

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	100
Land:	Georgien
Kilde:	U.S. Department of State
Titel:	"Country Report on Human Rights Practices - 2006"
Udgivet:	6. marts 2007
Optaget på baggrundsmaterialet:	20. marts 2007



Georgia

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

The constitution of the Georgian republic provides for an executive branch that reports to the president, a unicameral Parliament, and an independent judiciary. The country has a population of approximately 4.4 million. In 2003 former president Shevardnadze resigned during what became known as the Rose Revolution. Mikheil Saakashvili won the presidency in 2004 with over 90 percent of the vote in an election, and his National Movement Party won a majority of seats in the Parliament. International observers determined that the 2004 presidential and parliamentary elections represented significant progress over previous elections and brought the country closer to meeting international standards, although several irregularities were noted. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record improved in some areas during the year, although serious problems remained. While the government took significant steps to address these problems, there were some reports of deaths due to excessive use of force by law enforcement officers, cases of torture and mistreatment of detainees, increased abuse of prisoners, impunity, continued overuse of pretrial detention for less serious offenses, worsened conditions in prisons and pretrial detention facilities, and lack of access for average citizens to defense attorneys. Other areas of concern included reports of government pressure on the judiciary and the media and - despite a substantial reduction due to reforms led by the president - corruption.

During the year the government took significant steps to improve the human rights situation. One notable example was its stepped up effort to combat human trafficking, which included adoption and implementation of a new antitrafficking law that resulted in 16 convictions of traffickers. The government also continued a broad reform of the justice system to improve the investigation and prosecution of some law enforcement abuses and increase the independence of the judiciary.

De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside the control of the central government; ceasefires were in effect in both areas, although incidents of violence, including deaths, occurred in both areas. In both Abkhazia and South Ossetia, deprivation of life, arbitrary arrest, and detention continued to be problems.

During the year de facto authorities in Abkhazia restricted the rights of citizens to vote and to participate in the political process via a citizenship law that forced ethnic Georgians to give up their Georgian citizenship. They also failed to allow the opening of a UN human rights office, deployment of a UN civilian police contingent, or instruction in Georgian language in the Gali district of Abkhazia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings. In July four ministry of internal affairs officers were convicted in the January beating death of Sandro Girgvliani. The prosecutor general's office opened investigations into reports that the police used excessive lethal force to apprehend criminal suspects. In August a police officer was convicted in the 2004 shooting death of Amiran Robakidze. There were reports of arbitrary and unlawful killings in the separatist areas of South Ossetia and Abkhazia, areas not under government control.

On March 27, special forces units entered Tbilisi Prison No. 5, a pretrial detention facility designed to hold 1,500 but which was housing a population of 3,700 detainees, to quell a disturbance, resulting in the deaths of at least seven detainees. The government subsequently released a videotape showing members of the Thieves-in-Law, a network of organized crime gangs, planning the uprising in order to disrupt the government's efforts to break the gangs' influence. In May the Ministry of Internal Affairs released records of phone conversations between a reputed gang boss and detainees in Prison No. 5 during which the boss gave instructions and encouragement to the detainees. NGOs and the

public defender's office disputed this conclusion and alleged that sustained abuse of detainees by prison officials, including the head of the penitentiary system, sparked the incident. The public defender further alleged that the government understated the extent of prisoner death and injuries resulting from the operation and that seriously injured detainees were denied medical care for injuries sustained in the operation. The public defender, the Organization for Security Cooperation in Europe (OSCE), and NGOs called for an independent inquiry into allegations that the special forces had used disproportionate force to quell the disturbance. The prosecutor general's office opened an investigation into the lawfulness of the actions taken by law enforcement during the incident. The investigation continued at year's end.

In July Gia Alania, Avtandil Aptsiauri, Aleksandre Ghachava and Mikheil Bibiluri, officers in the Ministry of Internal Affairs' Department of Constitutional Security, were convicted in the January beating death of Sandro Girgvliani and were sentenced to seven years' imprisonment. Alania admitted in a pretrial statement that he and his fellow officers abducted and then beat Girgvliani and his friend Levan Bukhaidze after they heard the two men make disparaging remarks about senior ministry officials outside a Tbilisi bar. NGOs criticized the thoroughness of the investigation, which initially was conducted by the Ministry of Internal Affairs and on March 6 was transferred to the prosecutor general's office, and the fairness of the verdict. They claimed that government authorities had not comprehensively investigated the alleged involvement of four senior interior ministry officials, Guram Donadze, Vasil Sonadze, Dato Akhalia, and Oleg Melnikov, as well as Tako Salkaia, the wife of the minister of internal affairs, whom the NGOs asserted had ordered the beatings after an altercation with Girgvliani and Bukhaidze inside a Tbilisi bar. Senior government officials, however, stated that there was no evidence to implicate anyone else in the murder despite their offer of a plea bargain to the convicted officers.

As part of a broad effort by the government to fight organized crime, prison authorities removed members of the Thieves-in-Law from their privileged cells, which often contained luxuries such as flat screen televisions, and isolated them from the general prison population. NGOs reported, however, that during and following this process, prisoners were severely beaten and abused by prison authorities who often wore masks to conceal their identities. There are unconfirmed reports that three prisoners died during the effort.

On August 10, police officer Grigol Bashaleishvili was sentenced to four years' imprisonment in connection with the 2004 shooting death of Amiran Robakidze. Initially, the ministry of internal affairs reported that Robakidze had been shot while police were trying to apprehend an armed gang and then released video footage showing assault rifles that had allegedly been seized from the car in which Robakidze had been riding. A subsequent investigation revealed that the police had planted the evidence. The prosecutor general's office continued its investigation at year's end into allegations that interior ministry officials fabricated evidence to conceal police culpability in the shooting of Robakidze.

During the year, to address a serious crime problem dating back to the immediate post-independence period when organized crime and armed gangs operated openly, the government announced a "zero tolerance" of crime policy. NGOs criticized the policy which they claimed violated the presumption of innocence and resulted in a reported 12 deaths in Tbilisi from the excessive use of force by police.

In a May statement, the minister of internal affairs rejected NGOs' claims that the police were using excessive force in arresting suspects. He stated that as a result of the government's successful anticorruption efforts, criminals could no longer resort to bribing police or judges to avoid prison sentences and resorted instead to violent means to avoid arrest by police.

The office of the prosecutor general's investigations into five of the 12 deaths highlighted by NGOs--a May incident involving Aleksandre Khublovi and Zurab Vazagashvili, suspects in an assault case, and a March incident involving Murman Movsesiani, Gela Gaidenini, and Levan Darsadze, suspected members of an organized crime gang--continued at year's end. In December the prosecutor general's office concluded after its investigation of a February incident involving Zviad Babukhadia, Butkhuz Kizira, and Valeri Bendeliani, suspected members of an organized crime gang, that police had not used excessive force in their efforts to apprehend the suspects and had only fired when the suspects had fired on them.

Two police officers were suspended pending an investigation of the December 6 death in Kutaisi of Valeri Pkhakadze, who was allegedly shot and beaten by police investigating a break-in.

Appellate proceedings were still pending at year's end in the 2004 conviction of police officer Roland Minadze on charges of falsification and fabrication of evidence in connection with the 2004 beating and subsequent death of Khvicha Kvirikashvili. After his conviction was initially returned by the Supreme Court to the Tbilisi City Court for rehearing in October 2005, Minadze was released under police supervision pending the rehearing.

Minadze subsequently disappeared and was convicted in absentia and sentenced to four years' imprisonment in December 2005.

Despite ceasefires, killings were committed by elements on both sides of the separatist conflict in South Ossetia. The de facto South Ossetian authorities did not investigate, prosecute, or punish anyone for previous killings such as the October 2005 fatal shooting of Givi Chukhrukhidze.

Violence continued in Abkhazia. In February 16-year-old Zviad Pirtskhalava was killed by an armed gang who attacked his family in the Barghbi village. In August Demur Gogokhia and Manuchar Patsulaia were allegedly killed while in the custody of Abkhaz de facto law enforcement personnel. No investigations were conducted by Abkhaz de facto authorities into the deaths of Meri Jalagonia, who was killed in March 2005 by an armed gang that also beat her family; Lasha Rigvava, who was killed in April 2005 in an incident involving Russian peacekeeping forces; and Tsiuri Margania, whom Abkhaz militants killed in May 2005.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992-93 fighting. During the year there were no reports of deaths from landmines in Abkhazia. However, individuals in Abkhazia were injured in mine explosions. In December Dmitri Katsia, de facto administrator of the Repi village in the Gali region, was injured in a landmine explosion.

Landmines posed a threat in South Ossetia. In August a Russian peacekeeper was injured in a landmine explosion near the village of Kekhvi. In October, also near the village of Kekhvi, one Georgian man was killed and another injured in a landmine explosion.

b. Disappearance

There were no reports of politically motivated disappearances perpetrated by the government. However, conflict-related disappearances and kidnappings were frequent during the year in the separatist regions (see section 1.g.) of Abkhazia and South Ossetia.

In January armed gangs kidnapped 14 ethnic Georgians from the villages of Nabakevi and Gagida in Abkhazia and 30 young men from Gali. The whereabouts of Gocha Djaremlishvili, who was kidnapped in July 2005, remained unknown.

The Abkhaz continued forcefully conscripting underage male ethnic Georgians living in the Gali region of Abkhazia into the army.

Government and Abkhaz commissions on missing persons reported that more than 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992-93 war in Abkhazia (see section 1.g.). The International Committee of the Red Cross (ICRC) assisted joint official efforts to fulfill the country's obligations under international humanitarian law to provide information to the families of missing persons. This included the determination of gravesite locations and the exhumation, identification, and repatriation of remains to the families. No repatriations occurred during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, although they occurred. During the year the government took steps to implement changes to the Code of Criminal Procedure adopted in 2004 and 2005 to address torture and mistreatment and initiated at least 68 investigations during the year (see section 1.d.).

In January Mikheil Chkeidze alleged police officers mistreated him in the Bagdadi region. An official investigation was pending at year's end.

On February 12, Batumi police patrol officer Mamuka Jincharadze reportedly severely beat Jemal Baramidze of Batumi with his pistol, after stopping him for speeding, causing serious injury. In August the Kehlvaichauri District Court convicted Jincharadze of exceeding authority and sentenced him to three years' imprisonment. Jincharadze's appeal was pending in the Kutaisi Appellate Court at year's end.

In May Eduard Jaogli alleged police officers mistreated him in the Isani-Samgori police station. An official investigation was pending at year's end.

In September Gia Razmadze alleged mistreatment by police officers in the Kvemo Kartli region. An official investigation was pending at year's end.

In November Avtandil Khvinchiashvili alleged police officers mistreated him in the Gladani-Nadzaladevi police station. An official investigation was pending at year's end.

A special commission investigation continued at year's end into the alleged April 2005 beating of inmate Eldar Konenishvili in Prison No. 1 and later at Gurdzhani police station. As part of its investigation, the special commission interrogated prisoners, officials and medical personnel in Prison No. 1, escorting officers, and law enforcement officers and other witnesses at Gurdzhani police station. The commission also reviewed results of an April 2005 medical examination of Konenishvili, which included a computer-assisted tomography scan, magnetic resonance imaging, and x-rays. In December 2005 the police officer who allegedly beat Konenishvili was removed from his position.

The prosecutor general's office did not release any results in its investigation into the 2004 allegation of torture of former chief of the State Audit Agency Sulkhan Molashvili while in pretrial detention. The office stated that its investigation was hampered by Molashvili's refusal to cooperate. As directed by the European Court of Human Rights (ECHR), the government established a parity commission to examine Molashvili's health. The prosecutor general's office stated that the commission's efforts were also initially hampered by Molashvili's uncooperativeness. In June the Court of Appeals affirmed Molashvili's sentence to eight years' imprisonment for abuse of power and misappropriation of funds. Molashvili's attorneys announced their intention to appeal the sentence to the ECHR, where another case alleging that the prosecution of Molashvili was politically motivated was already pending. At year's end Molashvili was being held in a prison hospital.

Human rights advocates reported that, because of ongoing unannounced and random monitoring of police stations, allegations of abuse by law enforcement officials at police stations remained low. However, they reported that the number of detainees registered with signs of abuse upon arrival at police stations or pretrial facilities remained high. Amnesty International (AI), domestic NGOs, and the public defender's office reported a large number of cases in which a detainee reportedly sustained injuries resulting from police mistreatment during arrest. The police claimed injuries were either pre-existing or the result of detainee resistance.

Law enforcement officers reportedly tortured or abused detainees in their homes or in cars while taking them to a place of detention. There were also allegations that plainclothes security service agents attacked several people on the street or abused them in unpopulated places, such as cemeteries or forests. In January four Ministry of Internal Affairs officers abducted Sandro Girgvliani and Levan Bukhaidze from a Tbilisi street and beat them at a cemetery. Girgvliani died as a result of the beating and, in July, the four officers were convicted and sentenced to seven years in prison. No charges were brought in connection with Bukhaidze's beating (see section 1.a.).

The public defender's office reported that, in the first six months of the year, monitoring groups conducted 307 visits to police stations throughout the country. This was a decrease from 2005, when the monitoring groups conducted 1,763 such visits. The public defender's office diverted resources for monitoring of police station isolators to increased monitoring of pretrial and prison facilities due to the deteriorating situation in those facilities.

During the year there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem, particularly in outlying regions (see section 1.d.). NGOs continued to claim that close ties between the prosecutor general's office and the police hindered their ability to substantiate police misconduct and believed the continuing lack of professionalism and independence of the judiciary 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. NGOs also believed a lack of adequate training for law enforcement, as well as low public awareness of the protections afforded citizens, impeded improvements.

According to statistics from the ministry of internal affairs, of the 18,083 detainees held during the year, 2,962 (16 percent) were registered with injuries, 191 of whom claimed to have been beaten by police. Of the 105 cases investigated by the general inspector's office of the ministry, 70 cases were referred to the prosecutor general's office. According to the public defender's office, during the first six months of the year, the police station groups monitoring police station isolators noted 384 breaches in 307 observed cases including, for example, instances of mistreatment, warrantless searches, and failure to inform detainees of their rights. The public defender's office noted that the monitoring groups found no instances where 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.

The courts implemented additional amendments to the criminal procedure code adopted in 2005, which were intended to discourage law enforcement officers from engaging in torture and abuse. The amendments exclude evidence obtained in violation of the law and require that confessions given by detainees during detention be ratified in court before being admissible as evidence.

All law enforcement officers and representatives of the prosecutor's office, except for officers of the special police unit, were required to wear identity badges during meetings with detainees and prisoners. Special police units were exempted to protect members' anonymity. NGOs believed this prevented accountability for any abuse by the units. Despite 2005 legislative reforms, prisoners continued to allege abuse by masked prison authorities wearing no identifying numbers or symbols.

There were still significant obstacles to bringing cases of police torture and mistreatment to light. NGOs reported victims often did not report abuse, fearing police retribution against them or their families. The public defender's office was aware of several cases of apparent abuse, but the detainees who had visible injuries later refused to report abuse, became uncooperative in the investigation, or withdrew their earlier complaint.

Prison and Detention Center Conditions

During the year the ministry of justice, which includes the department of prisons, launched a comprehensive multiyear

effort to reform all aspects of the penitentiary system. This first year was funded by an 87 percent increase in the government's budgetary allotment compared with 2005 for the Department of Prisons. During the same period, however, the inmate population grew approximately 68 percent, eroding some of the benefits that could have been realized by the increased budgetary allotment.

The justice ministry opened new prisons that met international physical standards in Rustavi and Kutaisi as well as new separate pretrial detention facilities for male juveniles and women. While male juveniles were held separately from adult males, female juveniles continued to be confined with adult females. Juvenile detainees were not provided educational opportunities despite sometimes being confined for extended periods.

Despite the opening of new and remodeled facilities, conditions in prison and pretrial detention facilities generally remained poor, did not meet international standards, and even worsened during the year. The ICRC, the public defender's office, the OSCE, and many NGOs, including Human Rights Watch (HRW), continued to report inhumane and life-threatening conditions, including poor facilities, overcrowding, and inadequate nutrition and health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities. Abuse of prisoners by prison staff increased, while extortion continued, according to the public defender and NGOs including HRW.

The majority of prisons and pretrial detention facilities were severely overcrowded, sometimes at double their capacity, due to the increased prison population. NGOs attributed the increase to the government's aggressive "zero tolerance" anticrime campaign and a case backlog resulting from an understaffed and inexperienced judiciary. An estimated 63 percent of inmates were detainees awaiting trial.

Despite statements by the Ministry of Justice that the March 27 incident (see section 1.a.) destroyed Tbilisi Prison No. 5 and made it unsuitable for housing detainees, the prison continued to be used as a pretrial detention facility.

Since December 2005 HRW noted a serious increase in the number of reports of frequent beatings and degrading treatment of inmates, such as repeated strip searches sometimes conducted outside in winter weather. In March, after the public defender's office called for an investigation, the prosecutor general's office opened an investigation into the beating of Iago Tsikvadze in Tbilisi Prison No. 1. According to a statement Tsikvadze gave to the public defender's office, he was severely beaten by prison officials, including the head of the prison, Temur Tabaghua. Tsikvadze also stated that prison officials denied his requests to see a doctor. At year's end the prosecutor general's office stated that Tsikvadze's attorney had not yet responded to its request to question his client.

In a report to the UN Committee Against Torture, NGOs reported that on January 11, prison officials moved Shalva Ramishvili of independent TV 202 (see section 2.a.) from his regular cell to a carcer, a small disciplinary solitary confinement cell, which Ramishvili alleged lacked necessary ventilation and sanitary facilities. He was reportedly held there for four days.

Despite recent increases in government funding for prisoner well-being, prisoners often relied on packages from family for necessary food, clothing, and hygiene items. As a result of policy changes in June, however, inmates in some facilities reported not being able to receive packages, correspond with family members and, in some limited cases, have the opportunity to meet with their lawyers. Prison officials also reportedly arbitrarily restricted visits by family members in violation of the law. In December sundry shops were opened in Rustavi Prison No. 6 to reduce reliance on packages from outside sources which had been a conduit for smuggling contraband into the prison.

During the year prison authorities ended the influence of the Thieves-in-Law organized crime gangs network, which since the Soviet era had exercised de facto control of prisons through bribes, extortion, and violence. The gangs also coordinated criminal activity outside prisons by using contraband mobile telephones. Gang members were isolated from the general prison population and subjected to 24-hour surveillance. During the year lawyers and family members were denied access to these prisoners (see section 1.a.). According to HRW, in some cases, the treatment of detainees in Tbilisi Prison No. 7, where authorities detained those it considered to be members of the gangs, rose to the level of torture.

Salaries for prison guards were increased and paid regularly. Although corruption among guards diminished since the isolation of the Thieves-in-Law gangs, which used a system of obshyak to extort money from fellow prisoners in order to bribe prison officials, some guards reportedly demanded money from inmates' family members. Nevertheless, according to prison officials, the surge in turnover in prison guards was due in part to the loss of income from bribes and also to prison authorities' intolerance of this behavior.

The ministry of justice established a Penitentiary and Probation Training Center at which all new employees were required to complete training in human rights standards. The conveying service within the department of prisons was reformed to eliminate delays in transporting inmates to court proceedings. Previously corruption and inefficiencies resulted in frequent delays and postponements of court proceedings.

The investigative service of the department of prisons within the ministry of justice conducted investigations into

allegations of misconduct committed by prison officials. During the year the investigative service opened 281 investigations of allegations that prison officials brought prohibited items such as illegal narcotics onto prison grounds. For example, in October Ramaz Gabisonia, an official in the women's prison, was detained on charges of bribery and possession of prohibited items on prison grounds. The investigative service also initiated 16 criminal investigations of alleged violations of prisoner rights. All investigations were pending at year's end.

NGOs reported violence among prisoners continued during the year. The public defender's office reported that following an incident in the juvenile detention facility when an inmate was doused with boiling water by other inmates, their office intervened to obtain medical treatment for the injured juvenile.

During the year the penitentiary system mortality level worsened. The justice ministry reported that 92 inmates died in the prison system compared with 46 deaths during 2005. Of the 92 deaths, four were reportedly suicides. From early July to late September, when inadequate conditions were exacerbated by very high seasonal temperatures, 31 inmates died. The justice ministry made efforts to improve conditions during that period by providing fans and removing metal window shutters. The public defender's office reported that it frequently petitioned prison officials to obtain necessary medical treatment for inmates.

Attempted suicides and self-mutilation occurred in prisons as protests against declining prison conditions and human rights violations. There were also sporadic hunger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the government.

With the exception of the new prisons in Kutaisi and Rustavi, medical facilities including equipment and medicines were severely lacking. Control over prison hospitals had been transferred to the ministry of labor, health, and social protection; however, there were no mechanisms in place to implement this change. Mortality figures issued by the ministry of justice attributed many deaths in the prison system to untreated intestinal infections and cardiovascular disease. While one prisoner died of tuberculosis, NGOs noted that there was a successful tuberculosis testing program implemented in all prisons.

NGOs including HRW reported that the situation for inmates with psychiatric concerns was grave. Authorities did not transfer some inmates suffering from psychiatric problems to medical wards despite court orders requiring it. Reportedly inmates with psychiatric problems sometimes were housed in isolation cells.

The OSCE and the public defender reported difficulty in visiting Tbilisi Prison No. 5 and injured inmates in the immediate aftermath of the March 27 incident (see section 1.a.). Local human rights groups reported difficulty in visiting prisons and pretrial detention facilities in the wake of allegations of abuse by prison authorities. HRW stated that some inmates were unwilling to talk to its representatives and that despite assurances from senior prison officials, prison authorities actively interfered with the NGO's efforts to interview inmates privately.

The Human Rights Protection Unit of the prosecutor general's office had free access to monitor conditions at temporary isolator units at police stations, pretrial detention facilities, and prisons and to respond to reports of torture, inhuman, or degrading treatment. During the year the unit monitored 76 cases related to prisons, which resulted in the initiation of 12 investigations by the prosecutor general's office.

During the year the justice ministry began setting up a series of local commissions to monitor conditions at prisons. By requiring that commission members live in proximity to a facility, the ministry believed commission members would take a more active role in monitoring prisons than did members of the former prison monitoring council. Local commissions were fully implemented for 11 facilities including the prison hospital facility and the women and juvenile detention facility. Commission members have the right to make unannounced visits to prison facilities. However, monitoring commissions are not allowed to bring audio or video equipment with them to document prisoner injuries or specific objectionable prison conditions.

Among other concerns, the Batumi Prison No. 3 Monitoring Commission noted in its quarterly report that cells designed for 16 were routinely occupied by up to 36 inmates, that there was no natural ventilation, and that water was not regularly available in the cells. The board also noted that inmates lacked information about their rights. The board noted that prisoners regularly received packages from their families.

The ICRC had full access to detention facilities.

The ICRC also had full access to detention facilities in Abkhazia and South Ossetia. Prison conditions in the two regions were chronically substandard, although overcrowding was reportedly not a problem.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs has primary responsibility for law enforcement. During times of internal disorder the government may call on the ministry or the military. The ministry controls the police, which are divided into functional departments as well as a separate, independently funded police protection department that provides security and protection to private businesses.

Public confidence in the patrol police remained high during the year due to a continuing low incidence of corruption. Higher salaries for police officers provided an incentive for them to refrain from using their positions to extort money from citizens and from mistreatment or abuse of detainees so as to not jeopardize their jobs.

Police misconduct, such as the fabrication or planting of evidence, reportedly decreased; however, allegations persisted that authorities continued to use threats to plant or fabricate evidence against suspects or their families. At year's end the prosecutor general's office continued its investigation launched in August into allegations that Ministry of Internal Affairs officials fabricated evidence to conceal police culpability in the shooting of Amiran Robakidze (see section 1.a).

Authorities arrested or administratively disciplined police officers in high-profile cases of physical abuse or deaths in custody. The human rights protection unit within the general prosecutor's office issued regular updates on the status of cases, trials, and investigations of human rights violations. According to the unit, during the year the general prosecutor's office handled 137 criminal cases concerned with alleged mistreatment, abuse, or torture by law enforcement officers and brought charges against at least 16 law enforcement officials. Seven officials were found guilty.

However, NGOs believed that the incidence of abuse was higher than the number of cases investigated by the prosecutor general's office and that this failure to conduct systematic investigations and pursue convictions of all alleged abusers continued to foster a long-standing culture of impunity, particularly in regions outside Tbilisi.

Human rights NGOs also believed that many instances of abuse went unreported by victims due to fear of reprisals or lack of confidence in the judicial system.

The public defender called for an investigation into allegations that, on May 27, masked Georgian law enforcement officers detained and abused dozens of ethnic Ossetians in the South Ossetian conflict zone. No investigation had been opened by year's end.

During the year the prosecutor general's office did not bring charges in any of the hundreds of allegations of abuse from 2004 submitted to it by the NGO Former Political Prisoners for Human Rights (FPPHR). The prosecutor general's office previously reported it had opened investigations into some of the allegations, but asserted that the alleged abuses submitted by FPPHR often lacked sufficient detail to investigate. The office's investigations into allegations of abuse committed by police officers Roland Minadze and Levan Levidze were tried in 2005 (see section 1.a.).

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 an investigation that charges were not warranted, the decision could be appealed to a higher level of the office. Any person subjected to abuse was able to pursue a civil action against the abuser.

NGOs reported that the prosecutor general's office opened investigations but often continued them indefinitely without issuing any findings or, if concluded, usually substantiated the reasonable use of force by police. During the year at least nine investigations conducted by the office into allegations of torture or abuse and inhumane treatment concluded that the police had not committed any violation.

NGOs alleged that officials accused or convicted of abuse were often granted preferential treatment by the courts. For example, NGOs noted that 14-year-old George Zerekidze was sentenced to 10 years' imprisonment for attempted murder, while the four ministry of internal affairs officers convicted in the beating death of Sandro Girgvliani were sentenced to seven years. In May Malkhaz Albuladze, a Kutaisi prosecutor who reportedly beat Avto Anukitdze, was dismissed from his position but was not detained. An investigation was ongoing at year's end.

In March the Supreme Court ruled that the conviction of Levan Levidze, a senior inspector in the ministry of internal affairs, on charges of abuse of authority and forgery, was not supported by the facts, reduced the charges against him, and reduced his sentence from six years to one year and nine months' imprisonment.

In June police officers Lasha Buquri, Giorgi Khonelidze and Giorgi Miqaberidze were convicted in Tbilisi City Court of crimes including arbitrary arrest and abuse by exceeding legal authority. Buquri and Khonelidze each received a four-year prison sentence and Miqaberidze received a five-year sentence.

In October the prosecutor general's office submitted to the Mtskheta court a case charging police officers Bondo Tatunashvili and Besik Orkodashvili with torture of two teenagers. The trial was pending at year's end. The government held Tatunashvili and Orkodashvili in detention during the investigation and in October released them on bail.

Other cases involving mistreatment or illegal detention were pending in the courts at year's end. For example, in October the prosecutor general's office forwarded to the Tbilisi City Court a case against police officer Simon Ekvimishvili alleging that he exceeded official authority when he struck Ilia Sologashvili during an arrest.

In June a new police code of ethics came into force which obliged police officers to uphold the human rights of all persons and to use force only when strictly necessary for the performance of their duty. However, there is no office of professional responsibility within the police.

During the year the Police Academy included training on human rights in the basic course for patrol police and also conducted additional specialized training on human rights in conjunction with international partners such as the Council of Europe.

Arrest and Detention

By law a person can only be arrested upon sufficient evidence and with a warrant. Judges issued warrants and detention orders; they could be obtained post facto and usually were. In practice police continued to detain persons without warrants. NGOs stated that reports of police planting drugs or weapons in order to make an arrest declined. The prosecutor general's office is the only body authorized to engage directly with the courts.

NGOs criticized a February statement by President Saakashvili criticizing judges for showing what he called "too much mercy" towards criminal suspects and calling for a "zero tolerance" policy toward all crime in order to address the high crime rate which has burdened the country since independence. NGOs including HRW said that the President's statement violated the presumption of innocence, resulted in the surge in the alleged use of excessive force by police during arrests, and pressured judges to impose detention as a pretrial measure for individuals accused of even minor crimes.

The law provides for detainees to be charged within 72 hours, and they usually were. Those not charged within this period must be released. Within the last two years, six detainees were released after being held longer than 72 hours without charge.

Bail was the legislatively preferred alternative to pretrial detention. As of October the government released on bail approximately 50 percent of those arrested. Citing the example of police officer Grigol Bashaleishvili, who was released on bail despite admitting his guilt in the shooting death of Amiran Robakidze, the public defender and NGOs questioned the fairness of the granting of bail in some cases.

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. According to the law, the indigent defendant's attorney is appointed by the judge, although the defendant may seek a change in counsel. In practice there were not enough attorneys for the indigent (see section 1.e.), and defendants did not always receive an attorney. A 2005 pilot project set up two public defender's offices. Attorneys were provided at public expense in these areas, which included Tbilisi.

Defense counsel had the right to meet the accused without any hindrance, supervision, or undue restriction; however, some attorneys complained that audio and video equipment in police stations intended to record interrogations of suspects by law enforcement or investigators was sometimes being used to improperly monitor privileged attorney/client conversations.

Officers must notify detainees' families of their location within five hours of their arrest and note the circumstances of the notification in the case record. Monitoring boards regularly reviewed these records during their visits to police stations.

Police routinely orally informed detainees of their rights so there was no written confirmation from detainees acknowledging that they had been fully informed of their rights. The public defender's office and NGOs reported that police often failed to completely inform detainees of their rights or that, even if informed of their rights, detainees did not understand them.

Former Member of Parliament and minister of state security Irakli Batiashvili claimed that his July 30 arrest on charges of treason was politically motivated and that there was insufficient evidence to support the charges against him. Furthermore, he alleged that the evidence presented by prosecutors to support the charges had been fabricated by the ministry of internal affairs. Batiashvili allegedly provided intellectual support and encouragement to rebels in the Kodori valley during a July uprising and also failed to report to authorities the existence of the rebels' coup plot. The

prosecutor general's office submitted the case to the court and, at year's end, Batiashvili remained in detention pending trial.

According to amendments to the Code of Criminal Procedure adopted in December 2005, pretrial measures of restraint included detention, release on bail, and personal guarantee. The amendments eliminated alternatives such as house arrest and police supervision. The judiciary resorted frequently to pretrial detention irrespective of the gravity of the offense. NGOs noted that due to economic hardship, some defendants were not able to pay bail even when it was granted and thus ended up in pretrial detention. After a February speech in which President Saakashvili called for the abolition of probation, it was virtually never awarded by the courts. Under the law and in practice, the overall maximum time period for trial and exhaustion of appeals was 12 months.

Abuse in police station isolator facilities remained low, while incidents of police abuse inflicted during arrest persisted (see section 1.c.). Outside Tbilisi abuse in police isolator facilities continued due to less frequent monitoring.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. During the year the government took steps to increase the effectiveness of the judiciary through increased budgetary allotments and training and to strengthen the independence of the judiciary by reforming the High Council of Justice. Reports persisted, however, that the executive branch and powerful outside interests continued to pressure judicial authorities. 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 expressed concerns that recent judicial appointees lacked experience and training to act independently. The high number of vacancies at the trial court level resulted in long delays in scheduling of trials, which in turn required pretrial detainees to be kept in severely overcrowded detention facilities for extended periods.

Pursuant to amendments adopted throughout the year, the High Council of Justice became an independent institution within the judicial system in charge of providing administrative support to the judiciary. The council had 18 members, including nine members elected by the Conference of Judges, the chairman of the Supreme Court, and eight nonvoting ex officio members from the executive and legislative branches.

In June membership on the High Council of Justice was changed to increase the number of judicial members and to remove the prosecutor general. Judicial members now constitute the majority

of members on the council. Other executive and legislative branch appointees, however, remained on the council.

In December Parliament approved a constitutional amendment to remove from the president the power to appoint or dismiss judges and granted it to the High Council of Justice. The president had been granted this power in a constitutional amendment adopted in 2004. The chairman of the Supreme Court will replace the president as the chair of the council. Despite the use of objective written examinations to create a pool of potential qualified appointees, the judicial appointment process was not transparent. Oral interviews of appointees were held behind closed doors with no written or testimonial record.

Ex parte communications between lawyers and parties with judges were common, which facilitated Soviet-style "telephone justice." Lawyers, including prosecutors, and parties to litigation reportedly used this avenue to pressure judges to decide cases in ways favorable to their interests.

Judges are disciplined by the High Council of Justice based on a disciplinary code. In late 2005 the council instituted a disciplinary action against justices of the Supreme Court on grounds that they had, among other allegations, incorrectly decided a case. By "incorrect," the council meant that the application of the law by the justices differed from that of the council. No allegation of fraud or misconduct was made against the justices. NGOs and legal experts widely criticized the action as infringing on the core responsibility of judges to interpret and apply the law according to their knowledge and experience. The Supreme Court confirmed the disciplinary committee's decision in August, and the justices were expelled from the court. The decision by the High Council of Justice to expel judges on the basis of a decision with which the council disagreed effectively chilled independent decision-making by judges.

Defendants must confirm in court any statements they gave while in pretrial detention; otherwise, the statements will not be accepted as evidence. NGOs reported that this provision had little impact, either because detainees feared reprisal if their statement was not ratified in court or because the public was not aware of this protection.

In August 2005 Irakli Sioridze, a court officer of the justice ministry, was detained on charges of exceeding authority. During an hour-long interrogation, several law enforcement officers reportedly beat and kicked him severely in order to force him to give incriminating evidence against Giorgi Usupashvili. According to Sioridze, the officers wanted him to sign a statement saying that Usupashvili had misappropriated \$111,000 (200,000 lari). By year's end Sioridze was released pending a final verdict on his case. The criminal code includes a provision that increased the vulnerability of witnesses to improper police pressure. The amendment prescribes penalties of up to five years in prison for witnesses who change or retract their original statements to police. NGOs believed this made witnesses less likely to amend

initial statements provided under police pressure.

The High Council of Justice administered a three-tiered court system comprised of regional and city courts, appellate courts, supreme courts of autonomous republics (which serve as appellate courts in the relevant territorial units), and the Supreme Court. Regional and city courts hear routine criminal, civil, and administrative law cases. At the next level are three appellate courts, which unlike their predecessors serve a purely appellate function. The Supreme Court acts as the court of final instance (or as a court of cassation). A system of magistrates to hear specific cases such as misdemeanor cases was included in amendments adopted in 2005 but has not yet been fully implemented. The salaries of judges at all levels were raised to reduce the incentive for corruption.

A constitutional court arbitrates disputes between branches of government and rules on individual human rights violation claims; it generally demonstrated judicial independence. The power of constitutional review is vested solely in the constitutional court. The court interpreted its function in human rights cases narrowly, agreeing to rule only on cases in which human rights were violated as a result of specific articles of law.

Trial Procedures

Defendants have the right to a public trial. While the 2005 criminal procedure code provides for jury trials for certain grave crimes, the provision had not yet been implemented.

Defendants have the right to be present at their trial and to consult with an attorney; however, access to defense attorneys for indigent defendants was limited in practice. While a new nationwide bar association convened in April, it did not offer pro bono or low cost legal services to indigent defendants. The government and NGOs funded legal clinics, although there still remained a shortage of defense attorneys. The economic situation in the country was such that the majority of the population could not afford legal representation. As a result, the majority of criminal defendants proceeded without benefit of counsel. According to the Criminal Procedure Code, by 2007, the ministry of justice is required to provide attorneys to all indigent defendants at government expense.

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.

Under some provisions, defendants could be tried in absentia and, during the year, eight persons were. In August Ioseb Gvenetadze, a police official in Rustavi, was convicted in absentia of exceeding authority for using force to coerce confessions from four robbery suspects. Gvenetadze was sentenced to seven years imprisonment.

Defense counsel and the defendant have the right to participate in pretrial hearings; however, their presence is not mandatory. Failure of defense counsel to appear at a hearing can not be grounds for postponement of a hearing. A judge may rule on an appeal of a pretrial preventative measure without a hearing. In practice defense counsel usually receives notification of scheduled pretrial hearings by telephone.

In response to recommendations from the UN special rapporteur, Amnesty International, and Human Rights Watch, in December 2005 the government adopted amendments to the Code of Criminal Procedure requiring that the courts void any plea bargaining agreement that infringed upon a party's right to request criminal proceedings in cases of torture or inhumane treatment. The court must certify that the agreement was reached without resort to violence, intimidation, deception, or illegal promise and that the accused had the opportunity to obtain legal assistance. NGOs criticized plea bargaining agreements saying that almost all required the accused to pay money and were rarely used to obtain information on other criminal activity.

However, the prosecutor general's office reported that the majority of plea bargaining cases support ongoing investigations into drug trafficking. Reportedly, some plea bargaining agreements still tacitly included an understanding that the accused would not pursue complaints of abuse or mistreatment against law enforcement authorities or would support law enforcement's version of events to avoid negative publicity.

Political Prisoners and Detainees

The parliamentary human rights committee and public defender claimed that there were no political prisoners in the country; however, many individuals, including several high-ranking officials from the previous government, considered themselves to be political prisoners (see section 1.d.). Local human rights organizations varied on estimates of how many political prisoners there were, reporting from none to 20.

The government permitted international human rights and domestic organizations to visit those claiming to be political prisoners, and some organizations did so during the year.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, however, there were concerns about professionalism of judges and transparency in adjudication. The constitution and law provide that a person who suffers damages resulting from arbitrary detention or other unlawful or arbitrary act is entitled to bring a civil action.

NGOs and the public defender criticized the government's November seizure and destruction of 100 tons of alleged counterfeit wine from a winery in Akhmeta without prior legal procedures or notice. The president later condemned the government's actions. The wine producer said it plans to sue the government for damages but had not done so by the end of the year. In December the public defender's office expressed concern over alleged violations of individual property rights in the government's appropriation of property in Tbilisi, Gori and Signaghi. In December senior government officials announced that probes had been launched into these cases.

In Abkhazia the de facto Parliament in May adopted a decree banning de facto courts from considering any property claims filed by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby effectively stripping internally displaced persons (IDPs) of their property in Abkhazia. According to the decree, any previous judgments or pending procedures related to ethnic Georgians' property were nullified. De facto courts in Abkhazia reportedly did not make efforts to establish facts or administer justice but acted simply at the direction of prosecutors and law enforcement. Criminals paid bribes to police, prosecutors, and judges to avoid prosecution.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

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. NGOs continued to report that in practice police conducted searches and occasionally monitored private telephone conversations without first obtaining court orders; police often obtained the necessary warrant after the fact. NGOs reported that most people were unaware of their right to postpone a search of their home by one hour in order to summon two objective third-party witnesses for the search. The government stated that security police and tax authorities entered homes and workplaces without prior legal sanction.

During a November press conference, the penitentiary chief made public a recording of a telephone call between the public defender and a representative of the public defender's office. The government did not respond to the public defender's request to see the warrant authorizing the recording.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Separatist conflicts in the regions of Abkhazia and South Ossetia remained unresolved, although ceasefires were in effect. Commonwealth of Independent States peacekeeping forces (in effect Russian peacekeepers) were present in Abkhazia. Russian, Ossetian, and Georgian forces participated in a joint peacekeeping force in South Ossetia. Incidents of violence occurred in both Abkhazia, particularly in the predominantly ethnic Georgian Gali region, and in South Ossetia. Two Russian peacekeepers were killed in Abkhazia after unknown gunmen attacked a bus carrying the payroll for Russian peacekeepers stationed in the conflict zone.

The government gained effective control over the upper Kodori valley in Abkhazia following a police operation in July to remove the criminal warlord Emzar Kvitsiani. The rest of the Abkhazia region remained under the control of separatist authorities. The government continued to have no effective control over South Ossetia.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. Abkhaz de facto authorities continued to resist the establishment of a UN human rights office and the establishment of a UN civilian police presence in Gali. The de facto South Ossetian government has a plenipotentiary on human rights.

The situation in the Gali region of Abkhazia, where many ethnic Georgians live, remained tense as a result of kidnapping, arbitrary arrest, and deaths in custody. Systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. While the incidence of serious crime in Gali reportedly decreased during the first part of the year, the incidence of abuse by law enforcement increased, and included arbitrary arrests and detention as well as routine mistreatment of detainees. Law enforcement authorities rarely wore uniforms or carried badges or credentials, allowing them to act with impunity. The deputy chief of the Gali district police force, Otar Turnamba, reportedly extorted payments from farmers trying to bring their crops to market during the fall hazelnut harvest.

An Abkhaz law on citizenship, which excludes the possibility of dual Abkhaz-Georgian citizenship, limited the rights of the ethnic Georgian population in Abkhazia to participate in the electoral process.

In South Ossetia, kidnapping was used reciprocally both as a way to secure release for captured compatriots and for ransom.

In Abkhazia teenage boys were frequently taken from their homes allegedly for forced conscription in the Abkhaz military. Some parents claimed that their sons were younger than 18 and thus too young for military service.

Approximately 247,000 persons, 234,000 from Abkhazia and 13,000 from South Ossetia, remained displaced as a result of the conflicts in Abkhazia and South Ossetia. During the year the government, in conjunction with international organizations and NGOs, developed its first national strategy on IDPs. The strategy seeks to integrate IDPs into Georgian society while creating the necessary conditions for their eventual return to Abkhazia and South Ossetia.

Approximately 110,000 IDPs occupied collective centers in hotels, hospitals, and other civil buildings throughout the country, particularly concentrated in Tbilisi, Zugdidi, Kutaisi, Kobuleti, and Gori. The remaining 135,000 lived in private homes with relatives or friends. The Office of the UN High Commissioner for Refugees (UNHCR) reported that collective centers were not well adapted to serve as homes, and a foreign government continued its housing voucher program for vulnerable IDPs living in collective centers in Kutaisi.

In June police forced dozens of IDPs to vacate the Meskheli Hotel in Batumi. The hotel was purchased by an investor who had pledged to pay \$7,000 (11,995 lari) to each IDP family living in the hotel. While most IDPs accepted the offer, others protested by demanding more, or by claiming that the list of recipients was incorrect, thereby depriving some IDP families of any compensation. Several dozen of the evicted IDPs reportedly returned to Abkhazia.

The Abkhaz separatist regime continued to prevent repatriation of the approximately 234,000 IDPs previously driven from the region, despite its 1994 agreement with Georgia, Russia, and the UNHCR that provided for the safe, secure, and voluntary return of IDPs who left during the war. Approximately 45,000 IDPs, mostly seasonal workers, returned to the Gali region of Abkhazia. The Abkhaz de facto authorities continued to prevent the opening of a UN human rights office in Gali, which would help build confidence for IDP return, despite an agreement to do so.

The de facto South Ossetian authorities continued to obstruct repatriation of approximately 13,000 ethnic Georgians to the region.

Section 2 Respect for Civil Liberties, Including:

Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press. However, there were accusations by NGOs, independent analysts, and journalists that high-ranking government officials exercised some influence over editorial and programming decisions through their personal connections with news directors and media executives. There were scattered reported incidents of actual or incited physical abuse of journalists by government officials. NGOs, media analysts and individual journalists cited the following problems: limited access to public information, nontransparent tenders offered to media outlets, ignoring or boycotting selective media organizations by government officials, unequal treatment of media outlets, absence of contracts or very short term contracts with journalists, indirect and covert pressure on journalists, and lack of financial resources. Most journalists viewed the Law on Freedom of Speech and Expression as very liberal but not always enforced. The Law on Broadcasters provided for the National Commission on Communications to adopt a Code of Ethics for Broadcasters by year's end. The draft code triggered sharp criticism from most journalists and was decried as an attempt by the government to control broadcast media. The National Commission on Communications postponed adoption of the code to allow for public comment.

There were approximately 200 independent newspapers. During the year the print media frequently criticized senior government officials; however, few editorially independent newspapers were commercially viable. In addition lack of financial resources limited their circulation. Typically newspapers were subsidized by and subject to the influence of patrons in politics and business. In August 2005 the government announced an anticorruption action plan calling for an end to all direct and covert subsidies to the media; on December 31, the exemption for print media from property and profit taxes expired. The media remained largely dependent on subsidies.

International media were allowed to operate freely.

There were eight independent or privately owned television stations in Tbilisi and one public station, Channel 1. Three of the Tbilisi - based stations, Channel 1, Rustavi-2, and Imedi claimed nationwide coverage. A fourth Tbilisi channel, Mze, had more limited coverage. A fifth channel, Batumi-based Ajara Television, broadcasted nationwide. An international NGO estimated that there were more than 45 regional television stations outside of Tbilisi, 17 of which offered locally oriented daily news.

Throughout the year newspapers could and did criticize the government. At the beginning of the year, broadcast media tended to be less critical of the government. This changed during the highly controversial Girgvliani case, which received significant coverage, although it took approximately four weeks for independent television station Imedi to report the story (see section 1.a.).

Imedi was criticized by senior government officials for being an "opposition station." The government also alleged that

the media was irresponsible in their reporting, particularly during the Girgvliani case (see section 1.a.) and the June Tbilisi State University professors' protests.

On July 6, the host of the popular weekly political show Free Topic, Eka Khoperia, resigned from the Rustavi-2 television station during a live broadcast, stating that she was being pressured to air the comments of an official of the interior affairs ministry associated with the Girgvliani case. Although she resigned, she later refused to identify the specific officials who had sought to pressure her. Rustavi-2 had been known as one of the most professional and independent television stations in the country but, since its 2005 sale, had become much less critical than its main competitor, Imedi, which had more politically oriented programming.

On August 26, the staff of Rustavi-2 cancelled its afternoon news program when staff boycotted in protest of owner Kibar Kalvashi's decision to remove General Director Nick Tabatadze from his position. The media reported that Tabatadze was dismissed at the request of the then head of the president's administration, whose close friend replaced Tabatadze. In response to Tabatadze's firing, many Rustavi-2 journalists went on strike, and on September 8, six resigned, asserting their commitment to independent reporting. In November Rustavi-2's owner sold the station, reportedly under pressure.

Economic and political pressure on the media, in part encouraged by the general low profitability of media outlets, particularly of print media, resulted in decreased diversity of opinions.

Despite comprehensive laws providing for media freedom and journalist protection, journalists did not avail themselves of these protections and often were uninformed about them. NGOs believed that lack of experience and professionalism explained the media's apparent aversion to asserting their legal rights.

On March 29, Tbilisi City Court sentenced Shalva Ramishvili (see section 1.d.), co-owner and former general director of television station 202, and David Kokhraidze, former co-owner of the station, to four and three years' imprisonment, respectively, for extortion. In August 2005 hidden cameras captured Ramishvili accepting \$30,000 (51,405 lari) from Koba Bekauri, a member of Parliament and member of the National Movement party, in exchange for not reporting on his suspicious stake in a customs operation. Ramishvili and Kokhraidze claimed the incident was a sting operation and part of a report on Bekauri's business dealings. The NGO Reporters Without Borders criticized the ruling.

The prosecutor general's office reported that since television station 202 anchor Irakli Kakabadze did not cooperate in their investigation of his September 2005 beating, the investigation did not progress. According to the NGO Committee to Protect Journalists, some journalists alleged that Kakabadze's beating and the case against television station 202 co-owner Ramishvili constituted retribution for the station's critical coverage.

In December 2005 the governor of the western region of Imereti, Akaki Bobokhidze, had a physical confrontation with reporter Irakli Imnaishvili after the two exchanged words on a televised debate program for local channel Rioni. Bobokhidze badly beat Imnaishvili and broke his nose. Bobokhidze resigned the next day. In February Bobokhidze was appointed chairman of the National Guard; in October the president reappointed him governor of Imereti. In 2005 the prosecutor general's office initiated criminal charges against Bobokhidze; but during the year, these charges were reduced to misdemeanor assault. Imnaishvili did not appeal the reclassification of charges against Bobokhidze. At year's end the case against Bobokhidze was still pending.

On June 21, a special committee in Parliament stripped ruling National Movement Party Member of Parliament Badri Nanetashvili of his parliamentary credentials. The action stemmed from accusations by journalists at the Trialeti television station, which he co-owned, that Nanetashvili was directly managing the local station and interfering in its editorial policy. The law allows Parliamentarians to own media concerns but forbids them from managing editorial policy. Nanetashvili appealed the decision to remove him from Parliament to the Constitutional Court; the case was pending at year's end. Trialeti TV was known as an antigovernment media outlet but after the Rose Revolution became progovernment. At year's end Nanetashvili and Trialeti were also being investigated for alleged tax fraud.

On July 22, Chief of Patrol Police Zviad Tsagareishvili physically assaulted cameraman Lasha Shengelia of Public Broadcasting Company Channel 1 as he was working on a story about a person found dead in Tbilisi's Varaziskhevi Street. The deceased was a brother-in-law of Tsagareishvili. Tsagareishvili resigned as chief of patrol police shortly after the incident. No charges were pressed against Tsagareishvili.

On June 15, NGOs of the Signaghi district organized a protest rally against majority Member of Parliament Nugzar Abulashvili in the village Vakiri. The protesters accused Abulashvili of systematic pressure on the activities of the local self-government bodies. The protesters, accompanied by a large group of national and regional media, were attacked by Abulashvili supporters who broke the video camera of the Gurjaani Television journalist, took away the tapes, and physically assaulted Zviad Ruadze from the independent newspaper Spektr. Local police officers witnessed the attacks but took no action. Local police later arrested three alleged attackers; the former chairman of the Vakiri city council was among them. Authorities held the three men for an unconfirmed period and then released them on bail pending trial.

In October the director of independent radio station Hereti, Ramaz Samkharadze, was beaten by an unidentified assailant in the street. In December Hereti's income-generating computer café was broken into and robbed of computers. Samkharadze attributed both events to local members of the National Movement party due to the fact he had received unidentified telephone threats as a result of Hereti reports critical of the local authorities. As of year's end, local authorities had not investigated the assault on Samkharadze.

Self-censorship was still claimed to be common among journalists, and some observers believed that it was increasing.

The ministry of defense continued to ban journalists it considered undesirable from public briefings. The ban continued after the appointment of a new minister of defense in November. The affected journalists claimed that the ministry's press officer did not return their telephone calls. Journalists complained that it was also difficult to obtain information from the ministry of internal affairs.

Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by their de facto governments. In March authorities in Abkhazia detained three filmmakers for three weeks for allegedly having entered the region illegally. An Abkhaz de facto court refused to allow a Georgian lawyer to represent the filmmakers. Abkhaz de facto authorities also refused to allow UN representatives to meet with the detainees.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the police on occasion allegedly used force to disperse peaceful 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.

In June protestors outside the appellate court building in Tbilisi were arrested and sentenced to 30 days detention for disturbing proceedings in the court house as a result of their actions. NGOs criticized the arrest and sentencing, stating that the appellate court judge's contempt powers did not extend to actions outside the court building. NGOs also stated that the absence of the right to appeal the judge's finding violated the constitution.

The public defender criticized the dispersal by the police of an October 20 demonstration by the NGOs Equality Institute and the Coalition for a Democratic Georgia in front of the chancellery.

The NGOs had obtained permission from Tbilisi municipal authorities to conduct the rally. The police said they had received complaints about excessive noise from nearby residents.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination.

c. Freedom of Religion

The constitution provides for freedom of religion and the government generally respected this right in practice.

The constitution recognizes the special role of the Orthodox Church in the country's history but stipulates the separation of church and state. A constitutional agreement (concordat) signed by the president and the Orthodox patriarch gives the church legal status. The concordat contained several controversial provisions that give the patriarch legal immunity, grant the church the exclusive right to staff the military chaplaincy, exempt church clergymen

from military service, and give the church a unique consultative role in government, particularly in the area of education. However, the Parliament has not adopted legislation needed for many of these provisions to enter into force. For example, while the concordat grants the Orthodox Church the right to establish a military chaplaincy, there are no chaplains in military units due to the lack of implementing legislation. The tax code grants tax exemptions only for the Orthodox Church.

Religious groups may register as local associations or foundations. An association is based on membership (a minimum of five members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the group or the general public. In both cases registration is a function of the ministry of justice, which must grant or deny registration within 15 days of application; a refusal may be appealed in court.

In July 2005 the Justice Ministry approved the first applications filed under the new registration process. Both the Seventh Day Adventists and the Foundation of the Church of Jesus Christ of Latter-day Saints received their approvals in less time than the period allowed by law. During the year the government registered an additional 12 organizations. The justice ministry suspended a notary public for one year after she refused to notarize documents of a Pentecostal church, which the church needed for registration. The congregation was still seeking registration at year's end. Justice ministry officials were responsive in providing advice to religious organizations on preparing registration applications and supporting documentation.

Some religious communities expressed dissatisfaction with the status that registration provided. The Roman Catholic Church and the Armenian Apostolic Church opposed registering as civil organizations. Other churches, such as the Baptists, expressed concern that transfers of property to their churches would now be taxable.

During the year attacks on religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease. Although police rarely facilitated harassment of religious minority groups, they sometimes failed to protect them. While the prosecutor general's office increasingly initiated investigations of religious-based violence, past complaints remained unresolved.

A 2005 law separating state schools and religious teaching narrowed the interpretation of the government concordat with the Orthodox Church regarding teaching Orthodoxy as an elective part of the school curriculum. The law stated that such Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Also, outsiders, including clergy, cannot regularly attend or direct student extracurricular activities, student clubs, or their meetings. Such classes were taught by lay theologians rather than priests. Religious minorities broadly welcomed the changes to school religious education, although they observed along with NGOs that practice did not always keep pace with the law.

Public schools offered students the opportunity to take as an elective a course on Religion in Society which covered the history of major religions. Parents complained teachers focused solely on the Orthodox Church. The Orthodox Church has a consultative role in all curriculum development, although there was no textbook for this course.

A joint working group of the ministry of education and the Orthodox Church reviewed options for the elective course on religion in society and other matters related to religion in the curriculum. The ministry also financially assisted the church in its education projects and institutions. No other religious groups were afforded these privileges.

"Nontraditional" religious groups reported that they have been able to import literature without seizure or delay. The Armenian Apostolic Church stated, however, that imports of religious items such as candles were sometimes delayed because of ambiguities surrounding the church's legal status in the country.

While members of Jehovah's Witnesses no longer felt the need to hold their services in private homes for security reasons, delays in obtaining permits to build and occupy Kingdom Halls required congregations to continue meeting in private homes.

In an effort to implement a 2001 Supreme Court ruling, the Jewish community reached an agreement with a theater group whereby the theater group vacated a hall in a Tbilisi building seized from the Jewish community during Soviet rule. While the Jewish community was able to use the hall, the situation was still not fully resolved, as the community could not use the hall as a synagogue.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed or given to the Georgian Orthodox Church during the Soviet period.

Societal Abuses and Discrimination

Judaism is practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. There were approximately 14,000 Jews in the country. The Jewish communities reported they encountered few societal problems. There was no historical pattern of anti-Semitism in the country. There were no reports of anti-

Semitic acts.

Despite a general tolerance toward minority religious groups "traditional" to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims, citizens remained very apprehensive towards "nontraditional" religions, which were seen as taking advantage of the populace's economic hardships by gaining membership through economic assistance to converts. Some members of the Orthodox Church and the public viewed non-Orthodox religious groups, particularly "nontraditional" groups or sects, as a threat to the national church and the country's cultural values and asserted that foreign Christian missionaries should confine their activities to non-Christian areas.

Following a series of physical and verbal threats in April and May 2005 against a group of Pentecostals attempting to hold services in a private home in Tbilisi, the public defender helped the congregation obtain a plot of land on which to construct a building for services. While plans for the building were being drawn up, the congregation conducted services in undisclosed private homes or in outdoor areas. Police routinely provided protection in the latter case. No charges were filed in connection with the April and May 2005 incidents.

In April, at the request of the Jehovah's Witnesses, authorities dropped criminal charges against two persons in connection with a series of attacks by local residents on members of Jehovah's Witnesses in Kutaisi that began in June 2005. The two individuals who were detained publicly apologized to the Jehovah's Witnesses. The group in Kutaisi has operated freely since that time.

In November 2005 members of Jehovah's Witnesses rented a hall in Rustavi to conduct meetings. Paata Bluashvili, the leader of the Orthodox group Jvari, and members of the group threatened the hall's owner, who then cancelled the contract with the Jehovah's Witnesses. Pending investigation of the incident, Bluashvili was held in pretrial detention. Upon Bluashvili's appeal of the three-month detention, a court of appeals overturned the detention and released him, pending trial. In April a Rustavi court reinstated the three-month sentence. Bluashvili failed to appear at the April hearing and at year's end was wanted by the authorities.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central government, and reliable information from those regions was difficult to obtain. A 1995 decree issued by the de facto leader of Abkhazia banning Jehovah's Witnesses in the region remained in effect but was not enforced. During the year members of Jehovah's Witnesses reported no problems in Abkhazia, where membership is approximately 1,500. Although Baptists, Lutherans, and Roman Catholics also reported they were allowed to operate in the region, the Orthodox Church reported that it was unable to do so.

In South Ossetia, Orthodox believers were not able to conduct services in Georgian Orthodox churches located near the villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the control of Ossetian authorities.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

Freedom of movement was restricted by the de facto authorities in the separatist regions of Abkhazia and South Ossetia. Police checkpoints often obstructed citizens' internal movement in these regions. In December Abkhaz de facto authorities closed the checkpoints along the cease - fire line to all civilian traffic. This restriction on the free movement of Gali residents was also a violation of the 1994 Quadripartite Agreement.

An Abkhaz citizenship law allowed dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship. As a result, ethnic Georgians had to relinquish their Georgian passports and obtain Russian passports to travel abroad.

Abkhaz militia conducted searches of local populations and erected arbitrary checkpoints. Money and valuables were extorted from ethnic Georgians on the pretext that they violated identity document requirements.

The law prohibits forced exile, and the government did not employ it.

No families returned to the country under a 1999 presidential decree issued to repatriate and rehabilitate approximately 275,000 Meskhetian Turks relocated during the Soviet period.

Internally Displaced Persons (IDPs)

There were approximately 247,000 IDPs at year's end due to conflicts in the separatist regions of Abkhazia and South Ossetia (see section 1.g.).

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There were approximately 1,600 registered refugees from Chechnya in the country. Chechen refugees settled in the Pankisi valley in the eastern part of the country. International humanitarian organizations' assistance to refugees in the Pankisi valley was sporadic. Chechen refugees remained vulnerable to abuse, including police harassment and threats of forcible return to Russia. In November 90 refugees, mostly ethnic Kists (ethnic Chechens from Georgia), voluntarily returned to Russia via Azerbaijan. During the year there were no instances of refoulement.

The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections, held on the basis of universal suffrage. In January 2004 Mikheil Saakashvili was elected president, and Parliamentary elections were held in March 2004.

In December Parliament partially modified the 2004 constitutional amendments that had strengthened the power of the executive at the expense of the Parliament and the judiciary (see section 1.e.).

An Abkhaz citizenship law did not allow dual Georgian-Abkhaz citizenship. As a result ethnic Georgians in the separatist region had to relinquish their Georgian passports in order to vote or participate in the political process.

Elections and Political Participation

The OSCE reported that the 2004 presidential election demonstrated notable progress, although time constraints limited administrative improvements since previous elections. The OSCE noted a continued lack of separation between state administration and political party structures and the tendency to misuse state administration resources. The voter register also continued to be incomplete and sometimes inaccurate. While the OSCE reported the voting process itself was excellent in the majority of regions, there were significant irregularities in Kvemo Kartli, and the worst irregularities were recorded in Ajara, where no preelection registration was conducted and little or no campaigning occurred.

International observers deemed the 2004 parliamentary elections the most democratic since independence, with voter registration procedures further improved, including the addition of a consolidated computerized database; however, there continued to be a lack of political balance and independence in election commissions. During the election international observers noticed a number of irregularities, including implausible voter turnout in certain regions, an unusually high percentage of invalid votes, and campaign material on display in several polling stations. Significant voting irregularities again took place in Kvemo Kartli.

On October 5, the government held the first local elections following major decentralization reforms. The Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights (OSCE/ODHIR) and the Council of Europe concluded that the October 5 local elections generally respected fundamental freedoms. Respected local NGOs International Society for Free Elections and Democracy, new Generation new Initiative, and Georgian Young Lawyers' Association stated that the results accurately reflected the will of the electorate. These organizations noted, however, that the ruling National Movement party, which prevailed by a wide margin nationwide, manipulated its incumbency status, for example, by the use of identical slogans, designs and images in public service announcements promoting new government services, and in National Movement campaign materials. OSCE/ODHIR noted that this improperly blurred the distinction between the National Movement party and the government. Although in 2005 the government reformed the Central Election Commission (CEC), the OSCE, NGOs, and opposition parties criticized the composition of the CEC, which was dominated by members of the ruling party. Other concerns noted by the OSCE/ODIHR included the need for further improvement of election legislation, the voter register, and the vote counting and election grievance processes. The OSCE/ODIHR also noted several positive developments including the government's provision for an orderly electoral process and improvements in the election code.

International organizations, including the UN and the OSCE, as well as the government, did not recognize the November de facto presidential election in South Ossetia, or the 2004 and 2005 de facto presidential elections in

Abkhazia.

There were no government restrictions on political party formation beyond registration requirements; according to the justice ministry registration and licensing department, there were 178 registered political parties.

There were no developments in the investigation into the July 2005 violent attack on then opposition Member of Parliament Valeri Gelashvili in Tbilisi. Gelashvili was not interviewed by investigators. Armed and masked men attacked Gelashvili's car as he, his bodyguard, and a business associate were traveling on a main street during a weekday afternoon. Gelashvili was severely beaten in the face and head with gunstocks; the other two people in car were struck but did not require hospitalization. Opposition leaders and the media asserted that the attack was politically motivated, since Gelashvili had been involved in a long - running dispute with the government over payment for work by his construction company on a new presidential residence. There was no indication that robbery may have been a motive.

There were 23 women in the 235-seat Parliament. The speaker of Parliament, Nino Burjanadze, was a woman. The majority head of Parliament was also a woman, and women held important committee chairs.

There were eight members of minority groups (five Armenians and three Azeris) in the Parliament. As a result of local government reforms brought into force by local elections, the number of seats held by ethnic minorities in municipal councils is now commensurate with their percentage of the population in each region of the country.

Government Corruption and Transparency

Government corruption persisted, although it decreased as a result of high profile reforms led by the president.

The country's score of 2.8 during the year on Transparency International's 0-10 index of public perceptions of corruption was a significant improvement over its score of 2.3 in 2005 but still indicated a perception that corruption remained a serious problem. An April public opinion poll indicated that 54 percent of those surveyed believed that there had been a reduction of corruption in ordinary people's lives after the Rose Revolution. The poll, which was conducted by the International Republican Institute (IRI), showed that only 2 percent of those surveyed stated that in the previous 12 months they had to pay a bribe in order to get a service or decision from a government office. In 2005 the World Bank's Control of Corruption Indicator reported that 39 percent of businesses in the country reported that corruption hurt the growth of business, a drop from 60 percent in 2002. During the year the Global Integrity Index rated the country as "strong" in the anticorruption and rule of law category.

During the year members of the government and the ruling party were investigated for corruption. In October the Parliament stripped the immunity of two ruling party parliamentarians implicated in a corruption scandal. One was arrested and was under investigation at year's end. The director general of the state-owned Georgian Oil and Gas Company and a member of his staff were also arrested on charges of corruption. They were being held in pretrial detention while their case was under investigation at year's end. In June 2005 the head of the Tbilisi city tax department and seven other officials were arrested on corruption charges. Minister of Finance Valeri Chechelashvili subsequently resigned amid criticism from the president for weak oversight and control. In a six-month period in 2005, more than 60 police officers were charged with corruption, in addition to three mayors and six prosecutors.

In 2005 the government adopted an anticorruption strategy aimed at the formation of an effective state management system and activation of legal and public feedback mechanisms in order to prevent corruption. Reviewing the 2002-05 period, the World Bank's "Anticorruption in Transition 3" report noted that strong leadership in the country was the driving force behind "swift and thorough reforms" that significantly reduced corruption after 2002. The report noted that the leadership had taken bold actions to lessen the burden of the state on the economy, improve fiscal transparency, and strengthen oversight of institutions, all of which had contributed to the decline in corruption. During the year government officials continued to receive salaries in a timely manner, and salaries in the executive and legislative branches increased, reducing incentives for corruption.

In November the Council of Europe and NGO representatives stated that significant steps had been taken to fulfill an August 2005 anticorruption action plan for the privatization of state-owned property and the simplification of enterprise registration.

The law provides for public access to government meetings and documents; however, the government sometimes did not provide access. Although the law states that a public agency shall release public information immediately or no later than 10 days from request, the release of requested information could be delayed indefinitely, and requests were sometimes ignored in practice.

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

A variety of domestic and international human rights groups generally operated without government restriction,

investigating and publishing their findings on human rights cases. In some cases government officials were cooperative and responsive to their views. NGOs such as the Georgian Young Lawyers' Association (GYLA) helped draft the new law against trafficking and implement the government's action plan. The NGO liaison office in Parliament worked with NGOs to develop new legislation. However, while some NGOs enjoyed close cooperation with the government, others complained of discrimination from government members.

In January high-ranking government officials publicly criticized leading human rights and rule of law NGO GYLA. The officials also questioned GYLA's status as an independent NGO by charging that it was operating under the influence of an opposition political party, noting that a prior chair of GYLA had become an opposition party leader. In response, a large coalition of NGOs issued a statement that "the current campaign against GYLA confirms that the government is unable to reconcile themselves with the criticism of unbiased NGOs." Public criticism by government officials of GYLA or other NGOs did not continue.

The government maintained a constructive relationship with many NGOs, underlined by the Parliament's decision to establish an NGO-Parliament cooperation office and the allocation of two seats in the Permanent Interagency Antitrafficking Council to NGOs.

The UNHCR and the OSCE operated only sporadically in the separatist conflict areas due to poor security conditions but provided periodic findings, reports, and recommendations.

NGOs viewed the office of the public defender as the most objective of the government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuses. The office of the public defender generally operated without government interference and was considered effective. However, the public defender reported that representatives from his office and some of their family members were subject to harassment from law enforcement authorities during the year.

The public defender stated that while his office continued to receive government funding, earmarked increases from the state budget were not provided to the office. The public defender's authority does not include the power to institute prosecutions or other legal actions. The public defender objected to ministry of justice regulations which prohibited the use of cameras and recorders in the penitentiary system as an obstacle to substantiating claims of abuse in the system.

As required by law, the public defender issued biannual reports to Parliament. Some members of Parliament were critical of the public defender's findings and recommendations calling for equal recognition under the law of all religions. For example, the members stated that the historical position of the Orthodox Church justified its privileged position.

The Parliament's Committee on Human Rights and Civil Integration, the interior ministry's human rights division, and the national security council's human rights advisor also had mandates to investigate abuse claims. By law the prosecutor general is charged with protection of human rights and fundamental freedoms; the human rights protection unit of the prosecutor general's office is the reporting and monitoring arm of the legal department and has no independent investigative powers. The prosecutor general office's human rights unit focused on curbing abuses by law enforcement officials. In June the prosecutor general issued a code of ethics for prosecutors which stated, among other things, that it was impermissible for prosecutors to use their official position to place illegal pressure on any person and that prosecutors must avoid activities that cast doubt on their independence.

The UNHCR office in Sukhumi continued to monitor respect for human rights in Abkhazia and to visit detention facilities in the region. Despite increasing concerns about the deteriorating situation in the Gali region, de facto Abkhaz authorities continued to resist opening a human rights branch office in that area. In addition the de facto authorities continued not to implement the UN Observer Mission in Georgia's recommendations, endorsed by the UN Security Council, to permit education of local youth in their native Georgian language and to permit deployment of a UN civilian police contingent in Abkhazia.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not always enforce these provisions effectively.

Women

Violence against women was a problem.

The government acknowledged that domestic violence was a widespread problem. Women victimized by domestic violence, however, rarely reported it because of social taboos and because previously it was not illegal. The police rarely arrested or punished perpetrators of domestic violence. From August 2005 to January, the police responded to 466 reports of domestic violence. Neither the prosecutor general's office nor the courts maintained separate statistics

on domestic violence cases, so it was not possible to track outcomes of these reports. A local NGO operated a hotline and a shelter for abused women, although services at the shelter were limited due to a lack of funding and facilities.

Rape is illegal. Criminal cases on rape generally can only be initiated following a complaint by the victim. Spousal rape is not specifically addressed by criminal law. A first time offender may be imprisoned for up to seven years; a repeat offender or perpetrator against multiple victims may receive up to 10 years; factors such as if the victim was pregnant, contracted HIV/AIDS, or was subjected to extreme violence, demand up to 15 years; and if the victim was a minor, up to 20 years. During the year the ministry of internal affairs reported 167 cases of rape and attempted rape and initiated criminal prosecutions in 106 of these cases. Observers believed many instances of rape went unreported due to the social stigma for victims. Police did not always investigate reports of rape.

The first law on domestic violence came into effect on June 9. The law defines domestic violence as a violation of the constitutional rights and liberties of one member of a family by another by means of physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized. Perpetrators of domestic violence are prosecuted under existing criminal provisions against, for example, battery or rape.

The law allows victims to file immediate protective orders against their abusers and police to issue a temporary restrictive order against persons suspected of abusing a family member. The temporary order is then approved by a court within 24 hours and becomes a protective order that prohibits the abuser from coming within 100 meters of the victim and using common property, such as a residence or vehicle, for six months. The victim may ask authorities to extend the protective order indefinitely. While the law called for the ministry of internal affairs to develop by mid-July a form for police to issue as restrictive orders, the ministry did not do so. The law also requires the government to draft an action plan which it had not done by year's end.

The kidnapping of women for marriage occurred, particularly in rural areas. Such kidnappings often were arranged elopements; however, at times kidnappings occurred against the will of the intended bride and involved rape. Police rarely took action in these cases, even though the law criminalizes kidnapping. A local NGO in the Samtskhe-Javakheti region established a hotline and shelter to assist victims of attempted kidnappings who were often rejected by their families after escaping from the kidnapper.

Prostitution is against the law but was widespread, particularly in Tbilisi. Several NGOs claimed that prostitution remained common due to continuing poor economic conditions.

Trafficking of women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment and violence against women in the workplace was a problem. The law prohibits sexual harassment; however, the government did not effectively enforce the law, and complaints were rarely investigated.

The law provides for the equality of men and women; however, in practice this was not enforced. NGOs reported that discrimination against women in the workplace existed but instances were never reported. The speaker of Parliament chaired a Gender Equity Advisory Council, which included members of Parliament, as well as representatives from the executive branch, the public defender's office, and NGOs. The State Commission on Gender Equity was chaired by the deputy state minister on Euro-Atlantic integration and prepares recommendations on the implementation of international agreements and conventions on gender equity. Within the public defender's office there is a special group dedicated to women's and children's issues.

Women's access to the labor market improved; however, women remained primarily confined to low-paying and low-skilled positions, regardless of professional and academic qualifications, and salaries for women lagged behind those for men. As a result, many women sought employment abroad. According to the UN Development Program, employers frequently withheld benefits connected to pregnancy and childbirth.

No further information was available on a lawsuit filed in April 2005 by servicewomen who claimed they were discharged from the armed forces while on maternity leave, despite a law that prohibits dismissal from employment of pregnant women and women with children under the age of three.

Children

The law provides for the protection of children's rights and welfare, but the government provided limited services. Children are protected under the antidomestic violence law, which became effective in June.

Primary and basic education is compulsory from age six or seven to age 14, and provided up to age 16 (a total of 11 years). The UN Children's Fund (UNICEF) estimated primary school enrollment at 91 percent in 2003 and secondary school enrollment at 79 percent in 2002, and most children attended school. 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.

During the year the government rehabilitated 300 schools but 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."

In June elections were held for membership on parent-teacher supervisory boards at secondary schools to provide better oversight of school management. There was widespread participation including outside Tbilisi.

Free health care was available for children up to age four.

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. Child prostitution and 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 of prostitution before returning them to guardians.

There were unconfirmed reports of trafficking in children (see section 5, Trafficking). Street children and children living in orphanages were reportedly particularly vulnerable to trafficking.

Difficult economic conditions broke up some families and contributed to the number of street children. NGOs estimated that there were approximately 1,500 street children between the ages of three and 15, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter in Tbilisi; however, the two shelters could accommodate only a small number of street children. The government took little other action to assist street children. There were unconfirmed reports of police violence against street children, but the patrol police routinely transferred street children to a 24-hour care center or orphanage. The center, however, lacked resources for treatment and rehabilitation of the children, many of whom were substance abusers or suffered from mental disorders.

Orphanages were unable to provide adequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. Staff wages, which had been poor and often many months in arrears, were paid on a regular basis. Due to reported mismanagement of resources, staff members often diverted money and supplies provided to the orphanages for personal use.

During the year the government closed an orphanage in Tbilisi where, according to a 2005 public defender's office report, children lacked clothes, food, toothbrushes, blankets, and other necessities, and where the first floor had been flooded due to plumbing problems. The children were sent to other local orphanages where basic services such as heat and electricity were also sometimes lacking.

Ongoing conflicts in Abkhazia and South Ossetia displaced thousands of children. In these regions, UNICEF reported that health services were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

Trafficking in Persons

Although the law prohibits trafficking in persons, the country was primarily a point of transit and origin, and very rarely a destination for trafficked persons. Women were trafficked from the country to Turkey, Greece, the United Arab Emirates, North America, and Western Europe to work in hotels, bars, restaurants, or as domestic help. Many were trafficked into the adult entertainment sector or forced into prostitution. Victims most likely came directly from Tbilisi or the impoverished former industrial centers of Poti, Kutaisi, and Rustavi. Local NGOs reported that men were trafficked to Russia, Greece, Spain, Portugal, and other destinations to work in construction, agriculture, and other manual labor. There also was evidence that Ukrainian and Uzbek women, as well as women from other countries of the former Soviet Union, were trafficked through the country to Turkey, sometimes using fraudulently obtained passports.

In July, when the government regained control over the Kodori valley in Abkhazia, officials discovered several trafficking victims who were working for families in the region as household slaves. Some had been working as slaves for 20 years or more. The government sent a team of law enforcement and trafficking experts to the region to investigate these claims further. By year's end, the government has opened investigations into six cases of trafficking related to this previously warlord-controlled region. In December two of these cases have been referred to the courts while the remaining four were still under investigation.

Children were seldom trafficking victims, although street children and children living in orphanages were allegedly particularly vulnerable. Some reports indicated that IDPs were a particular target for traffickers. Conditions for trafficked laborers and women trafficked into prostitution were extremely poor.

Traffickers were largely freelance domestic operators with connections abroad, as well as some small international operations. They often used offers of employment from friends and families or offers of overseas jobs from tourism or employment agencies to lure potential victims.

In April the government adopted and implemented a new antitrafficking law. The passage of this law, which was developed with input from foreign governments and international experts, made it easier to prosecute traffickers, increased minimum sentences for convicted traffickers, and clarified the government's responsibilities for victim identification and assistance.

The law prohibits trafficking in persons, including minors, for the purposes of sexual, labor, and other forms of exploitation. During the year the minimum penalty for trafficking was increased to eight years in prison, with maximum penalties of 20 years for aggravated circumstances. A memorandum of understanding between the prosecutor general's office and the Ministry of Internal Affairs resulted in greater cooperation, joint operations, and a number of arrests and charges under trafficking statutes. An antitrafficking unit (ATIM) existed within the special operations department of the ministry of internal affairs, which was the primary investigative authority on trafficking cases.

During the year the court returned convictions in 13 cases against traffickers. In these cases 16 traffickers were each sentenced to an average prison term of 10 years.

The investigation of a local leader of an international operation that trafficked women from Georgia, Turkey, and Azerbaijan was still underway at year's end.

On December 12, Marina Chikhivadze, a major trafficker with previous convictions, was sentenced to 11 years in prison for trafficking an Uzbek national to Dubai for the purposes of sexual exploitation. The Uzbek victim continued to receive government assistance while she decided whether she wants to return to Uzbekistan or petition for refugee status in Georgia.

On December 13, the appellate court of Kutaisi overturned the sentence given to Nana Verdadze by a Batumi court for "facilitating prostitution." The Kutaisi Appellate Court ruled that the charges against Verdadze included trafficking--which carries a tougher sentence--and extended her sentence from five years to eight years in prison.

The government cooperated with others in the region to uncover trafficking rings and assisted in the repatriation of trafficked persons discovered in transit through the country.

Unlike the previous year, there were no reports of government officials' involvement in trafficking. In July two government officials, David Kobakhidze and Giorgi Amilakhvari, respectively the former heads of the Ambrolauri and Zestponi passport agencies, were convicted of misuse of authority and passport fraud, allegedly in connection with trafficking in 2005. Kobakhidze was sentenced to two years' imprisonment and six years' probation. Amilakhvari was sentenced to two years' imprisonment and five years' probation.

During the year the government took demonstrable steps to improve and coordinate its antitrafficking efforts, including passing a new antitrafficking law, forming a permanent interagency antitrafficking council implementing a national referral and assistance mechanism to identify and care for trafficking victims, and developing a government antitrafficking fund to provide assistance to victims.

The Permanent Interagency Antitrafficking Council replaced the temporary interagency council and was chaired by the prosecutor general. During the year the council coordinated government efforts against trafficking, including the adoption and implementation of the antitrafficking law and a national victim referral and assistance mechanism, the appointment of a national antitrafficking coordinator, the allocation of \$70,000 (126,000 lari) for victim assistance, the training of judges and prosecutors on the new law, the establishment of victim hotlines, the publication of warnings about trafficking dangers for travelers, the placement of information about trafficking on law enforcement agency Web sites, funding of shelters for victims, the establishment of witness protection procedures, the provision of immunity from prosecution for victims who cooperate with authorities, and cooperation with the International Organization for Migration on victim repatriation.

Persons with Disabilities

The law prohibited 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 against persons with disabilities existed. There is no law or official provision mandating access to buildings for persons with disabilities and very few, if any, public facilities or buildings were accessible.

According to the health ministry, the country has about 10,000 children with disabilities. A 2005 incident involving a group of children in wheelchairs who were refused entry to a restaurant was resolved outside the court system. Pursuant to the request of the children's guardian and in accordance with the law, the prosecutor general's office

closed its investigation without filing charges.

National/Racial/Ethnic Minorities

The government generally respected the rights of ethnic minorities in nonconflict areas. The law stipulates that Georgian is the state language; 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 government funds foreign language schools throughout the country for people whose first language is not Georgian, but the law requires that ethnic minority students learn Georgian as a second language. In Tbilisi a large

majority of ethnic minority groups communicate in Georgian in their daily affairs and often at home. The law requires that all government officials speak Georgian, which some minorities claim excludes their participation in the government; however, this law was not strictly enforced. Some government materials distributed to the public were only available in the Georgian language. However, local government reform legislation brought into force through October's local elections significantly increased ethnic-minority representation in local governments. After the elections, in most local governments ethnic minorities held a percentage of seats commensurate with their percentage of the population. In Marneuli the new mayor of this ethnic-Azeri region was Azeri for the first time in the city's history.

Ethnic Georgians living in the Gali region of Abkhazia had no legal access to education in the Georgian language. As a practical matter, however, teachers who do not speak Abkhaz instructed students in Georgian. Teachers who did so were often subject to harassment and prosecution by de facto Abkhaz authorities.

On several occasions tensions flared in the multiethnic Tsalka region. In March there were reports of a violent attack upon an ethnic Greek family. Later in the year, a knife fight between ethnic Armenians and ethnic Svans broke out in which an ethnic Armenian was killed. The Greek and Armenian families in these cases claimed that police were unresponsive to the incident. Some of Tsalka's Armenians and Greeks complained of harassment by ethnic Svans and Ajarans resettled from Svaneti and Ajara, mostly manifested in robberies and fist-fights; while there was an ethnic dimension to the situation, it was difficult to ascertain whether ethnic or criminal factors were the key motivations behind these acts in this economically depressed and isolated region. Observers also noted that a lack of resources for adequate policing in the region contributed to the problem.

In the ethnic-Armenian dominated region of Akhalkalaki, many ethnic Armenians claimed that government should allow Armenian to have "provincial language" status in the region as very few locals speak Georgian and are unable to conduct legal affairs in Georgian. They also complained that the government did not pay enough attention to economic and infrastructure development in the region or provide Georgian language instruction. Ethnic Azeris had similar complaints in the ethnic-Azeri dominated region of Kvemo Kartli.

During the year the government addressed ethnic minority region concerns by allocating \$100 million (171.4 million lari) in foreign assistance to build roads and infrastructure linking Akhalkalaki and Tbilisi and Armenia, thereby improving opportunities to bring the agricultural region's goods to market, and to open special educational resource centers in both ethnic-minority regions to improve access to Georgian language instruction resources.

Other Societal Abuses and Discrimination

The law expressly prohibits discrimination on the basis of HIV/AIDS status; however, there is no penalty for violating this prohibition. NGOs reported that societal stigma resulted in individuals avoiding testing or obtaining health care for fear of discrimination. Some health care providers, particularly dentists, often refused to provide services to HIV-positive persons. Individuals often concealed their HIV-positive status from employers for fear of losing their jobs. The ministry of internal affairs conducted mandatory HIV testing on all job applicants.

Section 6 Worker Rights

a. The Right of Association

The law allows all workers, including government employees, to form and join unions of their choice, and they did so in practice. However, the law restricts the right of employees of law enforcement agencies and of the prosecutor general's office to form and join unions. In addition labor unions stated that provisions of the new labor code, which became effective in June, limited the mechanisms for them to exercise their rights.

The principal union was the Georgian Trade Union Amalgamation (GTUA), which consisted of 27 sector - based unions and over 229,000 unionized workers, or 13 percent of the total workforce (1.74 million). There was one other union: the Free Trade Union of Teachers of Georgia Solidarity.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. Despite this provision the GTUA and

its national unions continued to report some cases of management warning staff not to organize trade unions. Some workers, including teachers, employees of various mining, pipeline, and port facilities, and the Tbilisi municipal government reportedly continued to complain of being intimidated or threatened by employers-- including public sector employers--for union organizing activity. There were a few cases when employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts, but the disputes were resolved after discussions between the unions and employers.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference. Collective bargaining is recognized by law, and the law provides punitive measures for those who refuse to take part in negotiations. However, the government did not always protect this right in practice. The practice of collective bargaining was not widespread. The GTUA administered approximately 1,600 collective bargaining agreements. Prior poor management and leadership, plus a general unfamiliarity with the collective bargaining process, limited the scope of collective bargaining.

The law provides for the right to strike; however, the new labor code which became effective in June capped the maximum duration for a strike at 90 days. In general workers exercised their right to strike in accordance with the labor code; strikes must be sanctioned by the employer based on written notification provided three days in advance and a one-hour warning strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred in the Kodori valley area of Abkhazia prior to the government regaining control of the area in July (see section 5). NGOs and trade unions have objected to a provision in the new labor code which permits compulsory labor in instances of emergency and natural disaster but does not require remuneration to persons who are conscripted. Also, the labor code provides that an employer may change hours of work by 90 minutes in either direction without renegotiating the terms of any labor contract. NGOs stated that this provision would effectively require employees to work overtime without compensation in violation of the prohibition against compulsory labor in the constitution.

Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. With high unemployment resulting in a large pool of adult workers willing to work for low wages, child labor was uncommon in the country. The ministry of health, social service, and labor is responsible for enforcing laws regulating child labor. Although official data was not available, child labor was not considered a serious problem.

According to the law, the minimum age for employment of children is age 16. In exceptional cases, children may work with parental consent at ages 14 and 15. Children under age 18 may not engage in unhealthy or underground work, and children aged 15 to 18 are subject to reduced working hours. The office of labor inspection within the ministry of health and social security, which was previously charged with identifying labor violations, receiving complaints and determining compliance with labor laws and regulations, was disbanded during the year. Inspections were subsequently performed by the labor department of the ministry of health and social security, which employed six labor inspectors nationwide.

Some children were trafficked for sexual exploitation (see section 5).

e. Acceptable Conditions of Work

The national minimum wage for public employees increased to \$67.11 (115 lari) a month; however, the minimum wage did not provide an adequate standard of living for a worker and family. The official minimum subsistence level for a single person was \$67.69 (116 lari) and for a family of four \$120.22 (206 lari). The mandated minimum wage for private sector workers was \$11.68 (20 lari) per month. The average wage in private enterprises was \$136.56 (234 lari) monthly; state employees earned approximately \$94.54 (162 lari). Minimum monthly pensions increased from approximately \$16 (28 lari) to \$22 (38 lari). Unreported trade activities, assistance from family and friends, and the sale of homegrown agricultural products often supplemented salaries. The ministry of health and social security is responsible for enforcing the minimum wage. The GTUA had its own inspector to monitor compliance.

The labor code provides for a 41-hour workweek and for a weekly 24-hour rest period, unless otherwise provided by a labor contract.

The government set occupational health and safety standards. The ministry of health and social security is charged with monitoring implementation of health and safety standards and had six inspectors assigned to the task. The law

permits higher wages for hazardous work, and the law provides workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment. In practice these protections were rarely, if ever, enforced.