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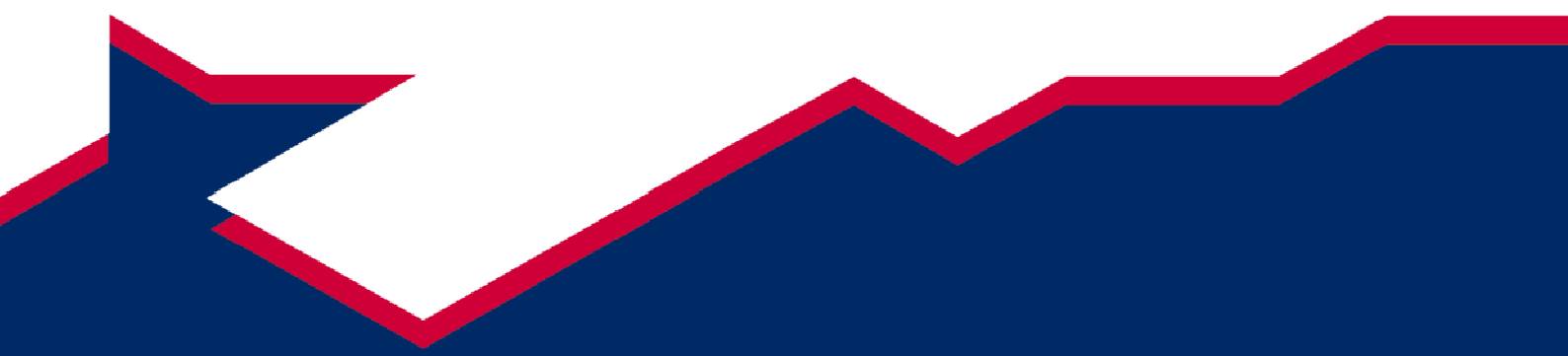


REPUBLIC OF GEORGIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

Country of Origin Information Service

25 November 2010

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SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 2 November 2010. The report was issued on 25 November 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries

designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Background Information

1. GEOGRAPHY

- 1.01 The Republic of Georgia is located in South-western Asia, bordering the Black Sea, between Turkey and Russia, geographic co-ordinates 42 00 N, 43 30 E. It has a total land mass of 69,700 sq km and shares borders with Armenia, Azerbaijan, Russia and Turkey. The capital is Tbilisi. (FCO Country Profile, 7 June 2010) [7a]
- 1.02 Georgia includes two autonomous republics (Abkhazia and Adjara), nine regions (Samegrelo-Zemo Svaneti, Guria, Racha-Lechkhumi and Kvemo Svaneti, Imereti, Samtskhe-Javakheti, Shida Kartli, Mtskheta-Mtianeti, Kvemo Kartli, Kakheti) and the city of Tbilisi. However, Abkhazia and South Ossetia (which roughly occupies the Shida Kartli region) have declared themselves independent and are currently outside the control of the central government. (Europa World online) [1a]

See Section 5: [Status of South Ossetia, Abkhazia and Adjara](#)

- 1.03 According to the 2002 Census the population of Georgia was 4,371,535. (The Census was not conducted in, and excluded, South Ossetia and Abkhazia; it was estimated that around 230,000 people lived in those two territories.) [1b] (Area and Population) The National Statistics Office of Georgia estimated the population to be 4,436,400 on 1 January 2010. The population of Tbilisi was estimated at 1,152,500. [18c] As indicated on the UNICEF website, accessed 13 October 2010, the population of Georgia decreased by 1.4% between 1990 and 2000, and by a further 1.2% between 2000 and 2008. [34a] (Demographic indicators) According to an article published by EurasiaNet in August 2010, "Officially, fewer than 200,000 Georgians – roughly 4.5 percent of the country's population of 4.4 million – live abroad. But independent demographers believe that the real number is much higher; with estimates ranging from 300,000 to over a million." [65a]
- 1.04 The official language is Georgian, a member of the South Caucasian (Kartavelian) language group, which is written in the Georgian script. (Europa World online) [1a] While Georgian is used by over 90 per cent of the population, according to *Ethnologue Languages of the World*, accessed 12 October 2010, there are twelve other languages spoken in Georgia, of which the main ones are Abkhaz (Abkhazian), North Azerbaijani, Northern Kurdish, Mingrelian, Osetin and Urum. [53a] (Article 8 of the Constitution provides that Abkhazia has two official languages, Abkhazian and Georgian. [23a]) Most of the population are adherents of Christianity; the principal denomination is the Georgian Orthodox Church. Islam is professed by Ajarians, Azeris, Kurds and some other population groups. (Europa World online) [1a]

See also Section 22: [Ethnic groups](#)

MAPS

1.05 Political map of Georgia:



Source: UN Department of Peacekeeping Operations, Cartographic Section (August 2004) [14a]

- 1.06 Map showing the position of the self-proclaimed 'Republics' of South Ossetia and Abkhazia (see Section 5: [Current Status of South Ossetia, Abkhazia and Adjara](#)):



Source: Website of the *de facto* authorities in South Ossetia, undated, accessed 4 October 2010 [40a] (Note: The boundaries and names used on this map do not imply official endorsement or acceptance by the UK Government.)

- 1.07 Other useful maps of Georgia are available on the 'One World: Nations Online' website [52a]:

Administrative map showing the boundaries of the nine regions of the country, as well as Abkhazia, South Ossetia and Adjara:

http://www.nationsonline.org/oneworld/map/georgia_map2.htm

Satellite view of Georgia (by Google 'Earth'):

http://www.nationsonline.org/oneworld/map/google_map_georgia.htm

Satellite view of Tbilisi (by Google 'Earth'):

http://www.nationsonline.org/oneworld/map/google_map_Tbilisi.htm

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2. ECONOMY

- 2.01 The US State Department (USSD) *Background Note: Georgia*, updated 21 June 2010, noted as follows:

“The Soviet Socialist Republic of Georgia was one of the most prosperous areas of the Soviet Union. Political turmoil following Georgia’s independence had a catastrophic effect on the country’s economy. The cumulative decline in real GDP is estimated to have been more than 70% between 1990 and 1994, and by the end of 1996, Georgia’s economy had shrunk to around one-third of its size in 1989. Although Georgia experienced some years of growth in the mid-1990s, it was significantly affected by the Russian economic crisis of 1998-99. The later years of former President Shevardnadze’s administration were marked by rampant cronyism, corruption, and mismanagement. Public disaffection with the situation resulted in the Rose Revolution of 2003. The new government, led by Mikheil Saakashvili [from 2004], promised to combat corruption, stabilize the economy, bring order to the budget, and reorient the government and the economy toward privatization and free markets.

“Economic growth was 2.3% in 2008; inflation reached 5.5% in the same year. The economy contracted by 4% in 2009 as a result of the global economic crisis and Georgia’s 2008 conflict with Russia. GDP growth for 2010 is conservatively estimated at between 2% and 3%, although some predictions range up to 5%.

“Efforts to improve the efficiency of government operations since the Rose Revolution [in 2003] have required the government to decrease the size of its workforce. Official unemployment was 16.5% in 2008.

“A strongly negative balance of trade has been offset by inflows of investment and assistance from international donors ... In response to the damage suffered during the [armed conflict with Russia in 2008], 38 countries and 15 international organizations pledged to provide U.S. \$4.55 billion to Georgia at the Brussels donors’ conference on October 22, 2008.

“From 2004 to 2008, improved collection and administration of taxes and the widespread privatization of state-owned assets greatly increased government revenues.

“Today, the largest share of Georgia’s GDP is produced by agriculture, followed by trade, manufacturing, and transport. Georgia’s main exports are metals and ores, wine, and nuts.

“The World Bank has recognized Georgia as one of the world’s fastest-reforming economies.” [2b] (Economy)

- 2.02 Per capita GNI (gross national income) for Georgia in 2008 was estimated at US \$2,510, compared with an average of US \$7,418 for Europe and Central Asia. (World Bank) [54a] According to data from the National Statistics Office of Georgia, the percentage of the population living in relative poverty (as measured by distribution of median consumption) declined slightly between 2004 and 2009. [18h] However, a report published by the International Organisation for Migration (IOM) in November 2009 stated that “...poverty is the most acute social problem that contemporary Georgia faces. Unfortunately, there has been no clear sign of improvement in recent years. The level of social differentiation in the population of Georgia and the persistence of

inequality is also very high, in terms both of levels of consumption and of incomes ... Poverty in Georgia is driven by unemployment and low incomes.” [55a] (The Economic Situation and Employment: The Economic Situation)

- 2.03 Data from the National Statistics Office confirmed that the official rate of unemployment increased from 12.6% in 2004 to 16.5% in 2008 and 16.9% in 2009. [18e] In 2008 the average monthly wage of people in employment was 534.9 *Lari* (about £186 at current rates – see paragraph 2.04 below). [18i] According to the IOM report of November 2009, unemployment assistance ended in May 2006 with the abolition of the Law on Employment; unemployed people in Georgia have since been “without social protection.” [55a] (The Economic Situation and Employment: Unemployment Assistance)
- 2.04 Georgia’s currency is the *Lari* (1 *Lari* = 100 *Tetri*). (National Bank of Georgia) [28b] The rate of exchange quoted by XE.com, on 11 October 2010, was: 1 Pound sterling = 2.87 Georgia *Lari*. [44a]

Further useful information on the economy of Georgia is available at:

National Bank of Georgia: *Annual Report 2009* [28a]:

http://www.nbg.gov.ge/uploads/publications/annualreport/2009/annual_report_eng_web.pdf

National Statistics Office of Georgia: Key Indicators [18a]:

<http://www.geostat.ge/index.php?action=0&lang=eng>

The World Bank: [54]:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/GEORGIAEXT/N/0,,menuPK:301751~pagePK:141159~piPK:141110~theSitePK:301746,00.html>

See also Section 20: [Corruption](#)

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3. HISTORY

- 3.01 The Foreign and Commonwealth Office (FCO) Country Profile for Georgia, updated on 7 June 2010, related as follows:

“On 8 January 1801, Tsar Paul I of Russia signed a decree on the incorporation of Georgia within the Russian Empire. During the civil war that followed the Russian Revolution of October 1917, several outlying Russian territories declared independence, including Georgia on 26 May 1918. It was recognised by Soviet Russia (Treaty of Moscow, 1920) and the major Western powers in 1921. In February 1921 the Red Army invaded Georgia and after a short war occupied the country, forcing the Georgian government to flee. Guerrilla resistance between 1921-1924 was followed by a large-scale though unsuccessful uprising in August 1924. In 1936, Georgia became the Georgian Soviet Socialist Republic.

“During WWII, Georgia contributed almost 700,000 troops to the Red Army, half of whom were killed. Stalin's successful appeal for patriotic unity eclipsed Georgian nationalism during the war and diffused it in the years following.

“On 9 March 1956, hundreds of Georgian students were killed when they demonstrated against Khrushchev. Towards the end of the late 1980s there were increasingly violent clashes between the Communist authorities, the resurgent Georgian nationalists, and nationalist movements in Georgia's minority-populated regions (notably South Ossetia). On 9 April 1989, Soviet interior troops were used to break up a peaceful demonstration outside the Parliament building in Tbilisi. Twenty Georgians were killed and hundreds wounded. The event radicalised Georgian politics, prompting many - even some Georgian communists - to conclude that independence was preferable to continued Soviet rule.” [7a] (History)

POST-COMMUNIST GEORGIA, 1990–2003

3.02 The FCO Country Profile continued:

“On 28 October 1990, opposition pressure resulted in open, multiparty and democratic parliamentary elections. These were won by a coalition headed Zviad Gamsakhurdia, who became the head of the Supreme Council of the Republic of Georgia. On 31 March 1991, Gamsakhurdia organised a referendum on independence, approved by 98.9% of the votes. Formal independence from the Soviet Union was declared on 9 April 1991.

“Gamsakhurdia was elected president on 26 May 1991 with 86% of the vote. He was subsequently criticised for what was perceived to be an erratic and authoritarian style of government. The situation came to a head on 22 December 1991, when armed opposition groups launched a violent military coup d'etat, and Gamsakhurdia had to flee Georgia. The new government invited Eduard Shevardnadze, formerly Soviet Foreign Minister under Gorbachev, to become the head of a State Council - in effect, president - in March 1992.

“Shevardnadze's rule was marked by clientelism and widespread corruption. However, he also brought together a group of reformers, led by Zurab Zhvania, who became speaker of parliament, and which also included Mikheil Saakashvili. The second half of the 1990s saw some progress in pushing forward reforms. This contradiction contributed to Shevardnadze's eventual downfall. A rift between the reform-oriented wing of the political establishment and the more conservative elements became more evident after Shevardnadze's re-election in 2000, leading to several high-profile defections from his Citizens' Union of Georgia.” [7a] (History)

POLITICAL DEVELOPMENTS, 2003–2007

3.03 The FCO Country Profile further recorded:

“A powerful coalition of reformists headed by Mikheil Saakashvili, Nino Burjanadze and Zurab Zhvania came together to oppose Shevardnadze's government in the November 2003 parliamentary elections. The elections were widely regarded as rigged and the opposition organised massive demonstrations in the streets of Tbilisi. After two tense weeks, Shevardnadze resigned on 23 November 2003, and was replaced as president on an interim basis by Burjanadze. These events became known as the Rose Revolution.

“In January 2004, Mikheil Saakashvili won a further round of Presidential Elections with 96% of the votes cast. [7a] (History)

- 3.04 Europa World related that large-scale demonstrations took place in November 2007, with an alliance of opposition parties demanding the resignation of the president, electoral reform and early elections. On 7 November 2007, special forces violently dispersed opposition supporters and the Government declared a state of emergency. [1a] (Country profile: Contemporary political history)

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ELECTIONS OF 2008

Presidential election, January 2008

- 3.05 The FCO Country Profile recorded, “Saakashvili was re-elected in January 2008, in snap presidential elections brought forward by several months following [the] large-scale protests in November 2007...” The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

“The OSCE [Organization for Security and Co-operation in Europe] reported that, while the early presidential election in January 2008 was consistent with most OSCE and Council of Europe standards and presented the first genuinely competitive post independence presidential election, it also revealed significant challenges. The campaign was overshadowed by allegations of intimidation and pressure. The distinction between state activities and the campaign of the ruling party incumbent candidate Mikheil Saakashvili was blurred, and the election was marred by other shortcomings in the election process, most notably flawed vote counting, tabulation, and post election complaints and appeals procedures.” [2a] (Section 3)

Parliamentary election, May 2008

- 3.06 The government [United National Movement] received an absolute majority in parliament at elections in May 2008 following last-minute changes to the election code. A number of opposition politicians subsequently chose not to take up their seats in Parliament.” (FCO Country Profile) [7a] (Politics) According to the USSD 2009 Report:
- “OSCE assessed that authorities and other political stakeholders made significant efforts to conduct these elections in line with OSCE and Council of Europe commitments; however, according to the OSCE, a number of problems made this implementation uneven and incomplete. The OSCE's final report noted shortcomings in vote counting, tabulation, and the handling of election complaints. The OSCE also reported widespread allegations of intimidation and pressure on opposition activists, public-sector employees, and others in the presidential and parliamentary elections.” [2a] (Section 3)

3.07 The IFES Election Guide recorded the results of the 2008 parliamentary election as follows:

United National Movement (party)	119 seats	
United Opposition-National Council-New Rights (bloc)	17	
Christian-Democratic Party	6	
Labour Party	6	
Republican Party	2	
Others	<u>0</u>	
Total	150 seats	[64a]

See Section 7: [Political system](#)

3.08 The USSD 2009 Report related:

“In July 2008 parliament passed an amendment to the election law that denied six opposition parties state funding based on their refusal to take their seats after the parliamentary elections ... In December 2008 parliament restored political party funding to opposition parties ... On July 27 [2009], the president put forth a proposal to allow 10 opposition members to take their seats despite their earlier boycott. On September 24, Parliament passed a constitutional amendment endorsing the proposal. At year's end [2009] Konstantine Gamsakhurdia, leader of the opposition Freedom Party, was the only opposition member to have taken back his seat.” [2a] (Section 3)

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ARMED CONFLICT WITH RUSSIA, AUGUST 2008

3.09 The FCO Country Profile noted:

“Tensions between Russia and Georgia date back to post-independence conflicts in the early 1990s. Relations remained strained throughout the 90s and the early 2000s, with Georgia accusing Russia of supporting separatist movements in Abkhazia and South Ossetia. Russia meanwhile accused Georgia of harbouring Chechen separatists and supporting other terrorists operating in the North Caucasus ...” [7a] (Georgia's Relations with Russia)

“Tensions rose significantly in April 2008 when Russia issued a decree to establish closer relations with the separatist regions of Abkhazia and South Ossetia, and increased troop deployments in Abkhazia. There was a series of increasingly [serious] incidents along the Administrative Boundary Line with South Ossetia. On 7 August 2008, Georgia made an attempt to end the violence by force and bring the separatist region of South Ossetia back under Georgian rule. Russia reacted with massive force and fighting raged between 8-12 August, leaving large numbers dead and over 150,000 people displaced. During the fighting, Russia encroached deep into Georgian territory beyond South Ossetia and Abkhazia, threatening Tbilisi itself.” [7a] (The 2008 War)

Detailed information on the conflict of August 2008 can be found at:

Report of the Independent Fact-Finding Mission on the Conflict in Georgia, prepared by the Independent International Fact-Finding Mission on the Conflict in Georgia [43a]: http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/30_09_09_iiffmgc_report.pdf

Centre for Analysis of Strategies and Technologies, Moscow: *The Tanks of August* edited by Pukhov R.; published in 2010; ISBN 978-5-9902320-1-3 [48a]: http://www.cast.ru/files/The_Tanks_of_August_sm_eng.pdf

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DEVELOPMENTS FOLLOWING THE 2008 ARMED CONFLICT

3.10 As stated in Europa World online, accessed on 7 October 2010:

“On 12 August [2008] President Medvedev [of Russia] ordered an end to Russia's military operation in Georgia, claiming that its aims had been achieved. Georgia and Russia agreed to a peace plan, mediated by French President Nicolas Sarkozy (on behalf of the EU), providing for an immediate cease-fire, humanitarian assistance, and the withdrawal of Russian troops to pre-conflict positions ... Russia failed to implement fully the withdrawal of troops as stipulated ... On 14 August Parliamenti [the Georgian Parliament] voted unanimously in favour of Georgia's withdrawal from the CIS [Commonwealth of Independent States] ... On 26 August Medvedev endorsed a resolution, which had been approved in both chambers of the Russian legislature, officially recognizing South Ossetia and Abkhazia as independent, sovereign states ... (In September Nicaragua became the second state to recognize the independence of the two regions, and Venezuela and Nauru were the only countries to do so during 2009.) On 29 August Georgia formally suspended diplomatic relations with Russia ... [On] 8 September Russia agreed on additional measures for the implementation of the August cease-fire plan, principally the withdrawal of all remaining forces from Georgian territory (apart from South Ossetia and Abkhazia) ... Following the deployment of the European Union Monitoring Mission in Georgia (EUMM) as scheduled, the withdrawal of the remaining Russian troops from areas adjacent to South Ossetia and Abkhazia was verified by the deadline of 10 October [2008] ... (Russia had announced that it was to maintain some 3,800 troops within each of the two separatist regions.) ... A report by Human Rights Watch, issued in January 2009, concluded that both Russia and Georgia had committed numerous violations of the laws of war during the brief conflict, citing ‘indiscriminate and disproportionate attacks’ by both sides...

“The publication of an independent fact-finding report into the conflict of August 2008, supported by the EU, at the end of September 2009 was a cause of some controversy in both Georgia and Russia [see Source [41], *Report of the Independent Fact-Finding Mission on the Conflict in Georgia*.] The report concluded that Georgia had instigated the conflict, and that its initial attack upon Tskhinvali was not warranted by international law, while Russia's military response was condemned as being disproportionate, and its recognition of South Ossetia and Abkhazia as independent states was also deemed to be in violation of international law ... Relations with Russia remained largely hostile during 2009...” [1a] (Country Profile: Regional Relations)

3.11 The US State Department (USSD) Background Note: Georgia, updated 21 June 2010, stated that the ceasefire of 12 August 2008 had remained in effect, although Russia had

not fulfilled some of its cease-fire commitments, including withdrawal of its forces to pre-war positions. The report continued:

“In 2009, Russia blocked consensus on an extension of the Organization for Security and Cooperation in Europe’s (OSCE) mission in Georgia, including its military monitoring operation in South Ossetia, and vetoed an extension of the United Nations Observation Mission in Georgia (UNOMIG), which monitored the situation in Abkhazia. [Thus, neither of these mandates was extended.] As part of the Saakashvili-Medvedev cease-fire [agreement of August 2008], the European Union established the EU Monitoring Mission (EUMM), which patrols the area along the administrative boundary lines of both regions but has not gained access into the regions. The cease-fire also called for international peace talks on the situation, which have taken place regularly in Geneva since October 2008 among the EU, United Nations (UN), OSCE, Georgia, Russia, and the United States, with the participation of de facto representatives from Abkhazia and South Ossetia.” [2b] (People and History)

The same source noted that “The separatist regions of Abkhazia and South Ossetia remain outside the control of the Georgian Government.” [2b] (Political Conditions)

See also Section 9: [Current Status of South Ossetia, Abkhazia and Adjara](#)

3.12 With reference to the domestic political situation, the FCO Country Profile stated:

“The August 2008 war with Russia provided temporary political unity, but demonstrations and calls for [President] Saakashvili’s resignation started to resurface towards the end of 2008. The non-parliamentary opposition organised demonstrations that lasted from April-June 2009, demanding Saakashvili’s resignation and the holding of early elections. They accused Saakashvili of fraud in the 2008 elections, blamed him for taking Georgia into an unnecessary war, and eroding democracy. The protests largely passed off peacefully, despite accusations of police heavy-handedness and of protestors and journalists being attacked.

“Critics have accused Saakashvili of persecuting political opponents, controlling the media and not doing enough to tackle poverty. But disagreements on tactics and the failure to put forward any consistent policies have weakened the opposition, and protests have failed to threaten the government. Meanwhile, Saakashvili has continued to try and hold a dialogue on electoral and constitutional reform with moderate elements in the opposition.” [7a] (Politics)

See also Section 4: [Recent developments](#) and Annex A: [Chronology of major events](#)

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4. RECENT DEVELOPMENTS

4.01 Parliament adopted a Gender Equality Law on 27 March 2010. It provides for the establishment of a ‘national women’s machinery’, the enhancement of women’s security, equality in the labour market and the strengthening of women’s political participation. The law also provides for gender-responsive planning and budgeting on in government departments. (UNIFEM, 29 March 2010) [35a]

- 4.02 Municipal council elections, including the first direct election for the Mayor of Tbilisi, took place on 30 May 2010. The USSD Background Note for Georgia, updated 21 June 2010, reported that these elections “were evaluated by international monitors from the OSCE as marking evident progress toward meeting OSCE and Council of Europe standards for democratic elections, but noted that significant shortcomings remain[ed]. The United National Movement won the majority of seats in each of the country’s municipal councils, including in Tbilisi...” [2b] The full results of the May 2010 council elections are on the website of the Central Election Commission of Georgia [27a]: http://www.results.cec.gov.ge/index_eng.html International observers’ reports are on the same website at: http://www.cec.gov.ge/index.php?lang_id=ENG&sec_id=63
- 4.03 A new Code of Criminal Procedure was adopted by Parliament in October 2009 and came into effect in 1 October 2010. (Ministry of Justice website) [21a] (USSD 2009 Report) [2a] (Section 1d) It provides, inter alia, for trial by jury in certain categories of cases, introduction of non-custodial remand measures, simplification of the process of appeal [21a], new measures for accountability and professionalism in the police force and better-defined rights and due process protections for those arrested by the police. [2a] (Section 1d) A review of the new Criminal Procedure Code appears on the website of the Ministry of Internal Affairs at: <http://www.police.ge/index.php?m=380&lng=eng> [26a]
- 4.04 On 15 October 2010 Parliament approved the draft of an amended Constitution, to come into effect after the presidential election of 2013. (Civil.ge) [17b]
See Section 6: [Constitution](#)

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5. STATUS OF SOUTH OSSETIA, ABKHAZIA AND ADJARA

- 5.01 The Foreign and Commonwealth Office (FCO) Country Profile for Georgia, updated on 7 June 2010, noted that South Ossetia and Abkhazia were *de facto* independent but remained, *de jure*, part of the Republic of Georgia. [7a] The Constitutional Law of Georgia recognises that Adjara (Ajara) has special status as an autonomous republic within the Republic of Georgia. [23a] (Article 3.3)
- 5.02 The US State Department *2009 Human Rights Report: Georgia*, released on 11 March 2010, confirmed that “De facto authorities in the separatist regions of Abkhazia and South Ossetia, supported by several thousand occupying Russian troops, remained outside the control of the central government [of Georgia].” [2a] (Introduction)
- 5.03 War Resisters’ International have noted that, since 1992, the *de facto* authorities in South Ossetia and Abkhazia have also maintained their own ‘armed forces’. [45a]
- 5.04 As related in Section 3: [History](#), Russia characterised Abkhazia and South Ossetia as independent states on 26 August 2008, in violation of Georgia’s sovereignty and territorial integrity. As of October 2010, only three other countries had recognised the independence and sovereignty of these territories. (Europa World online) [1a] (Country Profile: Regional Relations)

- 5.05 An article by K.Natoli, published in the Boston University International Law Journal in May 2010, stated:

“...on May 31, 2002, Russia adopted the Law on Russian Federation Citizenship, making the acquisition of Russian citizenship by residents of ex-Soviet republics easier ... ‘Reportedly, following this regulatory change, up to 90 percent of South Ossetia’s population of under 100,000 acquired Russian citizenship.’ (Roudik).” [46a] (p391-392)

For further information on the de facto authorities in Abkhazia and South Ossetia, see their websites:

Abkhazia: <http://www.therepublicofabkhazia.org/pages/our-government/executive-branch.shtml> [41]

South Ossetia: <http://www.republicofsouthossetia.org/pages/our-government/government-structure.shtml> [40]

The Government of the Autonomous Republic of Adjara has a website at: <http://www.adjara.gov.ge/eng/> [39]

See also Section 1: Geography: [Maps](#) and Sections 35, 36, 37: [Human Rights situation in South Ossetia and Abkhazia](#)

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6. CONSTITUTION

- 6.01 The present Constitution was adopted by Parliament on 24 August 1995. According to the Constitutional Court website, it is derived from the basic principles of the Constitution of Georgia of 1921 and “endorses discharge of authority on the basis of separation of powers.” [23c] Chapter Two (Articles 12-47) of the Constitution defines Georgian citizenship and sets out the “Basic Rights and Freedoms of the Individual”. It provides, inter alia, that:

“Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence (Article 14) ... Capital punishment is prohibited (Art 15.2) ... Torture, inhuman, cruel treatment and punishment or treatment and punishment infringing upon honour and dignity shall be impermissible (Art 17.2) ... Physical or mental coercion of a person detained or otherwise restricted in his/her liberty is impermissible (Art 17.3) ... Deprivation of liberty or other restriction of personal liberty without a court decision shall be impermissible (Art 18.2) ... The term of arrest of a suspect in the commission of a crime shall not exceed 72 hours and the term of detention on remand of an accused shall not exceed 9 months (Art 18.6) ... Everyone has the right to freedom of speech, thought, conscience, religion and belief. (Art 19.1)” [23a]

- 6.02 Article 6 of the Constitution states:

“1. The Constitution of Georgia shall be the supreme law of the state. All other legal acts shall correspond to the Constitution.

2. The legislation of Georgia shall correspond to universally recognised principles and rules of international law. An international treaty or agreement of Georgia unless it contradicts the Constitution of Georgia, the Constitutional Agreement ...shall take precedence over domestic normative acts.” [23a]

6.03 A copy of the Constitution, as amended up to 27 December 2006, is available at http://www.constcourt.gov.ge/index.php?lang_id=ENG&sec_id=19 [23a]

6.04 The USSD Background Note: Georgia, updated 21 June 2010, noted:

“In June 2009, the government created a state commission on constitutional reform comprised of representatives of the government, Parliament, the ruling and opposition parties, legal experts, and academic scholars to review options for amending the constitution. In May 2010, the commission agreed on a preliminary draft intended to serve as a model for continued discussions and eventually as the basis for a new constitution. The draft includes a provision stating that the new constitution would not take effect until after the 2013 presidential election. The commission [has] sent the draft to the Council of Europe’s Venice Commission for review.” [2b] (Government)

6.05 On 15 October 2010 the draft of the amended Constitution, to take effect after the presidential election of 2013, was approved by Parliament. It will significantly reduce the powers of the next president in favour of the prime minister and the government. (civil.ge, 15 October 2010) [17b] The key points of the amended Constitution are outlined at: <http://www.civil.ge/eng/article.php?id=22757> [17b]

6.06 Human Rights House Tbilisi (HRHN) noted in a report of 30 July 2010 that the Georgian Young Lawyers’ Association (GYLA) had identified four main concerns with the new constitution: “The President and the government is interfering in Parliament’s legislative power...Parliament will have no power to establish a budget...Ineffective accountability mechanisms of the government...Decreasing the role of parliamentary opposition.” [11a]

CONSTITUTIONAL COURT

6.07 The Constitutional Court of Georgia was established in 1996 and has the power to invalidate any laws which do not comply with the Constitution, rule on individual human rights violation claims, establish the constitutionality of elections and political parties’ activities, consider disputes regarding separation of competences between legislative and executive bodies, and consider violations of the Constitution by high ranking state officials. (Constitutional Court website) [23b] It consists of nine judges – three appointed by the President of Georgia, three elected by Parliament and three appointed by the Supreme Court – who each serve terms of ten years. [23c]

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7. POLITICAL SYSTEM

7.01 Europa World online, accessed on 24 September 2010, advised as follows:

“Under the Constitution of August 1995, the President of Georgia is Head of State and the head of the executive, and also Commander-in-Chief of the Armed Forces. The President is directly elected for a five-year term (and may not hold office for more than

two consecutive terms). The Government is accountable to the President, to whom it acts as an advisory body. Following the adoption of constitutional amendments in February 2004, the Government is headed by the Prime Minister. The supreme legislative body is the unicameral Sakartvelos Parlamenti (Georgian Parliament), which is directly elected for four years. In March 2008 constitutional amendments reduced the number of deputies in Parlamenti from 235 to 150, of whom 75 were to be elected on the basis of proportional representation and 75 in single-member constituencies. (The Constitution provides for a future bicameral Parliament, comprising a Council of the Republic and a Senate, following the eventual restoration of Georgia's territorial integrity.) [1a] (Constitution and Government)

7.02 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, related:

“Parliament passed amendments to the election code on December 28 [2009]; provisions included the direct election of the Tbilisi mayor, the split of the Central Election Commission (CEC) seats between the opposition and the ruling party, and the funding of political parties. The new electoral code passed in December also amends the selection of the chairman.

“The OSCE's final report on the May 2008 parliamentary elections noted that the election campaign was conducted in a highly polarized environment, which was compounded by reports of widespread intimidation of opposition candidates, party activists, and state employees in many regions.

“There were no government restrictions on political party formation beyond registration requirements; according to the Ministry of Justice's Registration and Licensing Department, there were 200 registered political parties by the end of the year [2009], compared with 189 in 2008.” [2a] (Section 3)

See also Section 3: [History: Elections of 2008](#) and Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

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Human Rights (excluding South Ossetia and Abkhazia)

8. INTRODUCTION

- 8.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted:

“The main human rights abuses reported during the year included at least one suspected death due to excessive use of force by law enforcement officers, politically motivated kidnappings and assaults, poor prison conditions, abuse of prisoners, including juveniles, arbitrary arrest and detention, politically motivated imprisonment, excessive use of force to disperse demonstrations, pressure that appeared politically motivated on owners of property, lack of due process, government pressure on the judiciary, and senior-level corruption in the government. Respect for media freedom declined, and there were cases of government interference with the rights of assembly and association. While three months of protests by the nonparliamentary opposition were generally held peacefully, there was a clear imbalance in protest-related incidents—crimes against government officials were investigated and solved quickly, while this was not the case for crimes committed against nonparliamentary opposition activists. There were some cases of restrictions on religious freedom and a lack of progress on such religious problems as the determination of ownership of disputed churches and the unequal status of non-Georgian Orthodox religions. Abuse of women and children, trafficking in persons, and societal discrimination and prejudice against persons based on their sexual orientation were also reported.

“Significant human rights achievements included the passage of a reformed criminal procedure code providing for fair trial protections and for the introduction in Tbilisi of a limited jury trial system; and passage of an amended election code calling for the first direct election of the Tbilisi mayor.” [2a] (Section 5)

- 8.02 Concerns raised by Amnesty International in their 2010 Report (covering 2009) included reports of harassment and use of excessive force by the police against opposition activists and journalists, no further investigation of human rights violations committed by Georgian and South Ossetian forces during the armed conflict in 2008, the situation of internally displaced persons and domestic violence. [3a]

- 8.03 A report published by the US Agency for International Development (USAID) in June 2010 observed:

“In August 2008, war erupted in South Ossetia, and later spread to Abkhazia, and continued over five days of intensive fighting. Despite the relatively short duration of the conflict, the consequences for the entire country have been serious, in the form of thousands of internally displaced families, social and economic hardships, looting and violence, as well as the establishment of buffer zones in the interior of the country and lingering tensions over Georgia’s territorial sovereignty. Under these conditions, both women and men suffered greatly and faced changing responsibilities but fewer opportunities for improving their lives. In this climate, social injustice increases and certain social groups are put in more vulnerable positions.” [49a] (p12)

- 8.04 In February 2009 the President formalised a ‘Second Wave of Democratic Reforms’. [17a] These include the drafting of a new Constitution, strengthening the independence

of the Judiciary, electoral reform, prison reform, strengthening the role of the political opposition and facilitating 'media pluralism'. [59a] Further details at:
<http://www.mes.gov.ge/old/upload/editor/file/189%20skola/11111.pdf>

8.05 The Office of the Public Defender of Georgia (also known as the Ombudsman) was established by an act of Parliament in May 1996. [61a] The USSD 2009 Report noted:

"A new public defender, Giorgi Tugushi, took office on September 16 [2009]. NGOs continued to view the Public Defender's Office as the most objective of the government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuse. The office generally operated without government interference and was considered effective, with some exceptions. The government funded the Public Defender's Office..." [2a] (Section 5)

See Section 19: [Human Rights Institutions, Organisations And Activists](#)

8.06 With regard to "Arbitrary interference with privacy, family, home, or correspondence", the USSD 2009 Report stated, "The law prohibits such actions without court approval or legal necessity and also prohibits police from searching a residence or conducting undercover or monitoring operations without a warrant; however, these prohibitions were not always respected ... NGOs continued to report that police conducted searches, and may also have occasionally monitored private telephone conversations, without first obtaining court orders; police often obtained warrants after the fact. [2a] (Section 1f)

8.07 The Republic of Georgia is party to the principal United Nations human rights treaties. The United Nations Treaty Collection website (accessed in October 2010) noted that these included:

- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 26 October 1994;
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 2 June 1999;
- International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 3 May 1994;
- International Covenant on Civil and Political Rights (CCPR), date of accession 3 May 1994;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 26 October 1994; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of accession August 2002;
- Convention on the Rights of the Child (CRC), date of accession 2 June 1994; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of accession 3 August 2010; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 28 June 2005;

- Convention on the Rights of Persons with Disabilities, date of accession 10 July 2009. [14c]

8.08 Georgia is also party to, inter alia, the following Council of Europe treaties:

- Convention for the Protection of Human Rights and Fundamental Freedoms, otherwise referred to as the 'European Convention on Human Rights' (ECHR), date of ratification 20 May 1999 [16a];
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), date of implementation 1 October 2000. [16c]

(Note that the European Convention for the Protection of Human Rights and Fundamental Freedoms corresponds with the Human Rights Act in the UK. The text of the Convention is available at: <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> [16b])

See also Sections 34, 35, 36: [Human Rights situation in South Ossetia and Abkhazia](#)

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9. SECURITY SITUATION

9.01 Jane's Security Sentinel: Country Risk Assessment for Georgia, dated 12 October 2010, stated as follows:

"Georgia has struggled to establish effective territorial sovereignty since regaining independence from the Soviet Union in 1991. The primary threat to national security has arisen from Tbilisi's lack of real control over Georgia's recognised borders since the early 1990s.

"The Georgian government's response to Russian and separatist provocation in and around South Ossetia contributed to the outbreak of conflict with Russia in August 2008, military defeat and the loss of any control over South Ossetia and Abkhazia for the foreseeable future ... The separatist conflicts in Abkhazia and South Ossetia have fed a volatile political situation and resulted in sporadic acts of violence and terrorism which could continue or even escalate following Russia's recognition of the separatist regions' independence..." [8a]

9.02 Jane's further related that:

"With around 26,900 uniformed military personnel and 10,000 paramilitary personnel, Georgia's armed forces are theoretically quite large for a country its size.

"Since the Rose Revolution of 2003, the military and security forces have posed little threat to the Saakashvili government, in comparison to the continued sporadic mutinies throughout Eduard Shevardnadze's tenure by a demoralised and hungry force. The security budget was increased by approximately 1,600 per cent between 2003 and 2008, with the defence allocation increasing from US \$37 million to US \$623 million ... At the same time, the security forces have undergone a process of professionalisation and restructuring." [8a]

- 9.03 A document entitled *National Security Concept of Georgia* (undated), on the website of the Ministry of Foreign Affairs (accessed 5 October 2010), set out the government's view of threats, risks and challenges to national security and the main elements of Georgia's National Security Policy in responding to these [31a]:
http://mfa.gov.ge/index.php?lang_id=ENG&sec_id=12

See also Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

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10. CRIME

- 10.01 The National Statistics Office of Georgia noted that a total of 35949 crimes were recorded in 2009, compared with 54746 in 2007 and 24856 in 2004. The number of murders and attempted murders decreased from 741 in 2007 to 494 in 2009, reported rapes declined from 156 to 84 and cases of 'premeditated heavy injury' from 157 to 134 over the same period. [18f]

Further details at: http://www.geostat.ge/index.php?action=page&p_id=602&lang=eng

- 10.02 Jane's Security Sentinel's Risk Assessment for Georgia, updated 12 October 2010, noted:

"Criminal groups became heavily entrenched in Georgian society following independence due to the lack of state control over the separatist provinces, the Pankisi Gorge and Adjara, and partly because of collusion between the state security apparatus and organised crime, however much of this has been rectified in recent years and the influence of organised crime has greatly decreased.

"One remaining problem posed by organised criminals relates to Georgia's location on one of the main drug smuggling routes from Central Asia to Europe and the penetration of Caucasian crime networks in Russia, Ukraine and beyond." [8a] (Organised crime)

"The [drugs] trade in Georgia is controlled by a combination of criminal organisations and ethnic groups, with individuals volunteering to act as small-scale couriers to improve their immediate economic situation. Georgian groups control a large portion of the transshipment in the country, but Chechen, Azeri and Turkish groups also play an important role. Abkhaz and Ossetian groups tend to control the trade as it transits their territory, and they co-operate with Georgian counterparts in the trade across de facto internal frontiers." [8a] (Drug)

"Georgia acts as an important transit route for the international [illicit weapons] trade." [8a] (Arms)

See also Section 27: [Trafficking](#)

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11. SECURITY FORCES

11.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted that “Civilian authorities generally maintained effective control of the security forces.” [2a] (Introduction)

11.02 Jane’s Security Sentinel observed in their Risk Assessment for Georgia, dated 12 October 2010:

“Executive control has been strengthened through the amalgamation of all security forces under just two civilian ministries directly responsible to the president - Defence (army, air force, navy) and the Interior (police, border police, rapid reaction forces). The large and ineffective Ministry of the Interior force has been merged into the army, the historically unreliable National Guard has been reduced to mainly ceremonial duties and many members of the notoriously corrupt police force have been dismissed.” [8a] (Military)

11.03 The USSD 2009 Report added, “The Ministry of Internal Affairs has primary responsibility for law enforcement. During times of internal disorder, the government may call on the Ministry of Internal Affairs or the military. The ministry controls the police, which are divided into functional departments and a separate, independently funded, police protection department that provides security and protection to both infrastructure sites and private businesses.” [2a] (Section 1d)

POLICE

11.04 The World Police Encyclopaedia, published in 2006, noted that the “Ministry of Internal Affairs and the Prosecutor General’s Office have primary responsibility for law enforcement, and the Ministry of State Security plays a significant role in internal security.” Reforms implemented after 2004 included “the establishment of a municipal police on the basis of regional and patrol units” and “harmonizing the number of personnel of the Ministry of Internal Affairs with European standards (one police officer per 240 to 400 citizens in developed countries.)” As of 2006, there was a ratio of one police officer to 214 citizens in Georgia. [47]

11.05 The USSD 2009 Report stated:

“A new criminal procedure code (CPC) was adopted and signed into law on October 9 [2009]. Most provisions of the code were scheduled to become effective on October 1, 2010. The new CPC encourages accountability and professionalism in the police force by barring the use of illegally seized evidence and legally seized evidence that stemmed from an initial illegal action by police.

“There was a low incidence of police corruption at the patrol level. As a result of reforms, the relatively high salaries for police officers provided an incentive to refrain from using their positions to extort money from citizens and from mistreatment or abuse of detainees.

“During the year the Police Academy included additional training on human rights in the basic course for patrol police and conducted additional specialized training on human rights in cooperation with international partners such as the Council of Europe. The Police Academy curriculum for 2,047 patrol, regional inspectors, and junior police officers included training on the legal basis for the use of coercive force, tactical training

on negotiation skills for managing critical situations with the goal of using coercive force as a last resort, police ethics, and role playing to illustrate these points. The [Ministry of Internal Affairs] required that all officers be retrained periodically in the use of force and human rights, and during the year 854 officers underwent such training.” [2a] (Section 1d)

Human rights violations by the police

- 11.06 The USSD 2009 Report noted, “[U]nresolved at year’s [2009] end were continued allegations from the Public Defender’s Office and NGOs that police planted evidence, engaged in inhumane and degrading treatment, abused official authority, and exceeded the limits of official authority. During the year nonparliamentary opposition activists claimed that they were especially targeted for such action by police officials. [2a] (Section 1d)

Excessive use of force

- 11.07 The Amnesty International Annual Report 2010 recorded:

“On 6 May [2009], police officers reportedly fired impact projectiles at opposition demonstrators in a reckless manner during a violent confrontation outside the police headquarters in Tbilisi, which resulted in several people sustaining head injuries. In another incident on 15 June [2009], police officers reportedly dispersed peaceful opposition protesters outside the Tbilisi police headquarters with excessive force, attacking the protesters using batons without any warning or prior warnings to disperse. Seventeen protesters sought medical assistance in hospital to have their wounds treated; two were hospitalized due to severe injuries. Among those injured was a representative of the Ombudsman’s [Public Defender’s] office who was allegedly detained and beaten by police officers.” [3a]

See also Section 17: [Freedom of Association and Assembly](#)

- 11.08 In a statement to the UN Human Rights Committee, dated 12 January 2010, the Government of Georgia stated:

“The Police Academy of the Ministry of Internal Affairs devotes special attention to the teaching of the legal basis for the use of coercive force and to the acquisition of relevant practical skills by future policemen. The Curriculum of the Police Academy of the MoIA contains an extensive tactical training course, and local legislation as well as a course on international human rights law. These courses deal in detail with the issues of the use of force by police ... the Police Academy...has produced a manual on use of force and developed training modules for the students enrolled at the Police Academy.” [14f]

Arbitrary arrest and detention

- 11.09 According to the USSD 2009 Report, “The constitution and law prohibit arbitrary arrest and detention; however, the government did not consistently observe these prohibitions. During the year the number of alleged cases of arbitrary arrest and detention increased.” [2a] (Section 1d) The Report added:

“During the year [2009] law enforcement officers reportedly planted drugs or weapons in order to arrest and charge individuals in a number of criminal cases, many of which were considered politically motivated. The following common factors were present in

many of these cases: Charges were often only supported by police officer testimony; forensic or ballistic evidence to corroborate police testimony was typically not presented in these cases; and police commonly did not conduct searches with a warrant. While such additional evidence was not legally mandated, its absence, especially given allegations of political motivation, raised concerns among observers.

“During the year there were also reports that authorities detained individuals solely because they were family members of a criminal suspect despite the lack of evidence of any ties to the alleged crime.” [2a] (Section 1d)

Torture

11.10 The USSD 2009 Report stated that “The constitution and law prohibit such practices; however, there were reports that government officials continued to employ them with limited accountability.” The same source continued:

“According to the Public Defender's Office and human rights monitors, the incidence of abuse in police stations remained low, due to continued, unannounced, random monitoring of stations. The office reported that abuse at temporary detention facilities was practically eliminated by the end of 2007, but some cases of physical abuse were reported directly to the police stations. In June 2008 the Public Defender's Office reported that torture had become rare and that there had been efforts to improve laws, discuss complaints publicly, and raise awareness of the problem. (The penalty for torture was increased from five to 15 years in prison in 2008.) Despite the changes, intimidation of suspects remained a problem.

“In the first half of the year [2009], according to the Public Defender's Office, there were three possible incidents in which law enforcement officials beat persons in detention awaiting trial.

“According to the Ministry of Justice, during the year [2009] 17 cases were opened into claims of torture, six cases into inhuman or degrading treatment, one case into giving evidence under duress, and one case into premeditated less grave injury to health. Five of the claims of torture were terminated for lack of cause, and one was submitted to the court for criminal proceedings; the accused was convicted. Of the claims of inhuman or degrading treatment, two were submitted to the court for criminal proceedings, and in both cases there was a conviction

“NGOs reported victims often did not report abuse, fearing police retribution against them or their families. NGOs also continued to claim that close ties between the Prosecutor General's Office and police hindered their ability to substantiate police misconduct and alleged that the judiciary's lack of professionalism and independence made it unresponsive to torture allegations. As a result, despite implementation of positive reforms, NGOs claimed law enforcement officials could still resort to torture or mistreatment with limited risk of exposure or punishment.

“The Public Defender's Office noted that monitoring groups found no instances in which police officers had incorrectly registered a detainee upon arrival at the police station, which previously had been a means for police officers to conceal abuse.

In 2008 the Public Defender's Office noted 112 detainees who were admitted at pretrial detention facilities with injuries, of whom eight claimed to have been injured by police.

Three detainees claimed that they had been pressured by police officers. The Public Defender's Office reported that 132 complaints of police mistreatment of detainees had been filed in 2008. Mistreatment included verbal and physical abuse ... In 2008 five Ministry of Internal Affairs personnel were found guilty of torturing or administering degrading treatment to persons in their charge." [2a] (Section 1c)

- 11.11 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) commented in the report of their visit to Georgia in February 2010:

"The great majority of the persons interviewed by the delegation, who were or had recently been in police custody, indicated that they had been treated in a correct manner. The delegation received a few allegations of physical ill-treatment by the police, relating for the most part to excessive use of force (e.g. punches, kicks) at the time of apprehension ... It is clear that the series of measures taken over the last few years by the Georgian authorities to put a stop to the previously widespread phenomenon of ill-treatment by the police are bearing fruit. [16c] (Paragraphs 13, 14)

Extra-judicial killings

- 11.12 No evidence was found, within the sources consulted, of a pattern of extra-judicial killing by the Georgian police or other security forces in 2009 or 2010.

Police accountability

- 11.13 The USSD 2009 Report stated:

"Authorities arrested or administratively disciplined police officers; according to the Ministry of Internal Affairs, there were 838 such cases during the year. The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations. However, NGOs maintained that the incidence of abuse was higher than the number of cases investigated by the prosecutor general and that the failure to conduct systematic investigations and pursue convictions of all alleged abusers contributed to a culture of impunity. Human rights NGOs also asserted that many instances of abuse went unreported by victims due to fear of reprisal or lack of confidence in the judicial system.

"The Prosecutor General's Office was in charge of all criminal investigations into allegations of torture and mistreatment. Prosecutors were required to investigate police use of force when a detainee with injuries sustained during arrest was registered. The law required the office to open an investigation when it received information about a possible violation, even if from an anonymous source. If prosecutors concluded after investigation that charges were not warranted, the decision could be appealed to a higher level within the office. Any person subjected to abuse was able to pursue a civil action against the abuser. In some cases the Prosecutor General's office continued investigations indefinitely without issuing any findings. In most cases that were completed, the office confirmed that the use of force by police was reasonable.

"A 2006 police code of ethics obliges police officers to uphold the human rights of all persons and to use force only when strictly necessary for the performance of their duties; the Ministry of Internal Affairs and Prosecutor General's Office are responsible for implementing the code. The General Inspection Service is responsible for

investigating suspected duty infractions by police officers, receiving complaints from citizens who call in on the ministry hotline, via the public defender, or from the main unit of the Human Rights and Monitoring Department of the ministry. Infractions may be addressed to the police officer's supervisor, who can also initiate an inquiry. There are seven categories of disciplinary measures: reproach, condemnation, severe condemnation, deprivation of the ministry badge, demotion, demotion by one grade, or dismissal. If there is suspicion that a police officer committed a criminal act, the officer is suspended, and if the allegations are confirmed, the inquiry materials are transferred to the Prosecutor's Office for criminal investigation." [2a] (Section 1d)

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INTELLIGENCE SERVICES, RAPID REACTION FORCES AND BORDER GUARD

- 11.14 Jane's Sentinel Security Assessment: Security and Foreign Forces, updated 16 June 2010, stated:

"The Georgian State Intelligence Service was established in 1997 as part of a reorganisation of the security and law enforcement agencies. It was initially intended to counter-balance the State Security Ministry, which was believed to retain strong links to Moscow. The service's principal function is to reveal and prevent potential threats against the state of Georgia and its population, and in particular those threats emanating from abroad.

"The service is organised into four directorates:

The Analytical Directorate: Provides analysis and planning for the conduct of foreign intelligence, including the collection of open source and non-open source intelligence and the analysis and dissemination of this material.

Information Directorate: The clandestine arm of the service which carries out covert activity and the collection of non-open source intelligence.

Security Directorate: Responsible for maintaining the security of the service, including information security, background checks and pre-employment clearance.

Signal Intelligence Directorate: Conducts all signals intelligence (SIGINT) operations." [8c] (Intelligence Agencies)

- 11.15 The same source recorded that a number of specialist rapid reaction units were formed during the 1990s, which now come under the authority of the Ministry of the Interior: "These included the Delta, Alpha, Omega and Saturn detachments to conduct special operations and act as counter-terrorist units ... These are lightly-armed special forces, but they are also the best-trained forces for rapid reaction security operations ... They are likely to continue operating alongside the police and intelligence services over the medium term." [8c] (Rapid reaction forces)
- 11.16 Jane's Sentinel noted that the Georgian Border Police has an estimated strength of 5,800 personnel. Border police are now also deployed along the boundaries of the territories of Abkhazia and South Ossetia. [8c] (Border Guard)

ARMED FORCES

- 11.17 According to Jane's Sentinel Security Assessment: Armed Forces, updated 17 December 2009:

"...the August 2008 conflict with Russia and the separatist territories caused major disruption by destroying much of the military hardware and infrastructure that GAF [Georgian Armed Forces] had built up since 2002 ... In response, GAF has pursued a policy of recruitment that has seen total personnel strength boom from under 23,000 in 2006 to almost 37,000 in early 2009, falling to around 33,000 by October 2009.

"Conscription is to be abolished as the force becomes fully professional ... In practice, conscription is very selectively applied due to the retention of better paid and maintained combatants and the relatively small manpower requirements of the regular military." [8b] (Armed forces)

(Jane's Sentinel included a table in this section of their assessment indicating that the total strength of the armed forces is due to decrease to 21,700 by 2012 and to 18,755 by 2015. [8b] (Armed forces))

- 11.18 Jane's Sentinel noted that the National Guard "is responsible for the peacetime training and mobilisation of reservists in times of crisis or war time ... In October 2008, the Minister of Defence claimed that 43,000 reservists had received training as of August 2008 ... The Georgian Parliament approved a policy of 'total and unconditional defence' in September 2006, envisaging reserve service becoming compulsory for all Georgian males between the ages of 27 and 40, including two weeks of refresher training every two years. There are currently about 400,000 Georgian males in this age range. Saakashvili has appealed for a total force of 100,000 reservists." [8b] (Armed forces)
- 11.19 The USSD Background Note for Georgia, updated 21 June 2010, noted that "Membership in NATO remains a priority for Georgia. In support of this objective, Georgia's military continues to undergo widespread reforms." [2b]

Alleged human rights violations during the 2008 armed conflict with Russia

- 11.20 The Human Rights Watch (HRW) World Report 2010, published in January 2010, noted:

"During the war the Georgian military used indiscriminate force, including firing multiple rocket launchers-an indiscriminate weapon that should not be used in civilian areas. The military also used tanks and machine-guns to fire at buildings in Tskhinvali, the capital of South Ossetia, including at apartment buildings where civilians sheltered; South Ossetian forces had fired on Georgian forces from at least some of these buildings. The military also used cluster munitions against Russian military, including in civilian-populated Georgian territories adjacent to the administrative border with South Ossetia

"Well over a year since the Georgian-Russian conflict over South Ossetia, Georgian authorities have yet to ensure a comprehensive investigation into and accountability for international human rights and humanitarian law violations by their forces..." [4a]

- 11.21 In June 2010 a delegation of the Office of the Prosecutor of the International Criminal Court (ICC) conducted a visit to Georgia "to gather additional information from the

Georgian authorities on the on-going national investigation into crimes allegedly committed in the context of the August 2008 armed conflict” and to assess whether a formal investigation by the ICC should be opened. (Human Rights.ge, 30 June 2010, quoting a press release of 25 June 2010 from the ICC Prosecutor’s Office) [9a]

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12. MILITARY SERVICE

12.01 The Ministry of Defence website, accessed on 4 October 2010, confirmed that Georgian citizens (men) between the ages of 18 and 27 are liable for compulsory military service. The term of compulsory military service is currently 12 months. [29a]

12.02 The same source specifies that:

“Status, obligations and military service conditions of military servants as well as the social-legal provision and protection of military, their family members and those dismissed from the active military service are determined in accordance with the following Georgian laws:

- Georgian Law ‘On the Status of Military Servant’;
- Georgian Law ‘On the Military Reserve Service’;
- Georgian Law ‘On Military Obligations and Military Service’;
- Decree #609 of the President of Georgia dated October 26 1998 ‘ On the Approval of the Regulation On Compulsory Military Service’;
- Decree #493 of the President of Georgia dated November 5 2004 ‘On the Social Protection and Material Provision of Military and Civil Personnel of Ministry of Defence of Georgia’;
- Order #560 of the Minister of Defence of Georgia dated September 26 2007 ‘On Labor Compensation, Social Protection and Material Provision of Military and Civil Personnel of Ministry of Defence of Georgia’.” [29a]

12.03 Jane’s Sentinel, updated 17 December 2009, stated that “From 2002, young Georgians had been able to pay a conscription deferral fee of GEL200 (just under US \$100) per year, which was to be used to supplement the defence budget.” [8b]

12.04 War Resisters’ International (WRI), in their Georgia country report, updated in 2005, noted that:

“The right to conscientious objection is legally recognized by the 1997 Law on Alternative Service ... The Law on Alternative Service recognizes both religious and non-religious grounds for conscientious objection ... However, the Law on Alternative Service has still not been implemented.

“Most [conscientious objection] applications have apparently been made by members of religious denominations who forbid their members to bear arms, particularly Jehovah's Witnesses. Their applications have not been decided upon and they have not been

called up for service ... It is not clear if this informal arrangement is still in place. However, since 1998 there have been no known cases of Jehovah's Witnesses or members of other religious denominations being prosecuted for refusal of military service.

"Refusing call-up for military service [draft evasion] is punishable with one to three years' imprisonment and up to five years in case of aggravating circumstances such as using false documents (Criminal Code, Article 81). Refusing call-up for mobilization is punishable with three to ten years' imprisonment (Article 82). Desertion is punishable with three to seven years' imprisonment (Article 256). During wartime, higher sentences apply." [45a]

Further details appear on the WRI website: http://www.wri-irg.org/programmes/world_survey/country_report/en/Georgia

SOUTH OSSETIA AND ABKHAZIA

- 12.05 War Resisters' International noted that "Due to the political situation, inhabitants of South Ossetia and Abkhazia are not called up for service in the Georgian armed forces ... Since 1992, these regions are de facto independent from the Georgian government and operate their own armed forces and conscription systems." [45a]

See also Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

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13. JUDICIARY

ORGANISATION

- 13.01 *A Guidebook in the case proceeding* [sic] (2007), on the website of the Ministry of Justice, stated as follows:

"The Judiciary System of Georgia consists of three stages:

- District and City Court;
- Court of Appeal;
- Court of Cassation (Supreme Court).

"The Supreme Court of Georgia represents the court of the highest and final instance for justice administration in the country, which was established in 2005 as a ... cassation instance court. It oversees administration of justice at common courts of Georgia ...

"[A] judgment of the Court of Appeal and other judgments can be appealed by the rule of cassation at the respective Chamber of the Supreme Court of Georgia, if the author of the cassation claim considers that the judgment of the court is illegal." [22a]

- 13.02 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted that "Regional (city) courts hear routine criminal,

civil, and administrative law cases. The Supreme Court acts as the court of final appeal. During the year [2009] the High Council established a new system of magistrate courts and integration of regional (city) courts.” [2a] (Section 2a)

See also Supreme Court of Georgia: *Main Directions of the Court Reform*:
http://www.supremecourt.ge/default.aspx?sec_id=92&lang=2 [22b]

INDEPENDENCE

13.03 According to the USSD 2009 Report:

“The law provides for an independent judiciary. However, reports persisted that the executive branch continued to exert pressure on judicial authorities

“Judges serve 10-year terms, a limited term that some observers viewed as militating against the independence of judges.

“Following constitutional amendments in 2006, the High Council of Justice, the body that disciplines judges, operated as an independent institution with a majority of its members from the judiciary. In 2007 parliament passed further changes to the law on common courts, reorganizing the High Council of Justice and removing the minister of justice as a member, the last such executive branch official. Eight judicial members whom the Conference of Judges elected and the chairman of the Supreme Court constitute the majority of the 15-member High Council of Justice. The president appoints an additional two members of the council, and parliament appoints three.

“Following the constitutional amendments, the authority to appoint or dismiss judges was moved from the president to the High Council of Justice, and the chairman of the Supreme Court was made chairman of the council to increase the transparency of the judicial appointment process. During the year NGOs and observers called for increased transparency in the selection, appointment, and disciplinary processes for judges.

“The Prosecutor's Office is responsible for disciplinary action for violations of the ethics code for prosecutors adopted in 2006 ... The Inspection Department of the Office of Chief Prosecutor initiated disciplinary proceedings against 55 prosecutors during the year 2009 [for such offences as accepting bribes].” [2a] (Section 1e)

13.04 Europa World recorded, “In January 2007 President Saakashvili signed into force a series of constitutional amendments, as a result of which the President would no longer be authorized to dismiss or appoint judges, nor be involved in the activities of the High Council of Justice.” [1a] (Contemporary political history)

FAIR TRIAL

13.05 The USSD 2009 Report stated:

“According to the Public Defender's report for the first half of the year [2009], in criminal cases the courts did not adequately implement the right to a fair trial provided by the European Convention of Human Rights. The report also stated that the majority of ECHR decisions against the country referred to the violation of this right. Many NGOs complained that judicial authorities continued to act as a rubber stamp for prosecutors' decisions and that the executive branch exerted undue influence. NGOs also expressed

concern that recent judicial appointees lacked the experience and training to act independently. Much of the public viewed the judiciary as the country's most corrupt institution.

"Under the existing CPC [Criminal Procedure Code], judges may question witnesses, which results in the court directing the investigation. As a result, judges were viewed as assisting the prosecution, a perception that contributed to the low ratings of the judiciary in public trust polls. The CPC scheduled to take effect in [October] 2010 mandates an entirely new role for the judge – that of an objective arbiter and decision maker, who has no role in prosecuting or defending the case.

"The new CPC scheduled to go into effect on October 1, 2010, provides for due process and fair trial protections. It was extensively vetted through parliamentary committee hearings and diverse working groups that included NGOs ... The central philosophy of the new CPC is to establish the legal foundations for adversarial court proceedings: hearings and trials that balance the interests of the state with the rights of the accused, with the judge serving as a neutral and detached magistrate tasked with ensuring fair proceedings ... The new CPC also includes presumption in favor of pretrial release instead of pretrial detention for the accused; clearer terms and defendant protections governing the negotiation, conclusion, and court approval of plea agreements; and more progressive bail and other mechanisms to guarantee the defendant's presence at pretrial proceedings and trial, all of which will help to lessen the number of defendants incarcerated pending trial ... The new CPC also enhances due process guarantees. These include well-defined detainee and defendant rights to be informed of their rights upon arrest; to receive a speedy, fair, and continuous trial; to be presumed innocent until proven guilty; and to be assured that the judge will refrain from conducting his/her own investigation and will only examine evidence presented by the parties to the case confirming the guilt or innocence of a person. The new CPC protects the privilege against self-incrimination and allows reasonable time and means for defense to examine evidence obtained by the prosecution ... The new CPC increases the ability of the prosecution and defense to have equal rights to collect and present evidence. The prosecution is compelled to disclose all evidence to the defendant and must disclose the evidence five days prior to the pretrial hearing.

"Under the new CPC, jury trials will be introduced in Tbilisi City Court only for aggravated murder cases starting in October 2010." [2a] (Section 1e)

13.06 The same source noted:

"The new CPC provides added safeguards for ensuring a speedy trial through a new series of strict timeframes: The pretrial hearing must occur within 60 days of the defendant's arrest. If no pretrial hearing has commenced within these initial 60 days, the defendant shall be released. The main trial shall then begin within 14 days of the pretrial hearing. The total time allowed for detention of a defendant is reduced to nine months, within which main trial proceedings must be initiated. Extensions of these timeframes are permitted on the defendant's motion.

"Defendants have the right to a public trial, except where national security, privacy, or protection of a juvenile is involved ... Defendants have the right to be present at their trial and to consult an attorney.

“Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. By law defendants and their attorneys have access to the prosecution's evidence relevant to their cases at any point during the investigation and may make copies at their own expense. By law defendants are presumed innocent and have the right to appeal.

“Since 2007 persons charged with crimes could be tried in absentia if they are absent to avoid trial. The same law permits persons convicted in absentia to appeal their conviction within one month of their arrest or surrender, which guarantees a new trial.” [2a] (Section 1e)

13.07 With regard to legal aid, the USSD 2009 Report noted:

“In 2007 parliament established a Free Legal Aid system to provide free legal assistance to the indigent. With a total of 178 staff members Legal Aid offices operated in Tbilisi and 11 other cities.

“To ensure the independence, transparency, and effectiveness of the Legal Aid Service, the authorities established a supervisory body consisting of a Supreme Court judge, a member of the Georgian Bar Association, NGOs, members of Parliament, and the Ministry of Corrections and Legal Assistance during the year [2009].” [2a] (Section 1e)

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14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

“The new CPC [Criminal Procedure Code], scheduled to take effect in 2010, includes better-defined rights and due process protections for those arrested and measures intended to increase the speediness of trials, thus potentially reducing time in detention ... The new CPC provides that the term of the defendant's initial arrest shall not exceed 72 hours, and the arrested person shall be presented with the indictment within 48 hours from the moment of arrest. Upon arrest, the defendant is to be advised of all legal rights, and any post arrest statements made prior to the advisement of rights will be inadmissible and excluded from evidence in the criminal case.

“A detainee has the right to request immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. An indigent defendant has the right to counsel provided at public expense. The ministry in charge of the proceedings appoints the counsel upon the defendant's request. If a defendant requests an attorney after arrest, the investigator or prosecutor who is handling the case is responsible for contacting and engaging the attorney. The law provides for attorneys to be furnished free of charge to all persons charged in criminal cases.

“Police are also required to inform detainees orally of their rights and to provide them a copy of the arrest and search form, signed by police and detainees, to acknowledge that detainees have been fully informed of their rights. The Public Defender's Office and NGOs reported that police often failed to inform detainees fully of their rights and that, if informed of their rights, detainees often did not understand them.

“Under the current code of criminal procedure, preventive measures of restraint include pretrial detention, bail, personal guarantee, placement of a juvenile defendant under supervision; placement of a military serviceman under commander's supervision. The new CPC expands on these to include more alternative options to detention...

“Since January 2007 the judiciary has sought to use bail rather than pretrial detention ... According to Ministry of Justice data for the first 11 months of the year [2009], bail was used in 4,727 cases, custodial bail used in 2,031 cases, pretrial detention used in 6,957 cases, release under supervision in 174 cases, and other measures of restraint in 35 cases. A property bond is also permitted.” [2a] (Section 1d)

See also Section 11: Security forces: Police: [Arbitrary arrest and detention](#)

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15. PRISON CONDITIONS

15.01 The International Centre for Prison Studies (ICPS) at King's College, London, recorded in their Prison Brief for Georgia (updated 17 June 2010) that there were 18 prison establishments in the country and that, as of 30 June 2010, the total prison population stood at 22,628, representing 105.3% of official prison capacity. Of all prisoners, 9.3% were pretrial detainees (remand prisoners), 4.6% were women and 1.0% were juveniles, under the age of 18. [57a]

15.02 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

“Conditions in many prison and pretrial detention facilities generally remained poor and did not meet international standards. The Public Defender's Office, the OSCE, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and many NGOs, including Human Rights Watch (HRW), continued to report that while newly constructed facilities met international standards, old facilities still in use were inhumane and presented life-threatening conditions, including poor facilities, overcrowding, and inadequate health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities.

“According to Ministry of Corrections and Legal Assistance data, 92 convicts died in prison during the year, compared with 94 in 2008, and 98 in 2007. The Public Defender's Office reported that it frequently petitioned prison officials to obtain necessary medical treatment for inmates. Human rights monitors, including the public defender, witnessed sporadic prisoner hunger strikes to protest poor conditions and alleged due process violations.

“Many prisons were severely short of medical facilities, including equipment and medicine ... The Ministry of Corrections and Legal Assistance created a plan for the development of a new health-care system in penitentiaries intended to integrate civil and penitentiary health-care systems, improve the level of service in penitentiary facilities, raise the needed qualifications of medical staff, develop a computerized system, and comply with international medical standards. On June 25, the Ministry of Corrections and Legal Assistance and the Ministry of Labor, Health, and Social

Protection issued a joint decree setting out a strategy for the treatment of inmates infected with hepatitis C.

“According to Ministry of Corrections and Legal Assistance, the overall inmate population at the end of the year [2009] was 21,239, compared with 18,528 in 2008. The law defines three categories of penitentiaries: common regime, strict regime, and prison. Inmates were assigned to facilities depending on their crimes, with first-time offenders and persons convicted of less serious crimes assigned to common regime establishments, while recidivists and those who committed more grave crimes were assigned to strict regime establishments or prisons.

“The law sets the standard living space per prisoner as 22 square feet in common and strict regime establishments, 27 square feet in prisons, 32 square feet in the women's colony, 37 square feet for juveniles, and 32 square feet in medical facilities. According to the Public Defender's Office, six facilities were overcrowded in the first half of the year [2009]. According to the Ministry of Corrections and Legal Assistance, four of their 12 ‘strict regime’ facilities, including a juvenile education institution and inmate medical institutions, were overcrowded during the year. The ministry also reported that four of their eight prisons were overcrowded during the year. International organizations who monitor prison conditions pointed out that the country's space requirements for prisoners did not meet international standards ... The Presidential Administration sought to use early release of certain convicts to reduce the high numbers of the prison population. According to Ministry of Justice figures, 990 prisoners were pardoned during the year [2009] (848 were released and 142 had their sentences reduced), compared with 2,804 in 2008.

“The ICRC [International Committee of the Red Cross] had full access to detention facilities throughout the country, including those operated by the de facto authorities in Abkhazia and South Ossetia, to monitor conditions of detention and treatment of all detainees. The ICRC also provided support to health programs in prisons and detention centers.” [2a] (Section 1c)

15.03 According to the Human Rights Watch *World Report 2010*:

“Prison overcrowding leading to poor conditions remains a problem, despite construction of new prisons and several presidential pardons and amnesties. Although official statistics showed a decrease in the use of pretrial detention, the total number of prisoners increased to 19,504 by June 2009, a more than 50 percent increase since 2006. The frequent use of consecutive custodial sentencing is largely responsible for this increase. Allegations of deliberate ill-treatment of prisoners continue, including at the newly-built prison near Tbilisi. In two judgments, the European Court of Human Rights found a violation of the prohibition on torture and inhuman or degrading treatment for the government's failure to provide adequate conditions or medical care in prisons. In *Ghavitadze v. Georgia*, the European Court also concluded that despite logistical and financial problems, Georgia is obliged to ensure dignified conditions in prisons.” [4a]

(Information on the case of *Ghavitadze v. Georgia*, judgment in which was announced on 3 March 2009, is available at:

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/1d4d0dd240bfee7ec12568490035df05/0ef7f76a61ab11b7c125756e0046bfd2?OpenDocument>)

- 15.04 Human Rights House Tbilisi (HRHN) stated in their report *Human Rights Trends in Georgia*, published on 30 July 2010:

“[A] problem of various penal and psychiatric institutions, as well as many temporary detention facilities, is that the living and hygienic conditions are so poor that this circumstance alone is considered inhuman and degrading treatment.

“The Public Defender has made multiple recommendations to close institutions where conditions do not correspond with acceptable standards. In spite of this, the aforementioned institutions continue to function.” [1a]

- 15.05 Human Rights House Tbilisi (HRHN) stated in their report of 30 July 2010:

“Georgian NGOs claim that reports on torture are not followed with adequate and impartial investigation and that the Prosecutor’s Office often categorises such as ‘abuse of power’ rather than ‘torture’ or ‘inhuman and degrading treatment’.

“According to the Georgia’s Public Defender, Giorgi Tugushi, the number of those subjected to torture increased during 2009-2010. The Department of Prevention and Monitoring at the Public Defender’s Office, which monitors penal institutions, discovered various instances of beatings, torture, and inhuman treatment. According to the data from only three months in 2010, 221 prisoners with injuries were delivered to jails. Of those, 24 declared that they had received their injuries during detention. Persons placed in the penitentiary system often make complaints about beatings or inhuman and degrading treatment.

“Investigation is rarely conducted on the basis of torture or inflicting bodily damage, but rather for exceeding professional duties, which is punishable with far lighter legal sanctions.” [11a]

- 15.06 In a statement to the UN Human Rights Committee, dated 12 January 2010, the Georgian Government provided further detailed information on prison conditions, the construction of new establishments, nutrition, medical treatment, and prisoner deaths: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/401/36/PDF/G1040136.pdf?OpenElement> (see paragraphs 13-28) [14f]

- 15.07 Information on prison establishments also appears on the website of the Ministry of Corrections and Legal Assistance (accessed on 8 October 2010): <http://www.dop.gov.ge/25.php?lang=2&page=1> [25a] Details of the central prison hospital in Tbilisi are available at: <http://www.dop.gov.ge/25a.php?id=55&lang=2> [25b] and there is a specialist facility for the treatment of tuberculosis: <http://www.dop.gov.ge/8a.php?lang=2&id=249> [25c]

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16. DEATH PENALTY

- 16.01 Article 15.2 of the Constitution of Georgia, adopted as an amendment on 27 December 2006, states that “Capital punishment is prohibited”. [23a]

- 16.02 Amnesty International's Annual Report 2010 confirmed that Georgia had abolished the death penalty for all crimes. [3a]

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17. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 17.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, observed:

"In general individuals criticized the government publicly and privately without reprisal. However, some individuals told foreign monitors they were reluctant to discuss, or had stopped discussing, sensitive issues by telephone due to concerns about government eavesdropping. Opposition figures and representatives of the government regularly appeared on the same shows, thereby providing a plurality of views..." [2a] (Section 2a)

- 17.02 Freedom House commented in their report *Freedom in the World 2010*:

"Georgian opposition factions continued [to] press their case against [President] Saakashvili in 2009, and the confrontations between the two sides – while still intense – took place in a somewhat more stable and permissive environment than in the previous two years." [5a]

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 17.03 According to the USSD 2009 Report:

"The constitution and law provide for freedom of assembly; however, the police on occasion reportedly used excessive force to disperse protests. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Permits for assemblies were routinely granted during the year [2009]..."

"During the year authorities permitted demonstrations, and several large protests took place despite the fact that many were held after legal permits had expired.

"The nonparliamentary opposition held a sustained protest from April 9 to July 24 [2009]. Throughout this period the opposition parties called for President Saakashvili's resignation, and for the most part, authorities allowed the rallies to take place unimpeded. Protesters blocked major roads and intersections throughout Tbilisi. However, NGOs and the Public Defender's Office reported dozens of cases of attacks on individuals leaving these protests, by unknown assailants wearing masks and carrying blunt instruments." [2a] (Section 2b)

- 17.04 The Human Rights Watch (HRW) *World Report 2010* noted:

"Thousands of opposition supporters demanding Saakashvili's resignation blocked Tbilisi streets from April to early June [2009]. Although the government tolerated protracted protests, police used excessive force against demonstrators and journalists, and dozens of activists were arrested, some later claiming ill-treatment in custody.

On June 15 [2009], police attacked about 50 opposition supporters again gathered outside the police headquarters protesting the detention of youth activists the day before. Without warning, police chased and beat demonstrators with rubber truncheons, resulting in at least 17 demonstrators being injured ... [Police] detained 38 demonstrators, releasing 33 after imposing fines and sentencing 5 to 30 days' administrative detention. Many of those released reported abuse in police custody. Police also assaulted several journalists and confiscated their cameras; although police later released the equipment, several journalists claimed that video and photo images had been deleted ... Police apologized for impeding the work of the media during the June 15 incident, yet conducted no independent investigation. Several officers (whose identities were not disclosed) received reprimands following an internal inquiry only. No meaningful investigation was conducted into the police use of excessive force.

"Apparently in response to the protests, in July [2009] parliament adopted regressive amendments to the Administrative Code, increasing administrative detention, including for minor hooliganism and defying police orders, from 30 to 90 days ... in July [2009] amendments to the Law on Assemblies and Manifestations banned full or partial blocking of roads during rallies unless the rally cannot be held elsewhere due to the number of participants." [4a]

17.05 The USSD 2009 Report noted:

"The constitution and law provide for freedom of association, and the government generally respected this right, although there were allegations of government intimidation of some protesters...

"Authorities granted permits for registration of associations without arbitrary restriction or discrimination. [2a] (Section 2b)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.06 According to the USSD 2009 Report:

"There were no reports of politically motivated disappearances perpetrated by the government. However, some nonparliamentary opposition parties asserted that a number of their members had been kidnapped and beaten by unknown assailants for their political activity." [2a] (Section 1)

"Some nonparliamentary opposition parties and NGOs, such as the Paris-based Federation for Human Rights (FIDH), stated that the government held political prisoners and detainees, although estimates of the number varied. Estimates ranged from zero to dozens to even hundreds or, in one case, thousands. The new public defender did not name any political prisoners or detainees in his report for the first half of the year. The parliamentary Human Rights Committee claimed that there were no political prisoners ... In its report for the first half of 2008, the [P]ublic [D]efender at the time identified five political prisoners: Merab Ratishvili, Joseph Jandieri, Ilia Tsursumia, Joni Jikia, and Dimitri Godabrelidze. They were allegedly convicted in connection to their participation in antigovernment rallies in 2007 ... In 2007 the opposition compiled a list of 42 persons whom it considered political prisoners and presented the list to the government. Thirty-four persons on the list were released in 2008. [2a] (Section 1e)

“On August 12 [2009], nonparliamentary opposition party representatives gave the minister of internal affairs a list of 48 activists from various opposition parties whom they considered to have been arrested on fabricated charges during the April–July protests. These charges were mainly related to drug and arms possession. The Ministry of Internal Affairs opened an investigation into the allegations and began discussions with the nonparliamentary opposition. Reportedly 10 individuals were released after the initial talks on August 12 [2009], nine were released on November 16; on November 23, seven individuals were released as part of a larger presidential pardon. Many of these individuals were released on bail or released after serving short-term sentences. At year's end [2009] it was not clear how many of the individuals from the original list of 48 had been released.

“The government permitted international human rights and domestic organizations to visit persons claiming to be political prisoners or detainees, and some organizations did so during the year.” [2a] (Section 1e)

17.07 The USSD 2009 Report further noted:

“In July 2008 parliament passed an amendment to the election law that denied six opposition parties state funding based on their refusal to take their seats after the parliamentary elections. Some opposition political members stated that they were being punished by the government for their failure to participate in the new parliament. In December 2008 parliament restored political party funding to opposition parties and endowed a foundation to provide funding to all political parties for research and training. On July 27, the president put forth a proposal to allow 10 opposition members to take their seats despite their earlier boycott. On September 24, Parliament passed a constitutional amendment endorsing the proposal. At year's end Konstantine Gamsakhurdia, leader of the opposition Freedom Party, was the only opposition member to have taken back his seat.” [2a] (Section 1b)

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18. FREEDOM OF SPEECH AND MEDIA

18.01 As stated in the US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010:

“In general individuals criticized the government publicly and privately without reprisal. However, some individuals told foreign monitors they were reluctant to discuss, or had stopped discussing, sensitive issues by telephone due to concerns about government eavesdropping. Opposition figures and representatives of the government regularly appeared on the same shows, thereby providing a plurality of views, but generally not in a debate format.

“Throughout the year NGOs, independent analysts, and journalists accused high-ranking government officials and opposition politicians of exercising influence over editorial and programming decisions through their personal connections with news directors and media executives and of exercising influence over advertising income through their personal connections with business owners. There were also reports of physical abuse of journalists carried out, or incited, by local government officials and opposition politicians.

"There were approximately 200 independent newspapers, although most were local and extremely limited in circulation and influence. During the year print media frequently criticized senior government officials. However, some reported facing pressure, intimidation, or violence for doing so. Few editorially independent newspapers were commercially viable. Patrons in politics and business typically subsidized newspapers, which were subject to their influence.

"According to the OSCE's final report on the January 2008 presidential election, campaign coverage in the news of most monitored television stations, including public television, lacked balance. Between the presidential election and the beginning of the campaign period for the May 2008 parliamentary elections, there was a relatively free media environment.

"Outside of Abkhazia and South Ossetia, there were no government restrictions on access to the Internet or reports that the government monitored e-mail or internet chat rooms.

"There were no government restrictions on academic freedom or cultural events." [2a] (Section 2a)

18.02 The Freedom House (FH) report, *Freedom of the Press: Georgia 2010*, noted:

"The constitution and legal system provide for strong protection of freedom of the press. However, in practice the government has sought to stifle independent and opposition media, particularly broadcast media. The authorities have continued their efforts to control editorial and news content at all major television broadcasters in the country.

"The Georgian National Communications Commission (GNCC) remains subject to government influence. After repeated delays, the GNCC in July 2009 issued a 10-year satellite broadcast license to Maestro TV, which is connected to opposition leader and former parliamentary speaker Nino Burjanadze. Prior to its licensing, several local cable affiliates had reportedly been pressured to suspend rebroadcasts of Maestro TV, and unknown assailants attacked the station's offices with a grenade in May.

"Due to strong protests against government influence over the Georgian Public Broadcaster (GPB), some reform progress was made during 2009 ... Despite these changes, the GPB remained susceptible to government pressure, and its editorial line continued to be overtly progovernment throughout the year.

"The media environment in Georgia is highly politicized. A large number of print outlets operate in the country, but with very limited circulation. The broadcast media tend to support either the government or the opposition. However, opposition stations such as Kavkasia TV and Maestro TV do not have national reach. The two privately owned television broadcasters with nationwide coverage, Rustavi-2 and Imedi TV, are subject to government editorial control through opaque ownership deals, managerial appointments, and pressure. These television stations declined to broadcast Western-sponsored reports detailing the causes of the 2008 war. The stations also carried little coverage of opposition protests that spanned several weeks in the spring of 2009. State control over Imedi TV continued to increase during the year ... In March [2009], Ministry of Defense spokesperson Nana Intskirveli was appointed to be Imedi's news director ... In July, former economy minister Giorgi Arveladze was appointed general director of Imedi.

“About 30 percent of the population uses the internet, which was generally not restricted during the year [2009]” [5b]

18.03 Transparency International Georgia published a report on 20 November 2009 entitled *Television in Georgia – Ownership, Control and Regulation*, which asserted that the country's media was less free and pluralistic than it was before the 2003 Rose Revolution: “While the country enjoys a pluralistic, albeit small print media”, the report noted, “Georgia lacks a truly pluralistic television sector.” According to the report, “Georgia's current regulation of the broadcasting sector has proven insufficient to ensure a transparent media ownership regime and to promote a competitive, pluralistic television market.” [19d]

18.04 The Committee to Protect Journalists (CPJ) commented in their report *Attacks on the Press 2009*:

“While no journalists were killed or imprisoned in Georgia in 2009, press freedom in this small South Caucasus nation stagnated due to persistent state manipulation of news media, particularly television broadcasting. In a speech before the U.N. General Assembly in September, President Mikhail Saakashvili boasted of Georgia's media pluralism, stating that the country has ‘27 TV stations.’ He failed to mention that most stations have little reach and, notably, that his government and its allies have long sought to control television news content, most recently through aggressive efforts to obstruct the cable affiliates of a station aligned with a leading opponent.” [58a]

18.05 The FH *Freedom of the Press: Georgia 2010* report noted:

“A number of journalists were physically attacked in 2009. Two newspaper journalists were assaulted in April while photographing police officers as they mistreated demonstrators outside the GPB building. In June, several journalists were attacked by local authorities using clubs to disperse a protest outside the police headquarters in Tbilisi. The journalists, including staff from Maestro TV, reported that their equipment was confiscated by police and its content erased. The Ministry of Internal Affairs subsequently suspended some of the officers involved in the incident ... Several other journalists across the country reported editorial pressure from local government officials. There were some additional reports of individual attacks on journalists, particularly in the context of clashes between protesters and police.” [5b]

18.06 The Observatory for the Protection of Human Rights Defenders recorded in the report of their Conference held in September-October 2010:

“In Georgia, on February 10, 2010, Mr. Vakhtang Komakhidze, a well-known investigative journalist in Georgia and a member of the South Caucasus Network of Human Rights Defenders, reported to have received death threats from the authorities against him and his family members due to... [a] visit to *de facto* South Ossetia in December 2009 and a documentary movie concerning the Russia-Georgia war of August 2008, on which Mr. Komakhidze had been working. [12a] (p7)

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

OFFICE OF THE PUBLIC DEFENDER OF GEORGIA

19.01 The Office of the Public Defender, also known as the Ombudsman, was established in May 1996 under the Law on the Public Defender of Georgia. This law provides that the Public Defender be mandated to oversee the effective observance of human rights and freedoms in Georgia and to identify and assist in redressing the violations of human rights, in accordance with the Constitution. The Public Defender, who is appointed by Parliament for a five-year term, receives applications and complaints from Georgian citizens, foreign nationals or stateless persons residing in Georgia (including those in prison or police custody), or from NGOs, concerning alleged violations of any rights and freedoms guaranteed by the Georgian Constitution, by any law, or by international treaties and agreements to which Georgia is party. He/she has the right of access to the premises of any state or local authority, enterprise, organization or institution, including military units, pre-trial detention facilities and prisons, and may demand sight of any documents or records. Following investigations, the Public Defender may propose disciplinary or administrative measures against state employees, refer matters for criminal proceedings or submit to Parliament proposals on necessary legislative amendments; he/she may inform the media of the outcome of any examination. (Website of the Public Defender) [61a]

19.02 The US State Department *2009 Human Rights Report: Georgia*, released on 11 March 2010, noted:

“A new public defender, Giorgi Tugushi, took office on September 16 [2009]. NGOs continued to view the Public Defender's Office as the most objective of the government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuse. The office generally operated without government interference and was considered effective, with some exceptions. The government funded the Public Defender's Office...” [2a] (Section 5)

TREATMENT OF HUMAN RIGHTS NGOs AND ACTIVISTS

19.03 Human Rights House Tbilisi (HRHN) stated in a report, *Human Rights Trends in Georgia*, published on 30 July 2010, “It's noteworthy that during the last two years, human rights defenders in Georgia have faced different forms of pressure and intimidation which have included death threats, threats of imprisonment based on fabricated charges, e.g. espionage, physical and verbal assault, irregular inspections by state organs, stigmatization and smear campaigns in media and by high ranking officials, etc.” [11a]

19.04 HRHN alleged in an article of 23 February 2010 that the authorities were conducting a “black PR campaign” against human rights NGOs: “Media PR Campaign has become an active tool for the Georgian government to discredit NGOs and human rights defenders in media outlets since December of 2009. National TV-Channels have released telecasts where human rights defenders were declared to be traitors.” [11b]

19.05 According to the Observatory for the Protection of Human Rights Defenders *Annual Report 2009*, human rights defenders observing the parliamentary elections of 2008 were “subjected to acts of harassment”. The same report stated, “During the summer of 2008, journalists and NGO representatives faced great difficulty in reporting violations of

human rights and international humanitarian law during the war with the Federation of Russia, not only in the regions occupied by Russian troops but also in neighbouring regions under Georgian control.” [12b]

See also Section 8: [Human Rights: Introduction](#)

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20. CORRUPTION

20.01 The USSD Background Note: Georgia, updated 21 June 2010, recorded:

“The government has made considerable strides in controlling corruption, although challenges still remain. Shortly after President Saakashvili took office [in 2004], his administration dismissed nearly the entire police force and replaced its ranks with better-paid and better-trained officers, immediately decreasing the largest source for daily corruption among the population. Several high-level officials have been prosecuted for corruption-related offenses. The government continues to make anti-corruption initiatives a priority ... However, limited confidence in the Georgian court system remains a major obstacle to both foreign and domestic investment. The government publicly recognizes the importance of addressing these concerns, which requires the combination of judicial independence and informed, honest, fair, and competent judicial decision making.” [2b] (Economy)

20.02 Georgia’s global ranking in Transparency International’s *Corruption Perceptions Index* (CPI) improved from 133rd in 2004 [19b] to 66th least corrupt country in 2009. [19a] A country’s CPI score reflects perceived levels of public-sector corruption, based on the results of up to 13 surveys amongst business people and country analysts; it ranges between 10 (highly clean) and 0 (highly corrupt). Georgia’s CPI score in 2009 was 4.1. [19a]

20.03 The US State Department *2009 Human Rights Report: Georgia*, released on 11 March 2010, stated that “There was a low incidence of police corruption at the patrol level. As a result of reforms, the relatively high salaries for police officers provided an incentive to refrain from using their positions to extort money from citizens and from mistreatment or abuse of detainees.” [2a] (Section 1d)

Further general information on the issue of corruption is available at:

Transparency International Georgia (website) [19c]:

<http://www.transparency.ge/en>

(TI Georgia’s 2009 Annual Report is at

http://transparency.ge/sites/default/files/post_attachments/TIG%20Annual%20Report-2009%20FINAL_0.pdf)

Transnational Crime and Corruption Centre: Caucasus Office [20]:

<http://www.traccc.cdn.ge/about/index.html>

See also Section 2: [Economy](#), Section 7: [Political system](#), Section 11: [Security forces](#) and Section 13: [Judiciary](#)

21. FREEDOM OF RELIGION

- 21.01 The US State Department *International Religious Freedom Report 2009*, dated 26 October 2009 (USSD IRF Report) noted:

“The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

“The status of respect for religious freedom by the Government continued to improve during the reporting period, and government policy continued to contribute to religious freedom. As government attention shifted to national security challenges following the August 2008 conflict with Russia, implementation of new policies relating to religious freedom appeared to have slowed. Despite this, the Government was able to make progress on religious freedom, particularly in education.

“There were continued reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Incidents of harassment were reported outside of Tbilisi involving local citizens, government officials, and Orthodox provocateurs. The Ombudsman's [Public Defender's] Office reported no new incidents of religious intolerance prior to August 2008 and a perceived increase in incidents following the August conflict. Systemic problems remained largely unchanged, such as the return of church property, legal registration of denominations, unequal legal frameworks, and negative media coverage of non-Orthodox religions.” [2c] (Introduction)

- 21.02 The Human Rights Centre, an NGO, observed in their 2009 report *Hate Crimes in Georgia*:

“Although the Constitution announces complete freedom in religious belief and the independence of the church from the state (Article 19) it also recognizes ‘the special importance of the Georgian Orthodox Church in Georgian history’ (Article 9) and further enshrines it in the Constitutional Agreement signed between the state and the Georgian Orthodox Church in 2002. Concerns that the Agreement includes discriminatory clauses and denies different religions and denominations equality before the law remain strong.” [10a] (The legal system)

- 21.03 The Freedom House report, *Freedom in the World 2010*, noted that “Freedom of religion is respected for the country's largely Georgian Orthodox Christian population and some traditional minority groups, including Muslims and Jews. However, members of newer groups, including Baptists, Pentecostals, and Jehovah's Witnesses, have faced harassment and intimidation by law enforcement officials and Georgian Orthodox extremists.” [5a]

RELIGIOUS DEMOGRAPHY

- 21.04 The USSD IRF Report advised:

“There are strong correlations between ethnic group, religious affiliation, and often, geographic area.

“Most ethnic Georgians (84 percent of the population, according to the 2002 census) associate themselves with the Georgian Orthodox Church (GOC) ... Orthodox Christians who are not Georgian accept the territorial jurisdiction of the GOC and generally use the primary language of their communicants (e.g., Russian, Armenian, or Greek).

“The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam have coexisted with Georgian Orthodoxy for centuries.

“Azeris comprise the second largest ethnic group (approximately 285,000, or 7 percent of the population) and are largely Muslim; most live in the southeastern region of Kvemo-Kartli, where they constitute a majority. Other Muslim groups include the ethnic Georgian Muslims of Ajara and Chechen Kists in the northeastern region, bringing the Muslims up to 10 percent of the population.

“Armenians are the third largest ethnic group (estimated at 249,000, or 6 percent of the population) and belong predominantly to the AAC; they constitute the majority of the population in the southern Samtskhe-Javakheti region.

“There are an estimated 35,000 Catholics, largely ethnic Georgians or Assyrians, and 18,000 Kurdish Yezidis. The ethnic Greek Orthodox community numbers 15,000. There are an estimated 10,000 Jews.

“Protestant and other nontraditional denominations such as Baptists, Jehovah's Witnesses, and Krishnas have become more active and prominent. Each of these groups represents less than 1 percent of the population.” [2c] (Section I)

Yezidis

21.05 According to a Writenet report published by the UNHCR in May 2008:

“There were 18,329 Yezidis recorded in the 2002 census in Georgia. Combined with 2,514 Muslim Kurds, this made for an overall Kurdish community of 20,843. According to the census 17,116 of Georgia's 18,329 Yezidis (that is, 93.4 per cent) lived in Tbilisi, accounting for 1.6 per cent of the capital's population ... The 2002 figure represented a loss of 37% over the 1989 figure. However, community leaders in Georgia reportedly feel that the census figures are inflated, and some estimate that there may be as few as 6,000 Yezidis in Georgia.” [67a] (p13)

The European Centre for Minority Issues (ECMI), in a report of December 2009, noted that approximately 4,000 Georgian citizens – about 90% of whom were reported to be Yezidi Kurds – crossed into Poland between April and November 2009, with the aim of applying for asylum. In parallel, there had been an increase in the number of asylum-seekers from Georgia in other European Union countries, “with about 2,000 applications in Germany and 2,000 in the Baltic States, Greece, Switzerland, Italy and Austria together”. [69a] (Introduction)

21.06 The ECMI report of December 2009 observed:

“The Yezidi-Kurds constitute the vast majority of the Kurdish population in Georgia. The word ‘Yezidi’ indicates the Yezidi religion and ‘Kurd’ the ethnic affiliation. For most people the terms Yezidi and Kurd are inextricably linked and the term Yezidi-Kurd is

commonly used in Georgia today. Yezidism is the fundamental element of the Yezidi-Kurdish society and is strongly influenced by and combines elements from various faiths, such as Islam, Christianity, Judaism and Zoroastrianism. The belief system of Yezidism is orally transmitted and dependent on an organized social system. Yezidi society is regulated by a non-hierarchical caste system divided into three castes and numerous sub-castes, where each sub-caste has its specific role in the society. It is forbidden to marry outside of the ethnic group as well as of one's sub-caste and therefore it is impossible to become Yezidi-Kurd other than through birth. Moreover, according to tradition a person who gives up the faith is no longer a part of the ethnic community.

"The language traditionally spoken by the Yezidi-Kurds in Georgia and in other countries is Kurmanji, a northern dialect of the Kurdish language. However, due to assimilation processes especially affecting Kurdish language usage today only about 30% of the population in Georgia speak Kurmanji and particularly among the younger generation the language is no longer used." [69a] (p4-5)

21.07 According to the same source:

"The main reason for Yezidi-Kurds to leave Georgia is the socioeconomic situation of the country and the perceived opportunities for development abroad. The economic crisis has created difficult conditions for most segments of society regardless of ethnic affiliation, but vulnerable groups like the Yezidi-Kurds are hit the hardest. It is generally very difficult for Yezidi-Kurds to find employment in Georgia and the high unemployment rate is an incentive for people to search for better conditions elsewhere. These difficulties are sometimes based on the lack of knowledge of the official language, since not being able to speak Georgian is limiting the chances for employment considerably. However, employment difficulties also derive from prejudices within the larger society and although there is no evidence that Yezidi-Kurds are discriminated against, persons belonging to minority groups often face more difficulties in finding jobs than ethnic Georgians do ... For the uneducated part of the Yezidi-Kurdish community, i.e. the majority of the group, the economic situation in the country poses extremely difficult conditions ... The Yezidi-Kurdish community faces additional problems in terms of the lack of support for their culture, language and religion. There are no Yezidi-Kurdish representatives in the parliament, the government or at the local level to lobby the interests of the minority and the result of this lack of inclusion can be seen in different spheres of society. The level of participation of the minority is very low and there are no specific programs initiated with the aim of enhancing the inclusion of the minority into society ... The lack of place for worship contributes to the gradual disappearance of Yezidism in Georgia. [69a] (p8-9)

21.08 Commenting on the decline of the Yezidi community in Georgia, the Writenet report of May 2008 noted, "Although Yezidis have been exposed to discourses and practices of ethnic Georgian domination, there does not appear to be a consistent pattern of discrimination specifically targeting Yezidis. Rather, it appears that it is the structural and internal weaknesses of the community, and the decisions of individual Yezidis to leave Georgia or leave the community, that have most significantly contributed to its decline." [67a] (p31) The same report stated, "It is important to underline that the Yezidis have not been subjected to forced conversions, physical assaults or other egregious human rights abuses in this field. [67a] (p30)

For further information on the Yezidi religion and the Yezidi Kurd community in Georgia, see:

Writenet: *The Human Rights Situation of the Yezidi Minority in the Transcaucasus (Armenia, Georgia, Azerbaijan)*, May 2008 [67a] <http://www.unhcr.org/refworld/pdfid/485fa2342.pdf>

Information Portal of Yezidi in Georgia [68] <http://www.sarhad.ge/main.php?mode=1&cat=about&sub=6&lang=en>

ECMI: Thomsen J. *The Recent Flow of Asylum-Seekers from Georgia to Poland*, December 2009 [69a] http://www.ecmi.de/download/brief_22_eng.pdf

STATUS OF GOVERNMENT RESPECT FOR FREEDOM OF RELIGION

21.08 As stated in the USSD IRF Report:

"The Constitution provides for freedom of religion ... The Criminal Code specifically prohibits interference with worship services, persecution of a person based on religious faith or belief, and interference with the establishment of a religious organization. Violations of these prohibitions are punishable by fine and/or imprisonment; violations committed by a public officer or official are considered abuses of power and are punishable by higher fines and/or longer terms of imprisonment ... The Human Rights Protection Unit in the legal department of the Prosecutor General's Office (PGO) is charged with protecting human rights, including religious freedom. The Ombudsman (Public Defender) also monitors complaints of restrictions on religious freedom. The Ministry of Internal Affairs and the PGO remained active in the protection of religious freedom.

"Respect for religious freedom by the Government continued to improve, and government policy continued to contribute to the free practice of religion in most instances. At the same time, an overarching complaint of religious groups other than the GOC was that they do not have equal legal status, are not recognized officially as religions, and do not enjoy the same privileges as the GOC [Georgian Orthodox Church]. Minority religious groups also complained that local police did not always respond promptly to their complaints. Investigations of complaints are often left incomplete.

"Under a 2006 law, religious groups other than the GOC may register with the Government as a Noncommercial Entity of Private Law (in one of several forms such as a union or a foundation) to receive legal status and tax benefits ... In previous reporting periods, government authorities argued that the registration law provides an adequate balance between the demands of religious minorities and the desire to safeguard the special status of the GOC ... In the Government's view, the registration law was religion-neutral in that its principal concern is only whether an organization is for-profit or not-for-profit.

"Three cases filed by the Jehovah's Witnesses with the European Court of Human Rights (ECHR) in response to violent attacks committed against Jehovah's Witnesses by police and other government officials in 2001 were resolved during this reporting period. All three cases were decided in favor of the defendants. Four additional cases against the Government remain undecided at the ECHR and reflected complaints of

violent persecution without subsequent judicial remedies, illegal actions of police officers and other government officials, and liquidation of Jehovah's Witnesses legal entities.

"Minority religious groups, including Jehovah's Witnesses, continued to report difficulties obtaining permits to build or occupy houses of worship or to regain control of facilities confiscated during the communist era, although Jehovah's Witnesses no longer considered it necessary to hold services in private homes for security reasons ... Jehovah's Witnesses' leaders reported that harassment at school of their children's faith decreased significantly during the reporting period. They credited intervention by the Ombudsman's Office and the actions of the General Inspection Department of the [Ministry of Education].

"A 2005 law [separated] state schools and religious teaching ... The law states that... [Georgian] Orthodox teaching may take place only after school hours ... Religious minorities generally welcomed the removal of religious education from public schools except for instruction about religion in a broad historical context." [2c] (Section II)

21.09 The same source recorded:

"In...November 2008 the Administrative Court of Tbilisi ruled in favor of a member of Jehovah's Witnesses who was appointed as a ministerial servant of his congregation while he was serving his alternative military service. According to the 'Law on Alternative Service' (article 17.3), the member of Jehovah's Witnesses claimed that he should be released from service without delay because he had become a religious minister. The Department of Alternative Service and the Ministry of Public Health and Social Matters both had denied the request before it went to the Administrative Court. The Department of Alternative Service complied with the order to free him from alternative service.

"The Muslim community of Ajara has been barred from registration in the territory of the Ajaran Autonomous Republic. Only one Muslim organization of Ajara managed to obtain legal registration by coming to Tbilisi to do so after being refused by local officials." [2c] (Section III)

SOCIETAL ABUSES OR DISCRIMINATION

21.10 The USSD IRF Report stated further:

"There were continued reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Incidents of harassment were reported outside of Tbilisi involving local citizens, government officials, and Orthodox provocateurs. There appeared to be a general tolerance toward minority religious groups 'traditional' to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims. However, some members of the GOC and the public remained apprehensive toward 'nontraditional' religious minorities, such as Jehovah's Witnesses and the Baptist Church. Some persons viewed minority religious groups as a threat to the national church and the country's cultural values.

"During the year there were five attacks on members of religious minorities. Police were quick to respond to incidents of abuse but slower in their follow-up to crimes they

viewed as minor ‘hooliganism,’ defined as actions that violate public order or demonstrate open contempt toward society by using violence or threats of violence.

“During this reporting period, the Jehovah's Witnesses provided a list of 27 incidents involving harassment reported to the authorities, 8 of which were in Tbilisi (compared to the corresponding 18 and 9 reported last year). Approximately half of the complaints involved harassment when Jehovah's Witnesses, working in pairs, tried to talk with people about Bible stories. The other half involved physical damage to meeting places, especially kingdom halls (Jehovah's Witnesses' church buildings) under construction, and to cars associated with the buildings. Of the 27 incidents, 3 were prosecuted, 1 was dropped, and 23 remained unresolved.

“During previous reporting periods, incidents of abuse were committed by or attributed to a small group of GOC extremists, who were subsequently repudiated by the GOC and prosecuted.

“There were occasional media reports of minor incidents of violence between ethnic Azeris and ethnic Georgians or Armenians; however, according to the Ombudsman's [Public Defender's] Office, the incidents did not appear to be motivated by religious differences.” [2c] (Section III)

- 21.10 The USSD 2009 Report stated that “Judaism is practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. There were an estimated 8,000 to 10,000 Jews in the country. The Jewish community did not report any acts of anti-Semitism during the year.” [2a] (Section 2c)

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22. ETHNIC GROUPS

- 22.01 The 2002 Census identified ten ethnic groups, with the population (excluding Abkhazia and South Ossetia) being composed as follows: Georgians 83.7%, Azerbaijanians (Azeri) 6.5%, Armenians 5.7%, Russians 1.5%, Ossetians 0.9%, Yezidis [Kurds] 0.4%, Greeks 0.3%, Kists 0.2%, Ukrainians 0.2%, Abkhazians 0.1% and other/not specified 0.5%. The table at the following link shows the geographical distribution of each ethnic group:
http://www.geostat.ge/cms/site_images/files/english/census/2002/03%20Ethnic%20Composition.pdf (National Statistics Office of Georgia) [18g]
- 22.02 According to the Freedom House report *Freedom in the World* 2010, “The government generally respects the rights of ethnic minorities in areas of the country that are not contested by separatists.” [5a]
- 22.03 As noted in the Council of Europe's Compendium of Cultural Policies and Trends in Europe, updated 7 December 2009:
- “The Constitution of Georgia provides for the equality of all citizens regardless of their national, ethnic, religious or language background. Freedom for citizens to use their native language and to practice their culture is safeguarded ... Georgia acceded to the Vienna Convention on the Protection of Ethnic Minorities and signed the European Framework Convention on National Minorities.

“Many groups of ethnic minorities have been formed historically - Abkhazians, Ossetians, Greeks, Jews, Armenians, Azeri, Kurds, Russians, and Ukrainians. One of the oldest diasporas - the Jewish Diaspora - has had 26 centuries of peaceful existence, whereas the comparatively young Diasporas - Russians and Ukrainians - have no less than 200 years of peaceful co-existence.

“Some state authorities such as: the Ministry of Culture, Monument Protection and Sport, the Ministry of Education and Science, the public TV and radio-broadcasting companies, the municipal culture services - have responsibilities related to minorities, though none of them have a special structure for minorities in particular ... Under the Law on Broadcasting (Article 16, paragraph I), public broadcasting shall ‘place programmes in the languages of minorities, about minorities and prepared by minorities in accordance with their share in the total population’.” [16d]

The same source listed several NGOs representing cultural minorities in Georgia. [16d]

- 22.04 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

“Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian in the areas where they are the dominant ethnic group. The law requires that ethnic minority students learn Georgian as a second language, and the government funded more than 200 primary and secondary Russian-, Azeri-, and Armenian-language schools for persons whose first language was not Georgian ... In Tbilisi a large majority of ethnic minority groups were able to communicate in Georgian in their daily interaction with members of other linguistic groups ... The government took several steps to integrate ethnic minority communities through Georgian-language instruction, education, involvement in political dialogue, and improved access to information.

“In 2007, the Ministry of Education translated textbooks in minority languages (Armenian, Azeri, and Russian) for the first, seventh, and 10th grades. In 2008 the textbooks were translated for second, eighth, and 11th grades. The textbooks were being introduced in minority schools in minority regions and Tbilisi.

“The law requires that all government officials speak Georgian, the state language, which some minorities claimed excluded them from participating in government. Some government materials distributed to the public were only available in the Georgian language ... Ballots and election materials were available in minority languages during the presidential and parliamentary elections of 2008

“Many inhabitants of the region of Akhalkalaki, which is dominated by ethnic Armenians, complained about government unwillingness to give provincial-language status to the Armenian language, since very few persons there spoke Georgian or were able to conduct daily affairs in Georgian.

“In 2007 parliament approved a law on the repatriation of the Muslim Meskhetian population, a national minority group that Stalin deported in 1944.” [2a] (Section 6)

- 22.05 The USSD 2009 Report noted also that “There were five members of minority groups in parliament [in 2009]: two ethnic Armenians and three ethnic Azeris. As a result of 2006 local government reforms, the number of seats held by ethnic minorities in municipal

councils was commensurate with the ethnic population in each region of the country. Higher-level city managers included ethnic minority leaders among their ranks.” [2a] (Section 3)

- 22.06 The UN Committee on the Rights of the Child stated in its Concluding Observations of 28 June 2008:

“While recognizing the State party’s efforts to ensure equal enjoyment of rights for children belonging to minority groups, including the establishment, in 2005, of the Council of National Minorities and the National Council on Civic Integration and Tolerance (NCCIT), the Committee remains concerned that children from minority populations experience discrimination in the enjoyment of their rights as stipulated in the Convention, in particular, concerning culture and language.” [14d]

For further information on the Yezidi Kurd community in Georgia, see [Section 21: Religious freedom: Religious demography: Yezidis](#)

See also Sections 34, 35, 36: [Human Rights situation in South Ossetia and Abkhazia](#)

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 23.01 ILGA Europe (the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) noted in its Georgia country profile, accessed on 12 October 2010:

“Georgia has ratified Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, moreover Georgia was a signatory to the 2007 UN Declaration on Sexual Orientation and Gender Identity ... Consenting same-sex sexual acts are legal. The age of consent is equal for all sexual acts ... Discrimination on the basis on sexual orientation is prohibited in the area of employment ... Georgia does not provide any legal recognition of same-sex partnerships ... Neither joint nor second parent adoption is available to same-sex couples in Georgia ... Laws on hate and violence do not refer to sexual orientation or gender identity and do not recognise sexual orientation [or] gender identity as aggravating factor[s].” [51a]

LEGAL RIGHTS

- 23.02 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted that “There are no laws that criminalize sexual orientation, male-to-male sex, or female-to-female sex...” [2a] (Section 6)
- 23.03 The Inclusive Foundation, in their 2006 report *Overview of Georgian Legislation in relationship to LGBT human rights*, provided an analysis of the provisions of the Constitution and of various legal acts with regard to discrimination based on sexual orientation and gender identity, labour/employment practice, age of consent, adoption, inheritance, sexual violence, prison visitation rights, etc [36a]: http://www.inclusive-foundation.org/home/files/legal_overview_en.pdf

23.04 Another report of the Inclusive Foundation, published in 2008, referred specifically to labour law; it noted that “While the non-discrimination article of the Georgian Labour Code makes specific reference to sexual orientation, the Code contains serious weaknesses in relation to the prohibition of discrimination generally.” [36b]

23.05 Georgian law does not recognise same-sex marriages or partnerships. (ILGA) [51b]

TREATMENT BY, AND ATTITUDE OF, STATE AND RELIGIOUS AUTHORITIES

23.06 According to an article published by RT News on 13 September 2010:

“Sexual minorities in Georgia are accusing the government and the Orthodox church of persecuting them. They want their life choices to be accepted instead of being labelled a sin or disease ... The Georgian Orthodox church is one of the strongest opponents of gays and lesbians in the country.” [60a]

23.07 The USSD 2009 Report noted:

“The new [Public Defender] stated that among his priorities would be the protection of LGBT groups and individuals and on July 31 [2009], in a debate with another nominee for the post, he said that discrimination on the basis of sexual orientation was unacceptable.

“On December 15 [2009], the office of an NGO that promotes LGBT equality [Inclusive Foundation] was searched by police. Reportedly, officials used antihomosexual slurs, made unnecessary strip searches, unnecessarily damaged organizational posters, and unnecessarily ransacked offices. The Ministry of Internal Affairs denied that any procedural violations took place ... [but] reported that its General Inspection Office gave one officer a reprimand at the ‘severe’ level in accordance with the police code of ethics ... Two other officers were also given a reprimand at the ‘severe’ level for not preventing the above-mentioned officer from making the unethical statements.” [2a] (Section 6)

23.08 The Inclusive Foundation commented in an article of 6 May 2010:

“In the wake of upcoming municipal elections on the May 30th [2010], a strong wave [of] hate speech against lesbian, gay, bisexual and transgender (LGBT) community has been unleashed forcefully by radical nationalist and religious groups in Georgia. We have witnessed several high profile cases in which Georgian politicians, parliamentarians, public figures and journalists have brought LGBT issues in politicized context, making LGBT community the target for defamation, disgrace and physical violence.” [36d]

SOCIETAL TREATMENT AND ATTITUDES

23.09 The USSD 2009 Report referred to a “strong societal stigma against homosexuality...” in Georgia. [2a] (Section 6)

23.10 ILGA Europe and COC (Cultuur en Ontspannings-Centrum) Netherlands undertook a joint fact finding mission to Georgia in January 2006. The report of the mission, published in August 2007, stated inter alia:

“While homosexuality is no longer considered a crime in Georgia and there is an equal age of consent, a high level of hostility toward homosexuality prevails in virtually every level of Georgian society. Many believe homosexuality to be a disease, some see it as a sin, others as a perversion, but few consider it a sexual orientation. [51c] (p24)

“According to one expert commentator, interviewed during the mission, there is a large gay community in Tbilisi, which is an underground subculture, very much closed off from outsiders and predominantly made up of gay men. Another commentator estimates that between 5 and 10% of homosexuals are open about their sexual orientation, while an increasing number of the professional classes (albeit, quite small as a percentage of the overall population) are beginning to ‘show’ it in their dress and general appearance, while still not prepared to talk about it. (p24)

“Living openly is only possible for those in the capital and who are economically independent. Most LGBT people are reluctant to come out because of the negative impact it would have on their family and friends... (p25)

“While there is a relatively limited level of openness among gay males in Georgia, lesbians are almost totally invisible. (p26)

“For women in Georgia to deliberately deviate from their prescribed role as wife and mother is to risk the total condemnation of all around them. That lesbians are even less visible than gay men is due partly to a more pressing need for them to remain hidden. (p31)

“There is some indication of the emergence of a generational shift in attitudes. A 2003 survey by the Institute of Policy Studies shows that almost 43% of young people, as compared with 20% of parents, demonstrated a tolerant attitude toward male homosexuality. The percentages were similar for attitudes toward lesbians... (p28)

“There are no officially reported incidents of harassment, discrimination or violence against members of the LGBT population in Georgia ... However, representatives of the ... Inclusive Foundation refer to anecdotal evidence of incidents of violence and harassment against LGBT people, including police harassment ... There are... informal reports of physical abuse, much of it happening in cruising areas; a number of attacks, including one with teargas, on a gay pub which has since closed down; virulent and violent abuse over the internet, even on the Tbilisigay channel.” [51c] (p35)

The full report is available at <http://www.ilga-europe.org/content/download/9372/55934/file/georgia> [51d]

- 23.11 As part of the ILGA-COC Netherlands fact finding mission of 2006, the Inclusive Foundation surveyed 120 members of the LGBT community on societal attitudes towards them. Seventy per cent of the respondents in this study reported that they had not experienced any threats or harassment or been the victim of an assault based on their sexual orientation. The full results are at: http://www.inclusive-foundation.org/home/files/discrimination_survey_results_en.pdf [36c]

ACCESS TO HEALTH SERVICES

- 23.12 COIS could not find any evidence to indicate that LGBT persons have problems accessing state health services.

- 23.13 According to the Global Forum on MSM & HIV, 66.4% of MSM (men who have sex with men) in Georgia had, by 2009, been reached by an HIV prevention programme; 23.5% had been tested for HIV 'in the past 12 months' and had been given the results. [63a]

ORGANISATIONS PROVIDING SUPPORT TO THE LGBT COMMUNITY

- 23.14 The Inclusive Foundation in Tbilisi provides counselling, advocacy and other services to the LGBT community; it also publishes a news magazine. Further information at: <http://www.inclusive-foundation.org/home/?page=welcome&lang=en> [36]

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24. DISABILITY

- 24.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

"The law prohibits discrimination against persons with disabilities, although in practice the problem was a low priority for the government. Discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services was a problem, and societal discrimination existed. The administrative code mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few, if any, public facilities or buildings were accessible.

"As of December [2009], 139,354 persons with disabilities were registered in the country. There were 8,034 registered children with disabilities. These numbers included only those officially registered; the actual number could be higher.

"The government took some steps to address the needs of persons with disabilities during the year ... In September 2008 a Center for Disability Rights was established in the Office of the Public Defender." [2a] (Section5)

- 24.02 Georgia acceded to the UN Convention on the Rights of Persons with Disabilities on 10 July 2009. [14c]
- 24.03 In a report to the UN Committee on the Rights of the Child, in August 2007, the Georgia government noted that "The NGO 'Children of Georgia' in collaboration with UNICEF undertook an assessment of disabled institutionalized children and their capacity for reintegration, and of disabled children living with their families. New methods for assessing disabled children were developed and adapted to the Georgian context." [14e] (paragraph 145)
- 24.04 On 14 June 2010, 43 non-governmental, governmental and international organizations participated in a National Day on Disability, which included an exhibition and discussions on issues affecting people with disabilities in Georgia. (Open Society Foundation) [6a]

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25. WOMEN

OVERVIEW

- 25.01 Georgia acceded to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 26 October 1994 and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP) on August 2002. [14c] In a report dated 25 August 2006, the Committee on the Elimination of Discrimination against Women expressed concern about certain issues, including a lack of a comprehensive approach to policies and programmes aimed at achieving women's equality, the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, domestic and other violence against women, trafficking, an underrepresentation of women in public and political life, and a limited availability of statistical data, [14b]
- 25.02 The *Global Gender Gap Report 2010* was published by the World Economic Forum in October 2010: it measured gender-based gaps in access to economic, educational, health and political resources and opportunities in 134 countries. Georgia's ranking in the Gender Gap Index slipped from 83rd place in 2009 to 88th place in 2010 (out of 134 countries). Within specific categories, relative access to resources/opportunities in Georgia was assessed as follows:

	Female-to-male ratio
Economic participation and opportunity:	
Labour force opportunity	0.76
Wage equality for similar work	0.78
Senior officials and managers	0.51
Professional and technical workers	1.62
Educational attainment:	
Literacy rate	1.00
Enrolment in secondary education	0.96
Enrolment in tertiary education	1.19
Health and survival:	
Healthy life expectancy	1.08
Political empowerment:	
Women in parliament	0.07
Women in ministerial positions	0.06

[56a] (p142-143)

- 25.03 Georgia acceded to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 26 October 1994 and the Optional Protocol to the Convention (CEDAW-OP) in August 2002. [14c]

LEGAL RIGHTS

25.04 The Constitution provides that “Everyone...is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.” [23a] (Article 14) The USSD 2009 Report noted that “The law provides for the equality of men and women; however the law was not always implemented in practice.” [2a] Section 6)

25.05 UNIFEM (the UN Development Fund for Women) reported on 29 March 2010 that the Parliament of Georgia had passed a Gender Equality Law. UNIFEM observed:

“The legislation provides for the establishment of a national women’s machinery, the enhancement of women’s security, equality in the labour market and the strengthening of women’s political participation. The law also introduces gender-responsive planning and budgeting on the part of the government.

“The new Gender Equality Law builds on the State Concept for Gender Equality, adopted in 2006, and has been in development since 2008. UNIFEM, UNDP and UNFPA provided technical expertise in the drafting process, and women’s organizations were consulted.” [35a]

POLITICAL PARTICIPATION

25.06 A study by N. Sumbadze of the Institute for Policy Studies, published in 2008 by the UN Development Programme (UNDP), noted:

“Women account for 59.0 percent of the electorate, but the level of women’s participation in [Parliament] since the independence of the country is relatively low ... In the 2004 Parliament, there were only 23 women representatives, comprising merely 10.4 percent of the Parliament members, the share of women in 2008 Parliament dramatically decreased to 6 percent elected, indicating the lowest point in the history of Georgian Parliamentarism. The factual share of women is even less as two women MP from Opposition parties...refused to take mandates.

“The presence of women’s issues in the political agenda is comparatively worse than the issue of representation, and very seldom grabs the attention of the Parliamentarians. As correctly noted by the interviewed female gender expert, in this area activities of women deputies do not differ much from the activities of their male colleagues.

“Compared to Parliament, the situation with women’s representation in the local self – governance is relatively better. In the local elections of 2006, 11.5 percent of the elected were women.

“There are 180 [political] parties in the country ... Among the visible parties, three are led by women ... Women are associated with all parties in some way or another, they mostly carry out the everyday work of the party, but as a rule they mainly occupy low managerial level, and their representation in party’s decision making bodies is on an average 9 percent” [15a]

SOCIAL AND ECONOMIC RIGHTS

25.07 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted:

“The law provides for the equality of men and women; however the law was not always implemented in practice. A Gender Equality National Action Plan adopted in 2007 was not enforced. NGOs stated that discrimination against women in the workplace existed, but instances were never reported. The speaker of Parliament continued to chair a Gender Equity Advisory Council, which included MPs as well as representatives from the executive branch, the Public Defender's Office, and NGOs ... The State Commission on Gender Equity, chaired at the deputy-state-minister level, prepared recommendations on the implementation of international agreements and conventions on gender equity.” [2a] (Section 6)

- 25.08 The USSD 2009 Report added, “Although some observers noted continuing improvement in women's access to the labor market, women remained primarily confined to low-paying and low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for men. As a result, many women sought employment abroad.” [2a] (Section 6)

VIOLENCE AGAINST WOMEN

Rape

- 25.09 The USSD 2009 Report indicates that rape is punishable “by up to seven years' imprisonment for first-time offenders; a repeat offender or perpetrator against multiple victims may receive up to 10 years. If the victim becomes pregnant, contracts HIV/AIDS, or is subjected to extreme violence, the sentence may be increased to 15 years or, if the victim is a minor, up to 20 years.” According to the report:

“In the first 11 months of the year [2009], investigations were initiated in 136 rape cases. Of these, 46 were terminated, prosecutions were initiated against 47 cases, and court proceedings were begun in 28 cases involving 28 defendants. Observers believed many instances of rape were unreported due to the social stigma for victims and because police did not always investigate reports of rape.” [2a] (Section 6)

Domestic violence

- 25.10 The Immigration and Refugee Board (IRB) of Canada, in a document dated 27 May 2010, stated:

“Sources report that domestic violence is a widespread problem in Georgia ... According to a report by the Institute for Policy Studies (IPS), an independent research organization in Tbilisi and the NGO Minnesota Advocates for Human Rights, there have been a variety of studies about domestic violence in Georgia with reported rates of violence varying from 5 percent to 31 percent within families (Dec. 2006). One study, in which 1,000 women throughout Georgia were interviewed by the NGO Caucasus Women's Research and Consulting Network (CWN) in 2005, found that 22.2 percent of respondents had been physically abused by their husbands at least once, 5 percent reported frequent abuse, and 25.5 percent reported that their husbands had sexually assaulted them (IPS/Minnesota Advocates, Dec. 2006).

“The CWN study also reportedly surveyed societal attitudes towards domestic violence: 90 percent of women stated that ‘women should be more modest and try not to provoke violence’ and 60 percent of women stated that regardless of the situation, whatever happens should stay within the family.

“Sources report that only a small percentage of domestic violence victims seek assistance from the police” [50a]

25.11 Amnesty International noted in their 2010 Annual Report, “In April [2009], the government approved the new action plan on domestic violence for 2009-10. In July, a national referral mechanism was adopted, providing guidance to identify survivors of domestic violence and to refer them to available services and assistance. The government allocated premises and prepared to set up shelters.” [3a]

25.12 The USSD 2009 Report noted:

“According to Ministry of Internal Affairs statistics, police responded to 1,331 cases of family conflicts during the year [2009], compared with 2,576 cases in 2008 and 2,056 cases in 2007.

“Domestic violence is legally defined [in the Law on ‘Combating Domestic Violence, Prevention of and Support to its Victims’] as a violation of the constitutional rights and liberties of one member of a family by another through physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized.

“The law allows victims to file immediate protective orders against abusers and authorizes police to issue temporary restrictive orders against persons suspected of abusing a family member. Restrictive orders were issued in 176 cases of domestic violence during the year [2009], compared with 141 cases in 2008 ... The victim may request an unlimited number of extensions of the protective order. The Ministry of Internal Affairs has developed the legally required form that police should use to issue restrictive orders, but training for police in this area was lacking outside of Tbilisi. A local NGO operated a hotline and a shelter for abused women, although services were limited due to a lack of funding and facilities.

“On December 28 [2009], parliament amended existing legislation on domestic violence. The amended version lays the foundation for the protection, assistance, and rehabilitation of domestic violence victims; provides a framework for the cooperation of various government agencies in preventing domestic violence; and establishes rehabilitation measures for domestic violence offenders. It establishes a broader definition of a victim of family violence as ‘a family member who has suffered physical, psychological, sexual, or economic violence or coercion.’ It also calls for the establishment of domestic violence crisis centers run by the Ministry of Labor, Health, and Social Protection or by nongovernmental organizations. Crisis centers are intended to offer domestic violence victims psychological, medical, and legal assistance.

“In conjunction with these amendments, parliament amended other laws ... [to] streamline and simplify court application procedures for domestic violence victims; allow a court, either on its own initiative or by request of a party, to hold closed sessions in domestic violence cases; allow a court to consider separation of a child from a violent parent; and limit access to firearms by a domestic violence offender.

“During the year [2009] the Interagency Council [established by Presidential decree in 2008 to address domestic violence] initiated a public awareness campaign, coordinated domestic violence training in partnership with the Prosecution Service and Police, [and]

mobilized funding to rehabilitate two state-run domestic violence shelters...” [2a] (Section 6)

25.13 The Canadian IRB paper of 27 May 2010 added:

“...sources also indicate that police response to domestic violence has improved ... Sources report that the police in Georgia receive training on how to handle cases of domestic violence.

“Sources report that as of April 2010, there were no state-run shelters specifically for victims of domestic violence in Georgia ... the Gender Advisor for the UN Development Fund for Women (UNIFEM) stated that UNIFEM will be assisting the Georgian government to establish two state-operated shelters for victims of domestic violence, one in Tbilisi and one in Gori ... The Director of the State Fund, whose department will oversee these shelters, stated that they are scheduled to open in the summer of 2010. She also stated that victims of domestic violence have been accommodated at state shelters for victims of human trafficking, located in Tbilisi and Batumi, since January 2009.

“Sources indicate that there are NGO-operated shelters for victims of domestic violence in Georgia ... According to the Gender Advisor for UNIFEM, there are four shelters operated by three NGOs ... The Gender Advisor for UNIFEM notes that a victim can stay at these shelters from three months to over a year, depending on the case and the shelter.

“Other services that NGOs provide include: conducting public education campaigns ... providing legal aid ... offering psychological support ... conducting police training ... and making career counselling and job placement available.” [50a]

Other violence against women

25.14 The USSD 2009 Report advised, “Sexual harassment and violence against women in the workplace were problems. The law prohibits sexual harassment; however, the government did not effectively enforce the law, and complaints were rarely investigated.” [2a] (Section 6)

25.15 The Canadian IRB document of 27 May 2010 noted:

“The tradition of bride-kidnapping is practised in parts of Georgia, whereby women are sometimes abducted for the purpose of marriage ... Sources indicate that in some cases, bride-kidnapping is staged by the couple as a means to elope, but in other cases the kidnapping of the woman is real and often involves rape ... According to activists in the Samtskhe-Javakheti region...hundreds of women in this region are forced to marry against their will each year because of this tradition.

“Several sources indicate that a large part of Georgian society is tolerant of this practice and does not regard it as violence ... Sources also report that few victims report this crime to authorities, primarily due to fear of social stigma, and knowledge that perpetrators are rarely punished ... The Ombudsman reports that 304 cases of ‘Illegal Deprivation of Liberty (with the Aim of Marriage)’ were reported to the police in Georgia in 2007, over half of which were from Tbilisi ... [T]echnically, under Article 23 of the Criminal Code, the law prescribes a punishment of imprisonment from 4 to 8 years for

this offence, and up to 12 years if it is a premeditated act by a group ... However, the Ombudsman states that in most cases the perpetrator receives a punishment of a suspended sentence or a fine because of the conciliatory attitude of both law enforcement and society.” [50a]

See also Section 27: [Trafficking](#)

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26. CHILDREN

OVERVIEW

26.01 The following are some of the statistics provided by UNICEF (United Nations Children's Fund) on their website, accessed 13 October 2010:

Population under 18 years (2008)	951,000
Population under 5 years (2008)	241,000
Life expectancy (2008)	72
Under-5 mortality rate (per 1000 live births): 1990	47
Under-5 mortality rate (per 1000 live births): 1998	30
Neonatal mortality rate (2004)	25
% of under-fives underweight, moderate & severe (2003-8)	2%
Immunization against polio, 1-year-olds (2008)	90%
Immunization against measles, 1-year-olds (2008)	96%
Primary school enrolment (2003-2008): Male	100%
Primary school enrolment (2003-2008): Female	98%
Secondary school enrolment (2003-2008): Male	90%
Secondary school enrolment (2003-2008): Female	90%
Child labour, 5-14 years (1999-2008)	18%
Child marriage (2000-2008)	17%

Further data at: http://www.unicef.org/infobycountry/georgia_statistics.html#68 [34a]

26.02 Georgia acceded to the UN Convention on the Rights of the Child (CRC) on 2 June 1994. [14c] Concerns raised by the UN Committee on the Rights of the Child in its Concluding Observations of 23 June 2008 related to: Allocation of resources to the National Plan of Action for Children and the Child's Rights Centre of the Office of the Public Defender; data collection; incorporating the principle of the 'best interests of the child' into decision-making processes; apparent discrimination involving certain groups of children; birth registration; domestic violence; alternative care facilities; poverty and deprivation; child labour; internally displaced children; street children; and juvenile justice. [14d]

Basic legal information

- 26.03 The age of majority in Georgia is 18 years; the age of sexual consent is 16 years. (UNCRC, April 2003) [14g] (paragraph 49)

LEGAL RIGHTS

- 26.04 According to the Human Rights Watch (HRW) *World Report 2010* (events of 2009):

“The government maintains the minimum age of criminal responsibility at 12, in defiance of a June 2008 United Nations Committee on the Rights of the Child recommendation to reinstate it at 14. However, the government continued a moratorium on criminal charges against those under 14 until the creation of a separate juvenile justice system, which was planned for mid-2008 but has not been completed.” [4a]

- 26.05 However, a report of the Georgia Government to the UN Committee on the Rights of the Child, dated 22 August 2007, advised that “Georgian criminal legislation prohibits the criminal responsibility of persons below the age of 14.” [14e] (paragraph 55)

- 26.06 Article 80 of the Criminal Code defines a person between the ages of 14 and 18 as a “juvenile”. Articles 81 to 88 specify that there are limits on the severity of sentences/punishments that can be given to juveniles. (Criminal Code, accessed 15 October 2010) [24a]

- 26.07 A UNICEF press release of 14 April 2010 noted that the Government of Georgia, together with UNICEF and the European Union, had launched a two-year project in 2009 aimed at transforming Georgia’s juvenile justice system into one that “is more focused on reintegrating young offenders into society”; the project is called “Reform Options for the Penitentiary and Probation Systems for Convicted Child Offenders in Georgia”. According to the press release, “Special focus within the project has been made on developing individual plans for children, considering their individual needs and requirements. At the same time, for those who are serving their sentences in prisons, this should be a way of reintegration into the society as its full-fledged members ... Strengthening alternatives to detention for juveniles is another vital part of the reform project.” [34b]

For further information, see Child Rights Information Network (CRIN): Georgia <http://www.crin.org/reg/country.asp?ctryID=78&subregID=13> [33a]

VIOLENCE AGAINST CHILDREN

- 26.08 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, noted:

“There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. Incidents of sexual exploitation of children, particularly girls, were reported.

“Commercial sexual exploitation of children and child pornography are punishable by up to three years’ imprisonment. The Ministry of Internal Affairs sponsored a center for the rehabilitation of minors, which regularly provided medical and psychological assistance to child and adolescent victims before returning them to their guardians. Street children

and children living in orphanages were reportedly particularly vulnerable to trafficking.” [2a] (Section 6)

26.09 The USSD 2009 Report added that “Children were seldom trafficking victims...” [2a] (Section 6)

26.10 The UN Committee on the Rights of the Child stated in its Concluding Observations of 23 June 2008:

“While welcoming the accession by Georgia in 2006 to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the elaboration of the Anti-Torture Action Plan, as well as the establishment of the Interagency Coordinating Council for fight against torture in June 2007, the Committee remains concerned about information indicating that children continue to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities.” [14d]

CHILDCARE AND PROTECTION

26.11 The report of the Georgia Government to the UN Committee on the Rights of the Child, dated 22 August 2007, noted:

“Currently, there are 48 residential institutions with 5,200 children under the Ministry of Education and Sciences of Georgia. Four more institutions are currently functioning under the Ministry of Labour, Health and Social Affairs. These institutions address various categories of children - orphans, social orphans, children with physical and mental disabilities, and children deprived of parental care. Many of them are placed in institutions because of the poor economic conditions ... the Ministry of Education and Sciences of Georgia elaborated a set of measures aimed at creating a more child-friendly environment by transforming the institutions into daytime centres, temporary shelters, and small family type houses. In this process, special attention is paid to the needs of children with disabilities. During the reporting period certain steps have been taken, with the support of donor organizations, to solve the problems of all these children, and to provide them with high quality education.” [14f] (paragraph 107)

“[A] programme of deinstitutionalization is the first attempt in Georgia to introduce and provide different forms of family-based alternative care for children ... At present, 850 children have been assisted within the framework of the deinstitutionalization programme.” [14f] (paragraph 108)

26.12 The UN Committee on the Rights of the Child stated in its Concluding Observations of 23 June 2008:

“The Committee is deeply concerned that a large number of children are customarily placed in institutions due to the lack of adequate services and financial support to families or the absence of social service alternatives and effective gate-keeping mechanisms, and that most of the children placed in residential care are in fact not orphans. The Committee is also concerned that the social services network remains underdeveloped and that qualified social workers and social services are in short supply...

“While welcoming the progress achieved under the 2005-2008 National Plan of Action on the Protection of Children and Deinstitutionalization, the Committee remains

concerned about the current state of institutional care and the pace of reunification of children with families. Furthermore, the Committee, while noting the adoption in 2006 of the national standards of childcare for alternative care institutions, remains concerned at the number of children in institutions that are neither State-funded nor regulated. The Committee is also concerned about the absence of any State mechanism monitoring and providing follow-up assistance for those leaving institutional care.

"The Committee welcomes the steps being taken by the State party to establish an appropriate procedure for adoption in accordance with the Convention and the 1993 Hague Convention (No. 33) on the Protection of Children and Co-operation in Respect of Intercountry Adoption.1993, as well as the enactment, in May 2008, of the Law on Child Adoption which, inter alia, prohibits direct adoptions." [14d]

26.13 Referring to street children, the USSD 2009 Report advised:

"The number of street children was not considered to be high and has been decreasing yearly. Difficult economic conditions contributed to the problem ...A study covering the period 2007-08 by the NGO Save the Children indicated that the number had decreased to approximately 1,500. The NGO Child and Environment and the Ministry of Education each operated a shelter in Tbilisi, but the two shelters could accommodate only a small number of street children ... There were unconfirmed reports of police harassment of street children, but the patrol police routinely transferred street children to 24-hour care centers. The NGO Child and Environment ran one night center and three day centers during the year and provided support to 350 street children per day countrywide. These centers lacked resources for treatment and rehabilitation of children, many of whom were substance abusers or suffered from mental disorders." [2a] (Section 6)

EDUCATION

26.14 The National Statistics Office of Georgia publishes detailed statistics on schools and school enrolment [18d]:

http://www.geostat.ge/index.php?action=page&p_id=206&lang=eng

26.15 According to the USSD 2009 Report:

"Education was officially free through high school, but in practice a lack of resources inhibited schools' functioning and affected the quality of education in some areas, especially in the separatist regions of Abkhazia and South Ossetia. In some areas school facilities were inadequate and lacked heating, libraries, and blackboards. Most parents were obliged to pay some form of tuition to support the schools. Many parents were unable to afford books and school supplies, and in some cases students were forced to drop out due to an inability or unwillingness to pay tuition. According to the Ministry of Education, the situation in schools improved in terms of heating, although such supplies as blackboards remained inadequate in some schools. Approximately 55 schools were damaged during the August 2008 conflict. During the 2008 conflict, IDP shelters were established in 165 schools, 169 kindergartens, and nine higher education institutions, which resulted in the unavailability of buildings for use during the school year and damage to structures." [2a] (Section 6)

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HEALTH AND WELFARE

26.16 The International Organisation for Migration (IOM), Dublin noted that, for children under 3 years old, hospital medical care is fully financed by the government. For children aged 3-15, critical medical care is fully financed by the government and all other cases are financed by 80%. [55c]

26.17 The UN Committee on the Rights of the Child, in its Concluding Observations of 23 June 2008, stated:

“The Committee welcomes the various measures undertaken by the State party in the context of health reform, including the adoption of the National Policy and Strategic Plan of Healthcare for 1999-2010, the introduction of the free-of-charge medical treatment for children. However, the Committee is gravely concerned by the high rates of neonatal deaths and premature births as well as the overall state of prenatal and post-natal health care, in particular, among the minority groups. The Committee is also concerned that many children have limited access to medical care as a result of geographic restrictions, and about the marked disparities in the quality of water, which continues to have a negative impact on the health of the population in rural areas.

“In view of the high number of pregnancies and the high and increasing rates of abortion, as well as the increasing incidence of sexually transmitted diseases, including HIV/AIDS, among adolescents, the Committee is concerned about the limited availability of health services, including reproductive health education and assistance for adolescents. The Committee also notes with concern the legislative provision which stipulate that a child under the age of 16 who wishes to see a doctor must be accompanied by a parent, and that sex and reproductive health education is not part of the school curriculum.

“The Committee notes the State party’s position that child labour is not a problem in Georgia, however it is concerned that the Child Labour Survey conducted by the State Department for Statistics in 2004 indicated that over 21.5 per cent of children in [Georgia] were engaged in economic activities and that 10.56 per cent of children were undertaking work in conditions that violate their rights and harm their development.” [14d]

See also paragraph 26.01 above and Section 28: [Medical issues](#)

DOCUMENTATION

26.18 The UN Committee on the Rights of the Child stated in its Concluding Observations of 23 June 2008, “The Committee welcomes the progress achieved with regard to birth registration rates due to the simplification of the birth registration procedure in 2003 and that birth registration is now free-of-charge. However, the Committee remains concerned that large numbers of children belonging to minority groups, as well as internally displaced and refugee children are still not registered at birth.” [14d]

26.19 The USSD 2009 Report pointed out that “Romani children were usually born at home, and their parents frequently did not register their births with the government. Since official identification is required to receive medical treatment and other public services, the lack of identification and the reluctance of parents to apply for such services deprived many Romani children of access to medical and other services.” [2a] (Section 6)

27. TRAFFICKING

- 27.01 The US State Department (USSD) Trafficking in Persons Report 2010, published 14 June 2010, stated:

“Georgia is primarily a source country for women and girls subjected to trafficking in persons, specifically conditions of forced prostitution, and for men and women in conditions of forced labor. In 2009, women and girls from Georgia were subjected to forced prostitution within the country and also in Turkey, the United Arab Emirates, and Greece. In recent years, cases of forced prostitution of Georgian victims were also documented in Russia, Germany, and Austria. Men and women are subjected to conditions of forced labor within Georgia and also in Libya and Turkey.

“The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government demonstrated strong efforts to identify and assist victims of trafficking ... The government also demonstrated impressive law enforcement success, significantly increasing the number of individuals convicted of trafficking, and again ensuring all convicted trafficking offenders served some time in prison. The Georgian government also demonstrated strong prevention efforts and continued its close partnership with anti-trafficking NGOs in both victim assistance and prevention efforts.

“The Georgian government maintained its significant victim assistance efforts over the reporting period. The government allocated a total of [US] \$312,000 for victim assistance during the reporting period; of that, it provided \$150,000 to fully fund two government-run trafficking shelters, the same amount as funded in 2008. These shelters provided comprehensive victim assistance, including medical aid, psychological counselling, and legal assistance. Victim assistance was not conditional upon cooperating with law enforcement.” [2d] (Georgia country narrative)

For further information on trafficking, refer to:

Gender Informational Network of South Caucasus (GINSC) [37]
<http://www.ginsc.net/home.php?option=allnews&mode=1&lang=en>

Gender Informational newsletter [37a]
http://www.ginsc.net/upload_files/docs/Newsletter%20GINSC11.pdf

International Organisation for Migration (IOM): IOM Georgia website [55b]
<http://www.iom.int/jahia/Jahia/georgia>

See also Section 25: Women: [Violence against women](#)

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28. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 28.01 Article 37.2 of the Constitution provides that “The state shall control all institutions of health protection and the production and trade of medicines.” Article 37.1 states that “Everyone shall have the right to enjoy health insurance as a means of accessible

medical aid. In the cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided.” [23a]

- 28.02 The International Organisation for Migration (IOM) noted in a report of 12 November 2009:

“The health care system in Georgia has been in a process of constant change for the last few years. Many of the state health institutions have been privatised. Nowadays, the clinics are well equipped and almost every disease is treatable in Georgia. Procedures that include complex neurosurgical and heart operations are available. However, the prices of procedures are quite high in comparison with average salaries.

“Most of the population is currently not [health] insured and they have to cover the costs of their treatment in state or private clinics themselves ... State health care programmes are only free to people below the poverty line.

“A family is eligible for subsistence allowance and free medical treatment if it is registered on a unified database for socially vulnerable families.” [55a]

- 28.03 The same source advised that the following treatment is free for citizens of Georgia: Anti-retroviral treatment; treatment for psychiatric conditions; epilepsy treatment if accompanied by psychopathic behaviour or depression; kidney dialysis; insulin for diabetics; tuberculosis treatment. [55a]

- 28.04 A directory prepared by IOM Dublin contains further general information on the health care system, including a list of hospitals and other important facilities [55c]: <http://www.iomdublin.org/DORAS%20Georgia%20Healthcare.html>. The National Statistics Office of Georgia (website accessed 28 September 2010) has provided detailed statistical information on medical care, up to 2009 [18b]: http://www.geostat.ge/index.php?action=page&p_id=197&lang=eng. See also the World Health Organisation (WHO) country profile for Georgia [32a]: <http://www.who.int/countries/geo/en/>. The website of the Ministry of Health Care contains further general information [30]: <http://www.healthministry.ge/eng/index.php>

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 28.05 A progress report published jointly by the World Health Organisation (WHO), UNAIDS and UNICEF in September 2010 recorded that, as of December 2009, 655 people in Georgia were receiving anti-retroviral therapy; this represented 95% of the estimated number of people in the country who needed anti-retroviral therapy. [32b] (p115)

KIDNEY DIALYSIS

- 28.06 The IOM report of 12 November 2009 listed a number of dialysis centres. [55a]

MENTAL HEALTH

- 28.07 The WHO Mental Health Atlas of 2005 noted that a national mental health programme was formulated in 1995; in the same year the Law on Mental Health Assistance was enacted. Primary care was mainly provided by specialists, while the actual treatment of severe conditions was carried out in hospitals and outpatient clinics. The Mental Health

Atlas provided statistical information on psychiatric facilities in the country and confirmed the availability of therapeutic drugs, which are distributed free of charge under the State Programme on Mental Health Assistance. [32c]

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29. FREEDOM OF MOVEMENT

29.01 The US State Department *2009 Human Rights Report: Georgia* (USSD Report 2009), released on 11 March 2010, stated:

“The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

“In October 2008 parliament passed the Law on Occupied Territories, which put limits on the movement of foreigners in and out of Abkhazia and South Ossetia, requiring permission from authorities in Tbilisi. It also imposed special requirements on those conducting economic activities in the territories. There were no reports of any international humanitarian organizations being unduly restricted in practice by the Georgian authorities.” [2a] (Section 2d)

SOUTH OSSETIA AND ABKHAZIA

29.02 The USSD 2009 Report further noted:

“During the year [2009] there were many cases of individuals detained in the separatist regions of Abkhazia and South Ossetia for charges related to their ‘illegal’ crossing of the administrative boundary line. Russian border guards, who began administering the boundary lines in May, carried out many of those detentions by enforcing boundary-crossing rules imposed by de facto authorities but then generally handed custody of the individuals over to the de facto authorities. In most cases the individuals were released within a few hours or days; in some cases the individuals were held considerably longer. Georgian authorities detained a number of individuals near the administrative boundary lines on various charges, including illegal entry into the country. Such individuals often carried only Russian passports with no evidence of authorization to enter Georgia. [2a] (Section 1d)

“Checkpoints operated by de facto militia and Russian troops often obstructed citizens’ internal movement in these regions and between these regions and areas controlled by the Georgian government. In June 2008 Abkhaz de facto authorities closed the cease-fire line to all civilian vehicular traffic.

“An Abkhaz ‘citizenship’ law allows dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship. Ethnic Georgians living in Abkhazia were required to acquire Abkhaz “citizenship” to open businesses, bank accounts, vote in elections, travel freely, and own property. While ethnic Georgians in the region could ‘legally’ apply for an Abkhaz passport, the processing of their applications met with long delays and in most cases was never completed.

“Abkhaz de facto militia conducted searches of local populations and erected arbitrary checkpoints. Money and valuables were extorted from ethnic Georgians accused of violating the identity document requirements. International organizations reported that Gali residents faced serious threats of extortion, especially at harvest time, but generally refused to make public or specific allegations for fear of retribution.

“Russian and Abkhaz de facto authorities generally allowed international organizations to operate in Abkhazia, with limitations; Russian and South Ossetian de facto authorities blocked virtually all international organizations, including humanitarian ones, from entering South Ossetia.” [2a] (Section 2d)

See also Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

See also [Human Rights situation in South Ossetia and Abkhazia](#)

30. INTERNALLY DISPLACED PERSONS (IDP's)

30.01 As stated in the Council of Europe's Compendium of Cultural Policies and Trends in Europe, updated 7 December 2009:

“During the past 15 years, as a result of conflicts with the separatist authorities of the Abkhazian Autonomous Republic and former South-Ossetian Autonomous District (the Inner Kartli), a new group has been formed in the population - IDP (internally displaced persons). Currently, there are 286 643 IDPs officially registered, of which 275 096 (95.97%) are from Abkhazia and 11 546 (4.0%) from the former South Ossetian Autonomous District (the Inner Kartli). Following the Russian-Georgian conflict in August, 2008, a new stream of IDP has emerged from so-called South Ossetia, the historical Shida (Internal) Kartli, the region Samachablo and from Kodori (a mountain part of the Abkhazian Autonomous Republic) and from other Georgian cities and the villages. This raised the number of IDP's by an additional 192 000 persons. The total number of IDP's is now estimated at almost 500 000.” [16d]

30.02 Amnesty International's report, *In the Waiting Room: Internally Displaced People in Georgia*, published 5 August 2010, noted:

“For more than 15 years, Georgia lacked a state policy on its displaced population. The government's policy was geared towards return as the only acceptable durable solution for the displaced. A breakthrough occurred in 2007, with the adoption of a state strategy on internally displaced persons (IDPs), which recognized the right to local integration, at least until return home became feasible. In 2009, the government adopted an Action Plan and initiated a process of renovating and transferring living spaces into the ownership of displaced people.

“However, much remains to be done to fulfil the rights of the displaced to live in dignity. In terms of realizing economic and social rights other than housing, the present action plan does little more than integrate most of the internally displaced into existing state social assistance programmes.

“After almost two decades of displacement, many people displaced during the 90s continue to live in appalling conditions in collective centres not designed for long-term occupation.

“High unemployment remains an especially pressing issue for displaced people.

“The lack of information and inability to afford medical services is the biggest impediment in displaced people’s access to healthcare.” [3b]

30.03 The Amnesty International 2010 Annual Report confirmed, “Most of the displaced people in Georgia had been provided with some kind of accommodation or compensation. However, concerns remained regarding their access to social and economic rights due to loss of livelihoods and lack of employment.” [3a]

30.04 The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT), an NGO, pointed out in an article of September 2008 that “many returnees face severe traumatization. GCRT’s efforts are aimed at providing effective psychological, medical social and legal assistance to those affected.” [13a]

30.05 The Office of the Public Defender published a detailed report, *Report on the Human Rights Situation of Internally Displaced Persons and Conflict-Affected Individuals in Georgia*, based on a reporting period of January to July 2010. [61b] This is available at: <http://www.ombudsman.ge/files/downloads/en/bocwwzoibmheshchwibok.pdf>

See also Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

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31. CITIZENSHIP AND NATIONALITY

31.01 Georgian citizenship is determined according to the Law on Citizenship, a copy of which appears at: <http://www.legislationline.org/documents/action/popup/id/5498> (LegislationOnline, accessed 15 October 2010) [62a]

31.02 A copy of the Law on Immigration is available at: <http://www.legislationline.org/documents/action/popup/id/5492> (LegislationOnline, accessed 15 October 2010) [62b]

32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

32.01 No objective information could be found by COIS on the extent of forgery or fraudulent acquisition of Georgian passports or other official documents.

32.02 The website of the Ministry of Justice, accessed on 4 October 2010, confirmed that a new generation biometric passport, which meets European security standards, was being issued. [21b]

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33. EXIT AND RETURN

33.01 According to the US State Department *2009 Human Rights Report: Georgia*, released on 11 March 2010:

“The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.” [2a] (Section 2d)

- 33.02 COI Service could find no evidence of adverse treatment of failed asylum seekers following their return to Georgia.

See also Section 5: [Current status of South Ossetia, Abkhazia and Adjara](#)

See also [Human Rights situation in South Ossetia and Abkhazia](#)

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Human rights situation in South Ossetia and Abkhazia

34. Overview

- 34.01 The availability of objective information on human rights issues in South Ossetia and Abkhazia is limited. As Human Rights Watch (HRW) stated in their *World Report 2010*, “Russia continued to exercise effective control over South Ossetia and another breakaway region, Abkhazia, preventing international observers’ access and vetoing international missions working there.” [4a]
- 34.02 The Freedom House report *Freedom of the Press: Georgia 2010* noted that “The media environments in these regions [Abkhazia and South Ossetia] are tightly restricted by the separatist authorities. [5b]
- 34.03 The US State Department *2009 Human Rights Report: Georgia* (USSD 2009 Report), released on 11 March 2010, stated:
- “Deprivation of life, abduction, and arbitrary arrest and detention continued to be serious problems [in South Ossetia and Abkhazia].” [2a] (Introduction)
- “Disappearances and kidnapping occurred during the year in the separatist regions of Abkhazia and South Ossetia, although reliable information from these separatist regions, which remained outside of government control, remained difficult to obtain. In some cases the missing individuals turned out to have been detained by Russian or de facto authorities” [2a] (Section 1b)
- “Georgian government officials and de facto authorities accused one another of committing attacks that resulted in arbitrary and unlawful killings in the separatist regions of South Ossetia and Abkhazia during the year [2009]. Georgian and Russian officials also traded such accusations.” [2a] (Section 1a)
- “Systemic problems in the criminal justice system of the de facto authorities, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Abuse by de facto law enforcement authorities included arbitrary arrests and detention as well as routine mistreatment of detainees. De facto law enforcement authorities rarely wore uniforms or carried badges or credentials, allowing them to act with impunity.” [2a] (Section 1g)
- 34.04 With regard to prison conditions in South Ossetia and Abkhazia, the USSD 2009 Report noted that the International Committee of the Red Cross (ICRC) had access to detention facilities to monitor conditions and treatment of detainees. The USSD Report added, however:
- “Prison conditions in the two separatist regions were chronically substandard, although overcrowding reportedly was not a problem. The CPT [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment] visited Abkhazia from April 27 to May 4 [2009]. Its December 23 report on the visit contained several recommendations concerning Dranda prison, the sole establishment for convicted prisoners in Abkhazia. They recommended that measures be taken to prevent prisoner-on-prisoner intimidation, to supply hygiene products and drinking water to

prisoners on a regular basis, to remedy the absence of panes in the cell windows, and immediately to bring the electrical power supply network up to standard.” [2a] (Section 1c)

- 34.05 Referring to human rights violations during the 2008 armed conflict with Russia, the USSD 2009 Report recorded:

“A report issued on September 30 [2009] by the EU-funded Independent International Fact-Finding Mission on the Conflict in Georgia, widely known as the Tagliavini report ... concluded that all parties to the conflict – Georgian, Russian, Abkhaz, and South Ossetian forces – ‘committed violations of International Humanitarian Law and Human Rights Law.’ South Ossetian irregular armed groups and others committed ‘numerous’ such violations. The main violations identified by the report included indiscriminate attacks by Georgian and Russian forces, widespread looting and destruction of ethnic Georgian villages, mistreatment, rape, assault, hostage taking, and arbitrary arrests by South Ossetians, and the failure of Russian forces to prevent or stop such violations in areas under their effective control.” [2a] (Section 1g)

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35. SOUTH OSSETIA

- 35.01 The USSD 2009 Report noted:

“After the conflict began in August 2008, South Ossetian separatists reportedly committed killings, engaged in looting, systematically attacked ethnic Georgian villages, and blocked international observers from viewing events first hand. There were numerous reports of abductions by unidentified armed gangs of individuals on both sides of the administrative boundary line. Russian military forces and de facto militias did not permit observers into South Ossetia and occupied areas to investigate claims of abuses.” [2a] (Section 1g)

“In August 2008 the de facto authorities in South Ossetia adopted a policy of refusing to permit ethnic Georgians driven out during and after the conflict return to South Ossetia unless they renounced their Georgian citizenship and took the ‘citizenship’ of the ‘Republic of South Ossetia’; in practical terms this often meant accepting a Russian passport. With the exception of the International Committee of the Red Cross (ICRC), international organizations were not allowed regular access to assess the condition of the local population or to provide humanitarian assistance.” [2a] (introduction)

“[Human Rights Watch] concluded that [in August 2008] South Ossetian forces attempted to ethnically cleanse villages and egregiously violated multiple obligations under humanitarian law...” [2a] (Section 1g)

- 35.02 Freedom House included the territory of South Ossetia in its report, *Worst of the Worst: The World's Most Repressive Societies*, 2009 [5c]. Further details at <http://www.unhcr.org/refworld/pdfid/49bf59e20.pdf>
- 35.03 As noted in an article by K.Natoli, published in the Boston University International Law Journal in May 2010:

“...on May 31, 2002, Russia adopted the Law on Russian Federation Citizenship, making the acquisition of Russian citizenship by residents of ex-Soviet republics easier.

In fact, not only did it become unnecessary to relocate to Russia, residents of South Ossetia were able to 'apply without leaving their homes'. 'Reportedly, following this regulatory change, up to 90 percent of South Ossetia's population of under 100,000 acquired Russian citizenship.'(Roudik)." [46a] (p391-392)

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36. ABKHAZIA

36.01 The USSD 2009 Report stated:

"Russian military forces and de facto militias limited the ability of international observers to travel in Abkhazia to investigate claims of abuses." [2a] (Section 1g)

"The de facto authorities in Abkhazia continued to restrict the rights, primarily of ethnic Georgians, to vote, to participate in the political process, and to exercise basic rights such as property ownership, business registration, and travel permission. Ethnic Georgians also suffered harassment by Abkhaz and Russian forces, forced conscription in the Abkhaz 'army', a lack of funding for basic infrastructure maintenance, and limitations on Georgian-language instruction in the Gali district schools." [2a] (Introduction)

"The Gali region of Abkhazia, where many ethnic Georgians live, remained tense as a result of limitations on freedom of movement, kidnapping, arbitrary arrest, and deaths in custody. There were numerous reports of looting and robbery by Russian forces, Abkhaz de facto forces, or criminal gangs, including in particular during harvest season, when local farmers were extorted for a portion of their revenue." [2a] (Section 1g)

"The de facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a 'citizenship' law that forced ethnic Georgians to give up their Georgian citizenship in order to vote in regional elections." [2a] (Section 3)

"Abkhaz de facto authorities continued to prevent repatriation of the approximately 235,000 persons displaced by the 1992-93 war, despite their 1994 agreement with Georgia, Russia, and the UNHCR, which called for the safe, secure, and voluntary return of IDPs who fled during the war. Approximately 40,000 IDPs, many working as seasonal laborers, returned to the Gali region of Abkhazia, but Abkhaz de facto authorities refused to allow the return of IDPs to other regions of Abkhazia." [2a] (Section 2d)

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Annex A

CHRONOLOGY OF MAJOR EVENTS

(Quoted from BBC News, *Timeline: Georgia*, updated 7 July 2010 [42b], unless otherwise stated)

- 1801- 04** Most of present-day Georgia becomes part of the Russian Empire.
- 1918** Independent Georgian state declared.
- 1921- 22** Red Army invades. Georgia declared a Soviet Socialist Republic. Georgia, as part of the Transcaucasian Soviet Federative Republic, becomes a founder member of the Soviet Union.
- 1936** Transcaucasian Soviet Federative Republic dissolved and Georgia becomes a full republic of the Soviet Union.
- 1972** Eduard Shevardnadze appointed head of the Georgian Communist Party.
- 1989** Soviet troops kill 19 pro-independence demonstrators in Tbilisi. Demands for more autonomy in the South Ossetia region lead to violent clashes between Georgians and Ossetians. Russian peacekeepers are deployed.
- 1990** Nationalist coalition wins multi-party parliamentary elections; former dissident Zviad Gamsakhurdia becomes chairman of parliament.
- 1990 - 91** Growing South Ossetian independence aspirations bring further violence between separatist and Georgian forces. Hundreds die and tens of thousands flee their homes.

Independence

- 1991** Georgian parliament declares secession from the Soviet Union after independence is overwhelmingly supported in a referendum. Gamsakhurdia is elected president by more than 85% of the votes cast.
- 1992**
January Gamsakhurdia is deposed after fighting in central Tbilisi between government troops and opposition militias. South Ossetians vote in favour of independence in an unrecognized referendum.
- March Shevardnadze is appointed head of the newly formed State Council.

Abkhazia crisis

- 1992**
August Fighting breaks out in Abkhazia between Georgian government troops and separatist forces.
- October Shevardnadze is directly elected chairman of parliament.

1993

September Georgian troops driven out of Abkhazia by separatist forces.
 October Insurrection by Gamsakhurdia supporters in western Georgia is suppressed after Georgia agrees to join the CIS and receives help from Russian troops.

1994

Georgian government and Abkhaz separatists sign a ceasefire agreement, paving the way for the deployment of a Russian peacekeeping force in the region.
 New constitution adopted which provides for a strong executive presidency.
 New currency, the lari, introduced.

1995

November Shevardnadze wins elections to the restored post of president.

1997

Death penalty abolished.

2000

April Shevardnadze re-elected president.

2001

March Georgia and the separatist region of Abkhazia sign an accord pledging not to use force against each other.

Tensions with Russia**2001**

October Clashes in Abkhazia between Abkhaz troops and Georgian paramilitaries backed by fighters from the North Caucasus. The tension is heightened as Russia accuses Georgia of harbouring Chechen rebels, a charge dismissed by Georgia.
 November Demonstrations following raid by security forces on privately-owned Rustavi-2 TV station, known for its criticism of Shevardnadze and of government's failure to tackle corruption. Shevardnadze responds by sacking government.

2002

April-May US special forces arrive to train and equip Georgian forces for counterterrorist operations.
 September Row over Russian accusations that Georgia is harbouring Chechen militants in Pankisi Gorge. Russian President Putin warns of military action if Georgia fails to deal with them.
 October Row with Russia defused after Georgian leader promises to work with Moscow to fight Chechen rebels.
 Antiterrorist operation ends with several suspected guerrillas killed, dozens of Chechens detained and several extradited to Russia.

Shevardnadze ousted**2003**

May Work begins on laying Georgian section of oil pipeline to run from Baku in Azerbaijan through Georgia to Ceyhan in Turkey.

November Shevardnadze is toppled in a bloodless 'Rose Revolution' triggered by opposition allegations of irregularities in parliamentary elections.

2004

January Mikhail Saakashvili wins presidential election.
 March Amid rising tension with the leadership of the autonomous region of Ajaria, Tbilisi briefly imposes sanctions and closes the border.
 Mr Saakashvili's National Movement-Democratic Front wins overwhelming majority of seats in parliament in re-run of parliamentary elections.
 May Ajarian leader Aslan Abashidze claims Georgian forces about to invade and blows up bridges connecting the region with the rest of Georgia.
 President Saakashvili orders Mr Abashidze to comply with Georgian constitution and disarm his forces or face removal.
 Aslan Abashidze resigns and leaves Georgia.

South Ossetia, Abkhazia troubles

2004

May South Ossetia holds parliamentary elections, unrecognised by Tbilisi.
 June Georgia's decision to beef up its anti-smuggling operation in South Ossetia prompts sharp a response from the local leadership and is criticised by Russia.
 August Several deaths are reported in clashes between Georgian and South Ossetian forces. After saying it has captured key positions which it promises to hand over to joint peacekeepers, Georgia pulls back its forces.
 October Abkhaz presidential elections, not recognised by Tbilisi, end in chaos. Abkhaz court upholds declaration of Sergei Bagapsh as winner but, after protests, orders election rerun. Tensions run high between supporters of Mr Bagapsh and those of his rival, Raul Khadzhimba, who is said to be favoured by Moscow.

2005

January Sergei Bagapsh wins rerun of Abkhaz presidential elections after doing a deal with his rival, Raul Khadzhimba, who becomes vice president.
 President Saakashvili unveils proposals on autonomy within Georgia for South Ossetia whose leadership rejects them, repeating demand for full independence. Georgian leader says similar proposals can only be considered for Abkhazia if Georgian refugees who fled fighting in 1993 are allowed to return.
 February Prime Minister Zurab Zhvania is found dead in a Tbilisi flat, apparently from gas poisoning. Zurab Noghaideli, hitherto finance minister, becomes premier.
 May Large crowds in Tbilisi greet President George W Bush, the first US leader to visit Georgia, who proclaims the country a 'beacon of liberty'.
 July Russia starts to withdraw its troops from two Soviet-era bases under the terms of a deal reached in May. The pull-out is due to be completed by late 2008.

2006

January Explosions on Russian side of border damage gas pipeline, cutting supplies during freezing weather. A near-simultaneous blast disrupts electricity supplies from Russia. Russia says it suspects North Caucasus insurgents but President Saakashvili accuses Moscow of sabotage.

March	Tbilisi protests at Russian decision to suspend imports of Georgian wine on health grounds, saying the move is politically motivated.
May	Russia announces ban on imports of Georgian mineral water on health grounds. Again, Tbilisi protests that the action is politically motivated.
May-June	Tensions with Russia rise again as Georgia demands that Russian peacekeepers arriving on rotation in South Ossetia have visas.
July	Parliament demands withdrawal of Russian peacekeepers from South Ossetia and Abkhazia, calling for them to be replaced by international forces. At least one person dies in Georgian operation to disarm local militia led by Emzar Kvitsiani in remote Kodori gorge, the only part of Abkhazia still under Tbilisi's partial control. Georgia announces plan to establish Abkhazia government-in-exile in gorge.
September	Relations with Russia deteriorate when a Georgian military helicopter carrying Defence Minister Okruashvili is fired on over South Ossetia. Agreement reached on holding talks with Nato on closer relations.
Sept-October	Russian army officers detained on spying charges. Russia imposes sanctions, cuts transport links and expels hundreds of Georgians.
November	South Ossetians vote in favour of independence in an unrecognised referendum.

Anti-Saakashvili protests

2007

September	Former defence minister Irakli Okruashvili accuses Mr Saakashvili of corruption and plotting a murder. The allegations spark a wave of protests.
November	State of emergency declared. Riot police battle protesters demanding president's resignation. Russia says it has withdrawn last troops based in Georgia since 1991 collapse of the Soviet Union, but retains a presence in the breakaway provinces.
December	Human Rights Watch criticises government for using 'excessive' force against protesters in November. International Crisis Group warns of growing authoritarianism.

2008

January	Saakashvili re-elected in snap election.
March	Separatist government in Abkhazia asks United Nations to recognise independence.
April	NATO summit in Bucharest defers decision on Georgia's application to join Membership Programme until December. Russia says it will step up ties with Abkhazia and South Ossetia, prompting Georgia to accuse Moscow of planning the republics' 'de facto annexation'
May	Ruling party wins landslide victory in parliamentary election. Opposition says election was rigged and threatens to boycott new parliament.

Russian intervention and the armed conflict of August 2008

2008

May	Russia sends 300 unarmed troops to Abkhazia, saying they are needed for railway repairs. Georgia accuses Russia of planning military intervention.
June	Abkhazia cuts all contact with Georgian government, accusing it of being behind recent series of blasts in breakaway republic. Georgia denies having any role.

August	Tensions between Georgia and Russia escalate into a full-blown military conflict after Georgia tries to retake South Ossetia by force after a series of lower-level clashes with Russian-backed rebels. Russia launches a counter-attack, ejecting Georgian troops from both South Ossetia and Abkhazia. After more than a week of hostilities, the two sides sign a French-brokered peace agreement, but Russia subsequently recognises the two breakaway regions as independent states - a move that draws protests from Georgia and the West. Russia also continues to maintain a military presence in Abkhazia and South Ossetia.
October	Nino Burjanadze, a former ally of President Saakashvili, announces a new opposition group Democratic Movement-United Georgia, saying the authorities were not capable of dealing with 'threats' to the country, and calls for early elections. Mr Saakashvili dismisses Prime Minister Gurgenzidze the same day.
November	Grigol Mgaloblishvili becomes prime minister.

Saakashvili under pressure

2009

January	Mgaloblishvili steps down on health grounds.
February	Nika Gilauri becomes prime minister.
April	Opposition launches "national disobedience campaign" in effort to persuade President Saakashvili to resign.
May	Georgian authorities quell a mutiny by a tank battalion at the Mukhrovani army base, describing it as part of a Russia-linked coup against President Saakashvili. Russia denies any involvement. Nato military exercises begin in Georgia amid condemnation from Russia. More than 50,000 opposition supporters gather at a Tbilisi stadium on independence day to demand President Saakashvili's resignation.
July	UN observers leave Georgia after 16 years of monitoring the Abkhazia cease-fire line. The UN Security Council failed to extend the mission because of a Russian veto. Visiting Vice-President Biden tells the Georgian parliament that the US fully backs the country's hopes of joining NATO
September	EU report on 2008 conflict with Russia puts large part of blame on Georgia.

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January	Russia and Georgia reopen air traffic with the first direct passenger flight between the two countries since the war in 2008.
March	Russia and Georgia reopen a border crossing closed since July 2006. It is the only crossing that does not go through the Russian-backed breakaway regions of Abkhazia and South Ossetia. (BBC News) [42b] Parliament adopts a Gender Equality Law. (UNIFEM) [35a]
.May	Municipal council elections, including the first direct election for the Mayor of Tbilisi, are held. (USSD Background Note) [2b]
October	A new Code of Criminal Procedure comes into operation. (Ministry of Justice) [21a] Parliament approves the draft of an amended Constitution, to come into effect after the presidential election of 2013. (Civil.ge) [17b]

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Annex B

POLITICAL PARTIES

The US State Department *2009 Human Rights Report: Georgia* (USSD 2009 Report), released on 11 March 2010, quoted the Ministry of Justice's Registration and Licensing Department as saying there were 200 registered political parties by the end of 2009. [2a] (Section3) The Central Election Commission recorded that 60 political parties applied for participation in the 2008 parliamentary elections and 23 of these were registered; of the 23 registered parties, 9 contested the election in their own right and the others formed 3 blocs [27b]:

http://www.cec.gov.ge/files/oldFiles/keti/angarishebi_doc.pdf

The following are the principle parties or blocs:

United National Movement (Party) (*Natshionakhuri Modraoba: NM*)

Centre-right party founded in 2001 by Mikheil Saakashvili, the President of Georgia since 2004. Obtained over 60% of the popular vote in the parliamentary elections of 21 May 2008, winning 48 of the 75 seats in the contest by party lists (proportional representation) and 71 of the 75 seats in single-mandate constituencies; the UNM thus holds 119 of the 150 seats in the current parliament. [1a] [8d] [38] [64a] Website at http://www.unm.ge/index.php?lang_id=ENG&sec_id=1

Christian-Democratic Party (*Kristianul Demokratiuli Partia: KDP*)

Revived in February 2008 by Giorgi Targamadze, a popular former television news anchor who is currently party Chairman. Contested the 2008 parliamentary elections, winning 6 seats. Unlike most other opposition parties, the KDP opted to take up its seats and is now the official opposition in parliament. [1a] [8d] [64a] Website at http://cdm.ge/index.php?s=9d2514541f0235c2342c11adc4bbb966&&cal_id=0&setlanguage=1&langid=en

Labour Party (*Leoboristuli Partia: LP*)

Described by the Jamestown Foundation as a 'left-populist' party. [66a] Founded in 1997 and won 6 seats in the 2008 parliamentary elections. Leader: Shalva Natalashvili. [1a] [8d] [64a] Jane's noted, "The party [claimed] to have joined the boycott of parliament and refused to take up its seats but two of its elected MPs did take their positions in the legislature and the party's declaration renouncing its mandates was officially rejected since it failed to use the correct legal terminology. [8d] Website at <http://www.labour.ge/?lang=en>

Republican Party (*Sakartvelos Respublikuri Partia: SRP*)

Described by the Jamestown Foundation as a 'right-of-center' party. [66a] Founded in 1978 in Adjara. Jane's recorded that "The SRP was actively involved in the anti-government demonstrations from May to July 2009 and, while still not having developed a strong electoral base, they remain an important opposition party." [8d] Chairman: Davit Usupashvili. [8d] Website at <http://republicans.ge/index.php?newlang=eng>

Conservative Party (*Sakartvelos Konservatiuli Partia: SKP*) (See also United Opposition bloc, below.)

Established in November 2004. Leader: Koba Kukhava, who rejected the seat he won in the May 2008 parliamentary elections. According to Jane's, "The SKP was also active in the anti-government demonstrations during 2009 and remain[s] a visible, if not broadly popular, opposition party." [8d]

Georgia's Way (Party) (*Sakartvelos Gza: SG*) (See also United Opposition bloc, below.)

Founded in March 2006 by Salomé Zourabishvili. Jane's observed, "The SG is one of the key members of the National Council of Unified Public Movement, in which Zourabishvili plays a leading role, and the party has played a leadership role in the demonstrations of 2009 and is generally viewed as being among the more radical opposition parties." [8d]

Freedom Party/Movement (*Tavisupleba*) (See also United Opposition bloc, below.)

Founded in January 2004. Leader: Konstantine Gamsakhurdia. [1a] Jane's stated that the party "has a nationalist position". [8d] Holds one seat in the current parliament. [2a] (Section 3)

New Rights (*Akhali Memarzhveneubi: AM*) (See also United Opposition bloc, below.)

Founded in 2001 as the New Conservative Party. Leader: David Gamkrelidze [1a] Jane's stated, "The AM initially aimed to develop a principled centre-right position opposed to big government and populist social spending commitments ... The party has taken a hardline opposition stance and refused to take up its seats. It has remained active in demonstrations and protests and has called for Saakashvili's resignation." Website at: <http://www.nrp.ge/Home%20Eng.php>

Democratic Movement - United Georgia

An opposition party founded in November 2008 (after the last election); Leader is Nino Burjanadze. [1a] According to Jane's, "The party was very active in the protest movements during 2009 and has established itself as one of the more radical opposition parties. Throughout its existence, the government has sought to portray the party as controlled externally by Russian forces." [8d] Website at: <http://www.democrats.ge/en/programa/moklevadiani-programa.html>

United Opposition (Bloc, or protest movement) (Also known as the 'Unified Public Movement', 'Unified Opposition' 'Joint Opposition' or 'National Council'.)

Contested the May 2008 elections as a bloc of ten opposition parties, including New Right(s), Freedom Movement, Conservative Party of Georgia, 'Party of Georgia', People's Party, Movement for United Georgia, National Forum, 'Georgia's Way', 'Georgian Troupe' (Kartuli Dasi) and 'On Our Own' Party. [27b] [64a] [1a] The United Opposition bloc's leader in 2008, Levan Gachechiladze, declared on 23 May 2008 that parties forming the bloc would not take up the 17 seats they had won in the elections of 21 May and would boycott Parliament. [17c] On 24 September 2009, Parliament passed a constitutional amendment to allow 10 opposition members to take their seats despite their earlier boycott. By the end of 2009, Konstantine Gamsakhurdia of the Freedom Party was the only member of the United Opposition bloc to have taken up his seat." [2a] (Section 3)

Rightist Alliance - Topadze Industrialists (Bloc)

Formed of three parties: 'Industry Will Save Georgia' (led by Gogi Topadze), the National Democratic Party and 'Unity'. [27b] [1a]

See also Section 7: [Political system](#) and Section 3: [Parliamentary election, May 2008](#)

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Annex C

PROMINENT PEOPLE

President	Mikheil Saakashvili (since January 2004)
Prime Minister	Nikoloz Gilauri (since February 2009)
Speaker of Parliament	Davit Bakradze
Foreign Minister	Grigol Vashadze
Defense Minister	Bacho Akhalaia
Interior Minister	Vano Merabishvili
Justice Minister	Zurab Adeishvili
Finance Minister	Kakha Baindurashvili
Economic Development Minister	Zurab Pololikashvili
Culture and Sport Minister	Nika Rurua
Education and Science Minister	Dmitri Shashkin
Agriculture Minister	Bakur Kvezereli
Minister for Refugees and Accommodation	Koba Subeliani
Minister for Reintegration Issues	Temur Yakobashvili

(USSD Background Note, updated 21 June 2010) [2b]

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

President of the “Republic of Abkhazia”: Sergei Bagapsh [41]

President of the “Republic of South Ossetia”: Eduard Kokoity [40]

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STC	Save The Children
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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