had launched criminal investigations into four cases out of 80 complaints they received related to alleged pressure on opposition candidates.

Violent incidents included mobs disrupting the opposition United National Movement's (UNM) campaign events in four cities and towns in April, and an attack by unidentified assailants in March on Nugzar Tsiklauri, an outspoken UNM MP who was briefly hospitalized for minor injuries. In May, several men attacked Zurab Chiaberashvili, a former health minister and leading UNM member; Chiaberashvili was briefly hospitalized for head injuries. The authorities failed to prosecute his assailants despite the fact that they were publicly identified.

Shortly after the elections, a number of employees of Tbilisi municipality reported pressure on them to "voluntarily" resign from their jobs or face criminal prosecutions. According to ISFED, a local election monitoring group, between August 1 and September 7, Tbilisi City Hall dismissed 155 employees including 115 based on "voluntary" resignation letters, allegedly written under pressure, raising concerns that they had been targeted for their political affiliations.

Investigations into Past Abuses

The Prosecutor's Office studied thousands of complaints received after the government change in 2012, categorizing them into property rights violations, torture and ill-treatment, and misuse of the plea bargaining system. In response to those complaints, it initiated dozens of criminal cases, mostly against former officials. The absence of clear criteria to determine which cases to prosecute, as well as the impression that such investigations were overwhelmingly targeting UNM officials, led the opposition to allege that its activists were targeted for political reasons. Transparency

International's trial monitoring report of high-profile criminal cases, published in July, did not reveal any significant violations of due process and fair trial norms.

In July, authorities charged ex-President Mikheil Saakashvili with a number of offenses, including embezzlement and exceeding his authority in several separate cases. In August, a court impounded Saakashvili's property, along with that of his spouse, sons, parents, and grandmother. Charges against Saakashvili, who left the country soon after leaving office in November 2013, include an episode related to the November 7, 2007 crackdown on opposition protests and ordering a police raid and seizure of a private TV channel. The court ordered Saakashvili be subject to pretrial detention in absentia.

In July, authorities detained Gigi Ugulava, UNM campaign head and a former mayor of Tbilisi, and a court sent him to pretrial detention on alleged embezzlement of GEL 48.2 million (US\$30 million) prior to the 2012 parliamentary election. The opposition claimed that Ugulava's arrest violated a moratorium on criminal prosecutions of people involved in the municipal election campaign announced by Prime Minister Garibashvili in April.

In February and August, courts convicted Vano Merabishvili, the UNM's secretary general and former interior minister, on three separate sets of criminal charges of mispending and bribery, infringement on property rights, and exceeding his authority, sentencing him to various prison terms.

In August, the authorities questioned Davit Bakradze, UNM's parliamentary minority leader, and his wife, over undeclared bank accounts.

Concerns about politicized justice intensified in October, when one former and four serving Ministry of Defense officials were arrested on charges of mispending GEL 4.1 million (roughly US\$2.31 million) arising from an allegedly sham tender. The authorities denied defense lawyers full access to evidence, claiming it consisted of classified documents. This undermined the right to an effective defense. The Tbilisi City Court sent the detainees to pretrial custody. At time of writing the lawyers were still unable to study the evidence. Garibashvili sacked Defense Minister Irakli Alasania shortly after the latter stated that the charges were politically motivated.

Torture, Ill-Treatment, and Prison Conditions

Lack of accountability for law enforcement officials remained a problem, as Georgia does not have an independent effective mechanism for investigating crimes committed by law enforcement officials.

In August, the Human Rights Center, a local NGO, reported that police in a Tbilisi district physically assaulted Giorgi Tsomaia, a man who had entered a police station at night inebriated and demanded that police return a cellphone they had confiscated in 2013 as evidence in a criminal investigation. Tsomaia claimed that about 11 officers physically assaulted him, and he sustained injuries to his face and head. He was then detained for violence against police and a court sent him to pretrial custody. An investigation into his claims was pending at time of writing.

Georgian Young Lawyers' Association (GYLA), a leading domestic human rights group, received at least 50 complaints in 10 months in 2014; 31 of them about physical and verbal abuse by police,

and 19 by penitentiary staff. According to GYLA, the authorities failed to effectively investigate those allegations.

In his annual report released in May, the public defender noted positive changes in the penitentiary system, particularly in healthcare, but also highlighted several cases of alleged ill-treatment of inmates which had not been effectively investigated, and “alarming circumstances surrounding death of several inmates in prisons.”

Georgia overhauled its flawed system of administrative detention, reducing the maximum custodial sentence possible for misdemeanor offences from 90 to 15 days, and introducing due process rights.

Anti-Discrimination and Minority Rights

In May, parliament adopted an anti-discrimination bill that provides for protection against discrimination on the grounds of race, gender, age, sexual orientation, and gender identity. Some criticized the bill for lacking efficient implementation mechanisms, including means for imposing financial penalties for perpetrators. The bill put the Ombudsman’s Office in charge of overseeing anti-discrimination measures.

In February, the constitutional court in Georgia struck down a 13-year-old ban on homosexual men being blood donors.

In October, police used disproportionate force to break up a protest in a small village and detain 14 participants demonstrating against the government’s plans to rebuild a former mosque as a library. Courts fined 11 of them GEL 250 (roughly \$140) each for petty hooliganism and disobeying police orders. Authorities did not effectively investigate police conduct.

Women’s Rights

According to media reports, at least 23 women died in the first 10 months of 2014 due to domestic violence.

The ombudsman reported that early marriage of girls was a persistent problem, which took place either with an agreement between parents or through kidnapping. The public defender highlighted a case in eastern Georgia where a father sold his minor daughter for 10 cows to a 45-year-old man. The ombudsman documented three cases of kidnapping girls for marriage in January-February 2014, and more than 20 cases of early marriage.

According to data from the Education Ministry, 7,367 girls stopped going to school from 2011 to 2013 because of early marriage.

International Actors

Georgia deepened its political and economic ties with the European Union by signing and ratifying the Association Agreement with the EU, which requires Georgia to fulfill strong human rights commitments as part of the approximation process of aligning national laws and procedures with that of the EU.

Georgia's international partners, including the EU and the United States, expressed concerns about the criminal charges filed against former President Saakashvili, urging authorities to adhere strictly to due process, and ensure that the prosecution is free from political motivations.

In its March European Neighborhood Policy (ENP) progress report, the EU noted that Georgia “continued to deliver on a busy reform and approximation agenda,” but also highlighted the need to ensure judicial independence, avoid a perception of selective justice, and increase accountability and democratic oversight of law enforcement agencies.

In an October resolution, the Council of Europe Parliamentary Assembly welcomed Georgia's comprehensive reform plans and called on authorities to ensure that prosecutions of former officials are impartial and fully respect fair trial norms.

Following its July review of Georgia, the United Nations Human Rights Committee welcomed the adoption of the anti-discrimination law, while calling on Georgia to combat existing patriarchal attitudes and stereotypes regarding gender roles in the family and society.

Also in July, the UN Committee on the Elimination of Discrimination against Women (CEDAW) issued an assessment of Georgia, voicing concerns about the continuously decreasing number of women in local legislative bodies, and calling on Georgia to introduce mandatory quotas for political parties to swiftly and significantly increase the number of women in both national and local legislative bodies.

The US-Georgia bilateral working group on democracy and governance under the strategic partnership charter met in April in Tbilisi to discuss Georgia's efforts to strengthen democratic institutions, checks and balances, political pluralism, and electoral processes.

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