

GEORGIA (87)

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GEORGIA

Georgia declared independence from the Soviet Union in 1991. Multiparty parliamentary elections followed a short-lived military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia. In August 1995, Parliament adopted a Constitution that provides for an executive branch that reports to the President, a legislature, and an independent judiciary. In November 1995, Eduard Shevardnadze was elected President, and a new Parliament was selected in elections described by international observers as generally consistent with democratic norms except in the self-governing region of Ajara. The President appoints ministers with the consent of the Parliament. The judiciary is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's remain unresolved, although cease-fires in both areas are in force. These conflicts, together with problems created by roughly 250,000 internally displaced persons (IDP's), pose the greatest threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians, a large plurality of the population, fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in the conflict area with the agreement of the Government and the Abkhaz separatists. Despite the presence of peacekeepers, there has been only very limited repatriation of ethnic Georgian IDP's, apart from some spontaneous returns to the Gali region of Abkhazia, where the security situation remains unstable. A Russian peacekeeping force has been in South Ossetia since June 1992. Repatriation to South Ossetia has also been slow. The Government has no effective control over either Abkhazia or South Ossetia. There were no large-scale armed hostilities in South Ossetia or Abkhazia in 1997, but the intensity and frequency of partisan warfare in Abkhazia increased. Abkhaz and Georgian armed criminal bands were also active in Abkhazia.

The Ministry of Interior (MVD) and Procuracy have primary responsibility for law enforcement, and the Ministry of State Security (MGB, formerly KGB) plays a significant role in internal security. In times of internal disorder, the Government may call on the army. Reformist, elected, civilian authorities still maintain inadequate control of the law enforcement and security forces. In particular representatives of the MVD and Procuracy committed serious human rights abuses.

The economy continued its turnaround, with a growth rate estimated by the International Monetary Fund (IMF) at 10 percent. The economy is primarily agricultural. Foreign aid remains an essential component of the economy. The country began a second stage of economic reforms to complete the transition to a free market economy, but the ongoing energy crisis remains an obstacle to economic progress. The IMF estimated annual per capita gross domestic product at over \$850.

The Government continued efforts to improve its uneven human rights record, but serious problems remain. Police and security forces routinely abuse and beat prisoners and detainees, force confessions, and fabricate or plant evidence. Inhuman prison conditions, along with abuse, led to deaths in custody. Corrupt and in-

competent judges seldom displayed independence from the executive branch, leading to trials that were neither fair nor expeditious. Law enforcement agencies illegally interfered with citizens' right to privacy at times and limited freedom of assembly, violently dispersing peaceful rallies. The Government constrains some press freedoms. Discrimination against women is also a problem.

Senior government officials openly acknowledged serious human rights problems, especially those linked to law enforcement agencies, and sought international advice and assistance on needed reforms. However, while structural reforms designed to improve respect for human rights continued to be implemented, there was no change in the practices of the law enforcement agencies.

Nevertheless, increased citizen awareness of democratic values, and growth of civil society provided some check on the excesses of law enforcement agencies. The Parliament challenged the law enforcement agencies by forcing the resignation of the Security Minister and by investigating charges of abuse. Parliament passed a Law on the Courts designed to increase judicial competence and independence as well as a new Criminal Procedures Code that puts into effect constitutional protections. Independent newspapers showed greater maturity and a continued willingness to criticize government policies and actions. The number, variety, and sophistication of independent nongovernmental organizations (NGO's) grew, as did their ability to speak out for, and defend the rights of, individual citizens.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Government authorities reported that during the year 92 people died while in prison or pretrial detention, compared with 1996, when 74 people died in prison and 13 died in pretrial detention. All of the 1997 deaths were officially attributed to medical causes, most of them to tuberculosis. According to the International Committee for the Red Cross (ICRC), tuberculosis is endemic in the prison system, in recognition of which the ICRC began a program to reduce its incidence. Physical abuse and torture of prisoners also played a role in the prison mortality rate. Credible sources within the Government report that the death of Zurab Toidze, a leader of the now outlawed paramilitary Mkhedrioni Group, was due to the effects of mistreatment (see Section 1.c.). Akaki Iaobashvili, who was detained in July on suspicion of involvement in a kidnapping, died shortly thereafter as the result of falling from the sixth floor of MVD headquarters while being interrogated. Local human rights monitors reported that he was thrown from the window. An investigation was undertaken, but by year's end had produced no results. A police captain was sentenced to imprisonment for the death of a man he had beaten (see Section 1.c.).

Perpetrators of atrocities and other political killings on the part of individuals on either side of the separatist conflict in Abkhazia are not being investigated, prosecuted, or punished. The United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe (OSCE) mission established a joint human rights office in Sukhumi, Abkhazia, to investigate security incidents and human rights abuses. President Shevardnadze continued to urge the United Nations to create a body to investigate and punish those guilty of crimes against humanity in Abkhazia.

b. Disappearance

Georgian and Abkhaz commissions on missing persons report that the fate of over 1,000 Georgians and approximately 800 Abkhaz who disappeared as a result of the war in Abkhazia is still unknown. No progress

has been made in determining their whereabouts. The two sides to the conflict did cooperate on occasional exchanges of prisoners. The OSCE reported that only six Georgians and two Abkhaz are known to remain in each other's custody. Partisan groups active in Abkhazia periodically take hostages. The Abkhaz authorities periodically round up young Georgian males in the predominantly ethnic Georgian region of Gali and impress them into service in the Abkhaz military.

c.

Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The Constitution forbids the use of torture, but serious abuses occur. Members of security forces continued to beat and abuse prisoners and detainees on a routine basis, usually in order to extract confessions. The most serious incidents of abuse occur in the investigative stage of pretrial detention when suspects are interrogated by police. Zurab Toidze (see Section 1.a.) died in May from an asthmatic seizure brought on by beatings he received while in pretrial detention. A lawsuit has been filed and an investigation begun into the case. Credible sources report that Akaki Kaobashvili was mistreated before his death (see Section 1.a.) In the past, security forces have tortured some defendants in politically sensitive cases, such as members of the former Gamsakhurdia government, and members of the paramilitary Mkhedrioni (see Section 1.e.). In May security forces beat journalists who were reporting on a rally of Gamsakhurdia supporters (see Section 2.b.).

Government officials continue to claim that a lack of proper training and supervision of investigators and guards often results in cases of abuse. Corruption and criminality also play a role. A number of policemen have been arrested or disciplined for physical abuse. However, this action tends to occur only in extreme cases, such as those resulting in death. In July police captain Panta Bezhaniashvili was sentenced to 4 years' imprisonment for the December 1996 death of Giorgi Amashukeli. Amashukeli, whose car crashed into a police car and died in the hospital after having been beaten by Bezhaniashvili.

Members of the Parliamentary Committee on Human Rights and Ethnic Relations and local human rights groups independently investigate claims of abuse. Despite fear of retaliation, many individuals file claims. The Government also named a human rights advisor to the National Security Council to investigate claims of abuse. In November the constitutionally mandated Office of Human Rights Defender, created in 1995, was finally filled. At year's end, the Office was not fully functioning (see Section 1.d.).

Local human rights observers report that abuse most commonly occurs in two pretrial detention facilities, Isolator 5 in Tbilisi and the facility in Kutaisi. Isolator 5 is located in the basement of the MVD headquarters and is the facility in which detainees suspected of a serious crime, or whose cases have political overtones, are incarcerated. The individuals arrested in connection with the assassination attempt on President Shevardnadze in August 1995 are held in this facility. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, virtually every detainee brought to Isolator 5 is beaten. Often the threat of incarceration in this facility is sufficient to induce a confession.

Prison authorities admit that conditions are inhuman in many facilities.

They blame inadequate cells, medicine, and food on a lack of resources. For example, in Isolator 5 more than 2,000 inmates are housed in a prison designed for fewer than 1,000. Cells can contain as many as 36 inmates with so few beds that they must sleep in shifts. The lack of proper sanitation, medical care, and food poses a serious threat to the life and health of prisoners. Tuberculosis is a particular problem and was responsible for many of the deaths of individuals in custody (see Section 1.a.). Government plans announced in 1995 to build new facilities remain unfulfilled.

The ICRC had full access to detention facilities in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. In June President Shevardnadze issued a decree instructing the Ministers of Security, Interior, and the Procurator to "take measures for the halting of torture and other cruel, inhuman or degrading treatment."

Following this decree, international human rights monitors reported enhanced cooperation on the part of government officials and increased access to prisoners. The OSCE mission and foreign diplomats were granted access to visit prisoners and detainees. However, local human rights groups reported that they still encountered obstacles in visiting detainees, especially those whose cases have political overtones.

d.

Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently violated these provisions. The Constitution provides for a 9-month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and restrictions on the role of the prosecutor (see Section 1.e.). These safeguards are not yet in force and not observed. A new Criminal Procedures Code, along with other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police was passed by Parliament in November, but by year's end it was not yet in force (see Section 1.e.).

In the absence of the new Criminal Procedures Code, the Criminal Code of the former Georgian Soviet Socialist Republic continues to be used by a law enforcement and court system that is still beginning to adapt to democratic norms. Under Soviet law, prosecutors issued warrants for arrests and searches without court approval. Persons could be legally detained for up to 72 hours without charge. After 72 hours, the prosecutor was required to approve the detention. However, this approval was often a formality since it was normally the prosecutor who initiated the arrest in the first place. The law allowed for a maximum of 18 months of detention before trial.

In practice even these provisions are frequently violated. Virtually no means are available for accused individuals to present their cases to a judge prior to trial. This effectively means that pretrial detention is at the discretion of the prosecutor. Persons detained on suspicion of involvement in the attempted assassination of President Shevardnadze in 1995 were held without trial for 27 months before the trial finally began in December.

There were no cases of forced exile.

e.

Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the judiciary often does not exercise independence. Prior to adoption of the Constitution, the courts were often influenced by pressure from the executive branch. This pattern continues, with judicial authorities frequently deferring to the executive branch, particularly at lower levels of the court system. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges are generally reluctant to exclude evidence obtained illegally over the objection of the Procuracy. Local human rights observers also report widespread judicial incompetence and corruption, including the payment of bribes to prosecutors and judges, which also leads to denial of justice.

A new Law on the Courts, designed to enhance judicial independence, was passed by Parliament in June. Under the new law, Georgia retains a three-tier court system. At the lowest level are the district courts, which hear both routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for the district courts; they review cases, and either confirm verdicts or return cases to the lower court for retrial. The regional courts also try major criminal and civil cases. The judicial regions intentionally do not coincide with political regions in order to lessen the ability of appointed regional executive branch officials to pressure the courts. The Supreme Court, the highest level, acts as an appellate court.

Administration of the court system was moved from the Ministry of Justice to a new Council of Justice. The Council has 12 members, 4 selected from within each branch of government. The law set up a testing procedure for current and prospective judges to be administered by the Council. The testing procedure is designed to reduce judicial incompetence. Judges' salaries were raised to the level of parliament members to reduce incentives for corruption.

A separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between the branches of government and ruling on individual claims of human rights violations. The Court chose to interpret this latter function narrowly, agreeing to rule only on cases where the complaint alleges that the violation was sanctioned by law. The Court rejected numerous complaints that alleged that an illegal violation of human rights had occurred.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his location as soon as possible. These rights mark a significant departure from Soviet legal practice, but they are not fully observed. Defense attorneys must still obtain permission from the investigator to visit clients, and permission is often refused. Investigators seldom inform individuals of their rights.

The legislation required to implement constitutional guarantees was passed by Parliament in November. The implementing legislation included a Criminal Procedures Code and a law on the Procuracy. These laws are designed to create a legal system with adversarial trials by reducing the pervasive powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary. Currently, Soviet law continues to be used. Under Soviet law, prosecutors are vested with powers greater than those of judges and defense attorneys. Prosecutors direct criminal investigations, supervise some judicial functions, and represent the State in trials. Trials are not conducted in an adversarial manner. Prosecutors continued to wield disproportionate influence over outcomes.

Under Soviet law, the State must provide legal counsel if the defendant is unable to afford one. In fact the State provided virtually all criminal defense attorneys, as they remain by and large employees of the State. Attorneys are assigned to a case by the Office of Legal Assistance, a part of the state-controlled Bar Association, upon the recommendation of the Procurator's Office. Private attorneys are allowed in criminal cases only with the express written approval of the Office of Legal Assistance. Parties to civil cases are permitted to choose their attorney.

In recent years, the Government has tried Badri Zariandia, Loti Kobalia, Nugzar Molodtashvili, and other members of the former Gamsakhurdia government who fought against forces loyal to the Shevardnadze Government. In these cases, the Government consistently violated due process during the investigation and trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. This pattern continued in the investigation and trial of Dodo Gugeshashvili and 12 other members of the paramilitary Mkhedrioni. Gugeshashvili, who was the deputy head of the Mkhedrioni, was tried and convicted in November on charges of banditry. She received a 10-year prison sentence. The trial of Jaba Koseiliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze started on December 1, but it was quickly recessed and had not resumed by the end of the year. The investigative stage of this trial has also been characterized by violations. At least one of those detained, former Security Service Captain Guram Papukashvili, was beaten severely, and alleged conspirators were held in pretrial detention for 27 months, well in excess of even the Soviet legal limit (see Section 1.d.).

As part of a moratorium on capital punishment, in July President Shevardnadze commuted the death sentences of all 54 prisoners facing capital punishment, including Zariandia, Kobalia, and other Gamsakhurdia supporters, and the two men convicted in 1995 of attempting to kill Jaba Koseiliani. The sentences were reduced to 20 years' imprisonment.

Charges were finally dropped in the case of Eldar Gogoladze, a former colonel in the State Security Service, who was ostensibly arrested on suspicion of weapons possession, although at the time he had a permit to carry a weapon, and when police searched his home no weapons were found.

Colonel Gia Korbeshvili, arrested and severely beaten in July 1995, was convicted of the attempting bombing of a bridge in Tbilisi and sentenced to 12 years' imprisonment.

International and local human rights groups agree that there are political prisoners but disagree about the number. Russian human rights activist Sergei Kovalev visited 17 prisoners and detainees and concluded that all were being held for political reasons. Local observers disagreed with his view, noting that many of the individuals had committed violent acts during the civil war or the period of near anarchy that followed. Although these individuals, members of the Mkhedroni, Gamsakhurdia supporters, and MGB personnel, may have had political objectives, they committed criminal acts and were tried and sentenced on criminal grounds. According to some local observers there are several Gamsakhurdia supporters who never took up arms and should be considered political prisoners, including Nugzar Mohidinashvili, Valtor Shurgaja, Zviad Dzidiguri, and Zaur Kobalia (Loti Kobalia's brother). These individuals, political leaders of Gamsakhurdia's movement, were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are currently serving sentences ranging from 7 to 12 years in prison.

Iemur Jhorjoliani, a former member of Parliament and head of the Monarchist Party, was pardoned by President Shevardnadze in November and released from prison. Jhorjoliani had been serving a 4-year sentence for drug possession and assault on a police officer.

1. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution forbids the tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity. However, in practice law enforcement agencies monitor private telephone conversations without obtaining court orders. In June then head of the MGB, Shota Kviria, was investigated by Parliament for illegally tapping the telephones of journalists. During the parliamentary hearings in June, journalists identified tape recordings of their conversations. In the wake of the scandal, Kviria was forced to resign. State security police and state tax authorities also enter homes and places of work without legal sanction. Police regularly stop and search vehicles without probable cause to extort bribes. The high level of unregulated police misconduct and corruption has undermined public confidence in government, especially law enforcement agencies.

In the Gali district of Abkhazia, Abkhaz authorities periodically impress young Georgian males into the Abkhaz military (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the 1991 press law provide for freedom of the press; however, although the independent press was increasingly active, the Government constrained some press freedoms. According to journalists, security and law enforcement authorities attempted to intimidate the press through public comments and private admonitions. In May security forces beat journalists who were reporting on a rally of Gamsakhurdia supporters (see Section 2.b.). There is no law providing public access to government information, and government officials are sometimes unwilling to answer press inquiries. Journalists lack effective legal protection, and this circumstance hinders investigative journalism.

Some 200 independent newspapers operate, and the press increasingly serves as a check on government, frequently criticizing the performance of high-level officials. However, no independent newspapers have a national audience, although several have emerged as serious and reputable sources of information. The Government finances and controls two newspapers and a radio and television network, which have a national audience and reflect official viewpoints. Most persons continue to get their news from television. The Government's monopoly on broadcast news was broken when Rustavi-2, the Tbilisi member station of the fledgling independent television network, TVNG, successfully resisted government attempts to shut it down. The Ministry of Communications revoked the station's license in 1996 and awarded its broadcast channel to a company with strong ties to government officials. Rustavi-2 eventually appealed the revocation to the Supreme Court, which directed the lower court to reverse its decision and restore Rustavi-2's broadcast license. The station resumed broadcasting in May and again displayed independence in news and programming.

The Government's near monopoly on printing and distribution was broken with the establishment of privately owned alternatives. However, distribution remained a vulnerable area. The mayor of Kutaisi, Temur Shashishvili, issued a decree to establish a single distributor in Kutaisi for newspapers and magazines, reportedly with the intent of limiting press criticism. Independent newspapers and television stations continued to be harassed by state tax authorities.

Academic freedom is widely respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly without prior permission from the authorities, and in practice the national and local governments generally respect this right. Parliament passed a law on peaceful assembly on June 12 that incorporated these constitutional provisions. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities only if they intend to assemble on a public thoroughfare. Permits for assembly are granted without arbitrary restriction or discrimination. However, government respect for freedom of assembly was limited with respect to supporters of former President Gamsakhurdia. The "Zviadists," who do not recognize the legitimacy of the Government, attempted to hold a series of unsanctioned rallies on Tbilisi public thoroughfares. On May 26, Independence Day, police and troops from the Ministry of the Interior violently broke up their rally. Several journalists who were reporting the event were beaten by police, and a participant in the rally, Klara Shukvan, was later arrested for carrying a placard "insulting" President Shevardnadze. At year's end, she was being held in pretrial detention. The mayor of Tbilisi and the Minister of Interior publicly supported the actions of the police and denounced "unsanctioned rallies." Local human rights groups staged a rally in June to protest the law enforcement agencies' excessive use of force in dispersing the rally.

On September 24, Gamsakhurdia supporters attempted to stage a rally in front of the university. The rally was dispersed and the events organizers, Lella Tsomaini and Tamila Nikoldaze, were arrested, tried, and convicted on charges of civil disorder. They received prison sentences of 1 and 11/2 years respectively.

The Constitution provides for freedom of association, and the Government respects this right in practice. Authorities grant permits for registration of associations without arbitrary restriction or discrimination.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Georgia has a tradition of religious tolerance. However, the Georgian Orthodox Church lobbied Parliament and

the Government for laws that would grant it special status and restrict the activities of missionaries from "nontraditional" religions. In May the Ministry of Justice presented a draft of a law on religious organizations to Parliament which would have identified "traditional" religions eligible for government assistance and support but would have required other religious organizations to wait 25 years to achieve such status. However, the bill encountered opposition, was returned to the Ministry to be rewritten, and no further action has been taken.

The Catholic Church and the Armenian Orthodox Church have been unable to secure the return of churches closed during the Soviet period and later given to the Georgian Orthodox Church. A prominent Armenian Church in Tbilisi remains closed, and both Churches, as is the case with Protestant denominations, have been unable to get permission to construct new churches, reportedly as a result of pressure from the Georgian Orthodox Church.

d.

Freedom of Movement Within the Country,

Foreign Travel, Emigration, and Repatriation

The Constitution and the 1993 Law on Migration provide for these rights, and the Government generally respects them in practice. Registration of an individual's place of residence is no longer required, nor are internal passports. In principle the Government respects the right of repatriation, although approximately 275,000 Meskhetian Turks (primarily Muslim), who were expelled from southern Georgia to Central Asia by Stalin in the 1940's, still face public opposition to their return. In December 1996, President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. Parliament considered and rejected a law on repatriation that would have provided legal status and funding for Meskhetian repatriates. Since independence only 140 Meskhetians have returned to Georgia; 40 returned in 1997. No Meskhetians have been repatriated as a result of the decree; all came as illegal immigrants. The Government funds an adaptation center in Tbilisi where most of these individuals are housed.

The 1994 quadripartite agreement (Russia, Georgia, Abkhazia, and the United Nations High Commissioner for Refugees) on repatriation in Abkhazia called for the free, safe, and dignified return of displaced persons and refugees to their homes. The Abkhaz separatist regime prevented virtually all official repatriation and unilaterally abrogated the agreement in 1994. Over the past 3 years, the UNHCR estimates that more than 40,000 of the estimated 250,000 IDP's and refugees from Abkhazia have returned spontaneously, most to the southern part of the Gali district where the Abkhaz militia operate only sporadically. Returnees continue to face security threats from Abkhaz separatist militia, Georgian partisans, and Abkhaz and Georgian armed criminal bands.

The 1992 ethnic conflict in South Ossetia also created tens of thousands IDP's and refugees. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions largely fled to Russia. The UNHCR began a program to return the IDP's and refugees to their homes but encountered obstacles. The South Ossetian separatists defied attempts to repatriate ethnic Georgians to South Ossetia. For demographic reasons, they also pressed for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. The Government publicly recognized the right of Ossetian refugees to return to their homes in Georgia, but opposition persists on the local level, especially over the return of illegally occupied homes.

There is no effective law concerning the settlement of refugees or the granting of political asylum. Georgia has so far not acceded to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not provided first asylum, both because there are no legal provisions for it and because the matter has not yet been raised in practical terms.

Section 3 Respect for Political Rights: The Right of

Citizens to Change Their Government

The Constitution and the 1995 election law provide citizens with the right peacefully to change their government. Citizens exercised this right in elections in October 1992 and November 1995. A democratically elected president and parliament govern most of Georgia. The 223-member Parliament and President Eduard Shevardnadze were elected in multiparty elections in 1995. Despite some violations, international observers judged these elections to meet international standards, except in Ajara. There was no voting in the separatist regions of Abkhazia and South Ossetia. President Shevardnadze's party won a majority of the seats in Parliament. Only two other parties qualified for representation in Parliament, but the opposition plays an important role in the Parliament, often leading the debate on important issues. The nonparliamentary opposition is also active and outspoken.

The Government did not fulfill its commitment to hold the country's first local elections in 1997, while the Government and the opposition debated the structure of local government. The opposition called for both local councils and local executive branch officials to be directly elected. The Government preferred to maintain appointed executive branch officials along with elected local councils. The Government's plan was passed by Parliament in September. Elements in the opposition began organizing a referendum on the issue, seeking to demonstrate public support for the election of all local officials. The referendum was rejected by the Central Election Commission on technical grounds. At present all local officials are appointed by the President and are often not from the region in which they serve, limiting the scope of local self-government.

The separatist regions of Abkhazia and South Ossetia are ruled by undemocratic leaders. In addition the region of Ajara is to a large extent self-governing under conditions resembling a police state. Ajara's post-independence relationship to the rest of Georgia is still undefined, and in matters such as elections, Ajara's authorities claim that regional laws take precedence over national laws. The Government does not challenge illegal, undemocratic activity by the Ajaran authorities purportedly because it seeks to avoid open separatism in this ethnic Georgian, historically Muslim region. Ajara held regional elections in 1996 for which it denied monitoring requests from international as well as Georgian organizations. In addition the most serious violations noted during the 1995 national elections occurred in Ajara.

Women are poorly represented in Parliament. Only 16 women were elected to Parliament in 1995, and only 1 woman has been named to a ministerial post. National minorities are also poorly represented in Parliament. There are four Armenian representatives and three Azeris representing populations of approximately 400,000 and 300,000 respectively.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally respects the right of international organizations to monitor human rights but continues to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are several credible local organizations that monitor human rights, but most human rights monitoring remains politicized. The Government claims that most local human rights groups are extensions of partisan political groups, while those groups criticized the Government's human rights bodies, such as the National Security Council's human rights advisor, for favoring the Government. The Parliamentary Committee on Human Rights is viewed as more objective by the nongovernmental sector. The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, created in 1995, was finally filled in November, when Parliament approved the candidacy of David Salariдзе, the former head of the State Revenue Service. The office is accountable neither to the Parliament nor the executive, but at year's end it was not fully functioning as Salariдзе had no staff, budget, or office space.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

b. The Right to Organize and Bargain Collectively

The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected. The law prohibits antiumion discrimination by employers against union members. Employers may be prosecuted for antiumion discrimination and be made to reinstate employees and pay back wages. The Ministry of Labor investigates complaints but is not staffed to conduct effective investigations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor and provides for sanctions against violators. Violations are rare; there is no bonded or forced child labor. The Ministry of Labor enforces this law.

d. Age for Employment Status of Child Labor Practices and Minimum

The Constitution prohibits forced or compulsory labor, and it is not known to occur. The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.). According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforces these laws, and they are generally respected.

e. Acceptable Conditions of Work

The nationally mandated minimum wage was abolished in 1995 and replaced by a wage scale that sets salaries for various grades in the public sector, the lowest of which is approximately \$10 (13 lari) per month. There is no state-mandated minimum wage for private sector workers. Pensions and salaries are usually insufficient to meet basic minimum needs.

The law provides for a 41-hour workweek and for a 24-hour rest period. The government workweek is often shortened during the winter due to the continuing energy crisis. The Labor Code permits higher wages for hazardous work and permits a worker in such fields to refuse duties that could endanger life.

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