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Amnesty International Report 2017/18 - The State of the World's Human Rights - Georgia

Continued impunity for human rights abuses committed by law enforcement officials emphasized the need for an independent investigation mechanism. A legal dispute over a pro-opposition TV channel caused concern about judicial independence and media freedom. The fencing of the de facto border between the breakaway regions of Abkhazia and South Ossetia continued to have a negative impact on local residents' economic and social rights.

Background

The Parliament – under the majority ruling party Georgian Dream – adopted a new Constitution in October. It deferred until 2024 the introduction of a fully proportional electoral system, which the opposition had long been seeking, and ensured that from 2024 mandates won by political parties that fail to reach the election threshold are assigned to the winning party. Under the new rules, electoral blocs will no longer be allowed from 2020, and the president will no longer be elected by direct popular vote after 2018.

In December, Parliament started the process of changing the Constitution again to accommodate some of the opposition's demands which were excluded from the new Constitution.

Far-right movements organized xenophobic and homophobic marches in the capital Tbilisi.

The national currency, Lari, continued to devalue, adversely affecting living standards.

In February, Georgian nationals were granted visa-free travel to the Schengen Area after the government implemented several key institutional and legislative reforms demanded as a precondition by the EU.

Impunity

Impunity for human rights abuses committed by law enforcement officers persisted, while the government continued to promise, but failed to deliver, an independent investigation mechanism. In June, instead of an independent investigation mechanism, the government proposed a new department within the Prosecutor's Office with a mandate to investigate alleged abuses by law enforcement officers.

In June, two members of the rap group Birja Mafia were arrested for alleged drug possession, and demonstrations erupted in their support. The arrested musicians said police had planted drugs on them in revenge for a YouTube video satirizing a police officer, and cited earlier threats from police demanding that they remove the video. The protests resulted in their release on bail pending trial. An investigation was launched into the musicians' allegations of police abuse and was ongoing at the end of the year.

In June, the first instance court in Kutaisi acquitted the police officer charged with “exceeding official capacity”. The alleged victim, Demur Sturua, a 22-year-old resident of Dapnari, western Georgia, committed suicide on 8 August 2016. The prosecution's evidence included Demur Sturua's note blaming the police officer for his suicide, a postmortem examination confirming signs of ill-treatment, video footage showing the officer picking up Demur Sturua with his car on the day of the suicide, and phone call logs. NGOs criticized the court's decision, calling it unsubstantiated in light of the evidence. The prosecution appealed against the Court's decision.

Lack of accountability

On 29 May, Azerbaijani investigative journalist Afghan Mukhtarli – who was exiled in Georgia – vanished from Tbilisi, and reappeared the following day in Azerbaijan in official custody, falsely accused of illegal border crossing and money smuggling. He told his lawyer that he had been abducted by Georgian-speaking men, some wearing Georgian criminal police uniforms, and trafficked across the border. The authorities denied the involvement of Georgian forces, and started an investigation into Afghan Mukhtarli's allegations. The investigation was not known to have produced substantial results; he remained in detention in Azerbaijan at the end of the year.

Justice system

The litigation over the ownership of Rustavi 2 Broadcasting Company, a pro-opposition TV channel, continued. On 2 March, the Supreme Court ruled to transfer the ownership of Rustavi 2 TV to its former co-owners – known to be government supporters – upholding previous rulings by the court of first instance and the Court of Appeals. Local NGOs raised concerns about possible government interference in the judicial process and called the trial unfair. In March, the European Court of Human Rights requested that enforcement of the Supreme Court's decision be suspended until it had considered the case.

Freedom of movement

Russian forces and de facto authorities in the breakaway regions of Abkhazia and South Ossetia continued to restrict movement across the de facto border, briefly detaining and fining dozens of people for “illegal” border crossing. The increased fencing along the administrative boundary lines continued to adversely affect the rights of local residents, including the rights to work, food and an adequate standard of living, owing to the loss of access to their orchards, pasture and farm land.

Rights of lesbian, gay, bisexual, transgender and intersex people

The new Constitution restricted the definition of marriage from “a voluntary union based on equality between the spouses” to “a union between a man and a woman”. Same-sex couples were not legally recognized.

On 25 August, police arrested two LGBTI activists after a violent incident at a nightclub in Batumi, the second largest city. The activists questioned why they, the targets of violence, were arrested and charged with “disorderly conduct” and not their assailants, and complained of beating and verbal abuse by police. An investigation was opened into their complaint and was ongoing at the end of the year.

Refugees and asylum-seekers

On 24 May, Mustafa Çabuk – a Turkish national resident in Georgia since 2002 – was detained under an extradition request from Turkey which claimed that he was “supporting terrorism” and had links with the Fethullah Gülen movement. Mustafa Çabuk was at real risk of torture and other ill-treatment if returned to Turkey. His application for refugee status in Georgia was rejected. Appeals were made against the decision; Mustafa Çabuk continued to be held in pre-extradition detention at the end of the year.

Workers’ rights

Throughout the year, more than a dozen cases of fatal occupational accidents were reported, particularly among miners and construction workers. The need for stricter regulations and their effective monitoring by an independent labour standards regulatory authority remained.

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