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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, 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. Following a series of protests throughout the country in the fall, President Saakashvili officially resigned on November 25, calling for a snap presidential election to be held on January 5, 2008, cutting his term of office short by one year. Civilian authorities generally maintained effective control of the security forces.

While the government's human rights record improved in some areas during the year, its record worsened in other areas, especially during the fall, and serious problems remained. There was at least one reported death due to excessive use of force by law enforcement officers, cases of torture and mistreatment of detainees, abuse of prisoners, excessive use of force to disperse demonstrations, poor conditions in prisons and pretrial detention facilities, impunity of police officers, continued overuse of pretrial detention for less serious offenses, lack of access for average citizens to defense attorneys, lack of due process in some cases, and reports of government pressure on the judiciary. Respect for freedom of speech, the press, assembly and political participation worsened, especially during the fall crisis. Other problems included reports of government pressure on the judiciary and the media, restrictions on freedom of assembly and freedom of speech, and corruption among senior-level officials. Despite government efforts, trafficking-in-persons continued to occur.

Prior to the fall political crisis, the government took some significant steps to improve the human rights situation. For example, Parliament adopted legislation that prohibited communication between judges and parties about cases outside the courtroom, adopted a Code of Ethics for Judges, and the government opened the High School of Justice to train judges as part of the continued broad reform of the judiciary. The Permanent Interagency Coordination Council approved a mechanism to reintegrate trafficking victims into society, significantly increased the budget to assist victims, and opened the first shelter for them in Tbilisi.

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 serious problems. The de facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a "citizenship" law that forced ethnic Georgians to give up their Georgian citizenship in order to vote in local elections. A 2006 property law prevented internally displaced persons living in other parts of the country from reclaiming homes they fled in Abkhazia in 1992/1993. Authorities did not permit instruction in the Georgian language in the predominantly ethnic Georgian Gali district schools in 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.

On April 15, the Ministry of Internal Affairs opened an investigation against four officers of the Vake-Sabutarlo District Unit--L. Gelbakhiani, M. Chaduneli, G. Kokolishvili, and G. Sakhamberidze--on allegations that they exceeded the limits of official authority and inflicted grave injury on A. Khositashvili, which resulted in his death. On December 11, the officers were convicted of torture and fraud and given sentences that ranged from 11 years' imprisonment to three years probation and a fine of $3,125 (5,000 lari)

According to the Prosecutor General's Office, it opened an investigation in June 2006 to determine if the actions of law enforcement agents were in accordance with the law during the prison riot at Tbilisi Prison No. 5 in March 2006. The Department of Prisons alleged that the "thieves in law" criminal group was organizing mass disturbances at a prison hospital, and prison authorities had planned to move disruptive prisoners to another facility to resolve the issue. The head of the Department of Prisons, along with officers from the Investigative Department of the Ministry of Justice, arrived at the prison on March 27. Six prisoners resisted being moved from the hospital and incited others to riot during the attempted transfer. Four prisoners were taken away, but the disturbances reached Tbilisi prisons no. 5 and no. 1.

In Prison No.5 cell doors and bars were broken and a fire was started, endangering the lives of inmates. In order to regain control of Prison No.5, a Special Task Force of the Department of Prisons was ordered to free the Prison No. 5 entrance blocked by inmates. After the blocked entrance of the building had been cleared, the Director of Prison No. 5 and several Special Task Force officers entered the building and called for order. The inmates began to move toward the officers, throwing stones and pieces of metal and wood at them. In response, the Special Task Force officers fired rubber bullets, to which, prisoners responded with gunfire. The Special Operations Task Force opened fire only after prisoners initiated gunfire. As a result of these events, two of the Special Operation Task Force officers were wounded, seven prisoners died and 22 prisoners were injured. All 24 of the injured were medically examined.

The Public Defender's 2006 Human Rights Report stated that the Penal Department's Administration provoked the riot in Tbilisi Prison No. 5 and during the suppression of the riot, special forces armed with machine guns used disproportionate force to quell the violence. Inmates specifically alleged that Bacho Akhalaia, Chief of the Penitentiary Service, verbally and physically assaulted several inmates and violently tortured three others. The report stated also that the public defender confirmed that six inmates were tortured, but no medical forensic examinations of the injured inmates took place.

In the course of the criminal investigation, 190 inmates were questioned. The forensic examination confirmed the cause of death for the seven inmates was a bullet wound. Upon the recommendation of the public defender, the OSCE's Chairman-in-Office, and Human Rights Watch (HRW), in September 2006 the government opened seven separate investigations to ascertain if officers exceeded the limits of their authority. As of year's end, these investigations were ongoing.

In July 2006 four Ministry of Internal Affairs officers were convicted in the January beating death of Sandro Girgvliani and sentenced to prison terms of from seven to eight years. The officers appealed to the Supreme Court after the trial court's decision was upheld by the court of appeal. In July the Supreme Court removed six months from the final sentences for all four defendants, based on changes to the law regarding destruction of property, one of the charges against the officers**.** Many observers believed that senior ministry officials ordered his beating. Both HRW and the International Crisis Group's (ICG) December reports on Georgia stated that, while the fall charges and arrest of former Defense Minister Okruashvili galvanized the opposition protests in October and November, the perceived lack of full accountability in the Girgvliani case was an additional factor in mobilizing the opposition.

The Prosecutor General's Office investigated five of 12 deaths in 2006 cited by NGOs as evidence of police use of excessive force. In the case of the deaths of Aleksandre Khubulovi and Zurab Vazagashvili, the office concluded that the actions of the police officers were lawful, and on April 20 the investigation was terminated. An appeal of this decision continued at year's end.

Following an investigation into the charge that police had used excessive force in the deaths of Murman Movsesiani, Gela Gaidenini, and Levan Darsadze, the Kutaisi unit of the Ministry of Internal Affairs concluded that the police had only fired when the suspects fired on them and that the police officers did not exceed the limits of their authority. On February 15, the investigation was terminated.

Two police officers were suspended pending an investigation of the December 2006 death in Kutaisi of Valeri Pkhakadze, who was allegedly shot and beaten by police investigating a break-in. One of the officers, I. Kapadze, was charged with murder for exceeding the limits necessary for the apprehension of a suspect and placed in pretrial detention. Other patrol officers at the scene were charged with negligence of duty, and were fined $1,250(2,000 lari). On February 5, the criminal case was submitted to the Kutaisi City Court and was ongoing at year's end.

In July 2006 the judgment of the Tbilisi City Court was appealed by the prosecutor in the 2004 conviction of Roland Minadze, a police officer who was found guilty of falsification and fabrication of evidence in connection with the beating of Khvicha Kvirikashvili and sentenced to four years' imprisonment. The Tbilisi Appellate Court upheld the judgment. Roland Minadze went into hiding and was at large at year's end.

The criminal case into alleged fabrication of evidence against Akaki Bartaia, Kakhaber Azariashvili, and Giorgi Kurdadze in the 2004 death of Amiran Robakidze was ongoing at year's end.

There were reports of arbitrary and unlawful killings in the separatist areas of South Ossetia and Abkhazia, areas not under government control. Arbitrary violence continued in Abkhazia and South Ossetia. In Abkhazia, one businessman from Sukhumi working in Gali was killed.

There was one report of a child's death due to landmines in Abkhazia. No deaths due to landmines were reported in South Ossetia during the year.

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 of Abkhazia and South Ossetia. Since January, nine kidnappings and two attempted kidnappings occurred in Abkhazia.

Other parts of this report contain information related to this section; see section 1.g.

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

The constitution and law prohibit such practices; however, there were reports that government officials continued to employ them.

According to the public defender's office and human rights monitors, abuse in police stations remained low due to ongoing unannounced and random monitoring of stations, while incidents of police abuse during arrest persisted, but declined. According to the public defender's office, instances of abuse at isolators of temporary detention had been practically eliminated by year's end, but some cases of physical abuse were reported directly to the police stations.

Following a spring visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) reported receiving "numerous and consistent allegations of prisoners being beaten upon admission as well as in other contexts" at the Rustavi Prison 6. The CPT reported that it did not receive any allegations of recent physical mistreatment of prisoners at four other prisons that it visited.

During the year the public defender's office visited 303 prisons and pretrial detainment facilities. Overall, there were six cases of suspected torture but only one of these cases was confirmed. In the other instances, the perpetrators were not charged specifically with torture, but with lesser offenses. The public defender's office regularly monitored Ministry of Internal Affairs police precincts during year, making 1,142 visits. The office found 308 cases in which detainees were arrested with physical injuries; however, only 26 detainees alleged that they received their injuries from police. The office did not report that victims feared police retribution, but there was a perception that victims still feared police retribution for filing complaints. The Prosecutor's Office opened investigations in 20 of these cases. Of the 20 cases, six investigations were closed due to lack of evidence and 14 cases were ongoing at year's end. In 2006 there were 262 detainees arrested with injuries, out of which 32 reported cases of physical abuse by police.

During the year the Human Rights Protection Unit of the Prosecutor General's Office took steps to address torture and mistreatment by random monitoring of pretrial and prison facilities. The office reported 89 instances during the year of detainees entering pretrial detention with injuries. In response, it launched 20 investigations, which were ongoing at year's end. During the year 23 Ministry of Internal Affairs officers were sentenced in seven criminal cases of torture and mistreatment, compared to seven persons convicted on four criminal cases in 2006.

On March 14, the Poti City Court convicted transport police officers T. Shurghulaia, K. Lataria, P. Jghamadze, A. Sikhuashvili, G. Kharchilava, R. Kachavava, and T. Sajaia of involvement in the false arrest, torture, and death of T. Mikia, who was subjected to torture and who fell to his death from the second floor of the police station under unclear circumstances. The officers received sentences ranging from three years' imprisonment and a fine of $9,375(15,000 lari) for exceeding the legal limits on police authority to 13 years' imprisonment for deliberately inflicting grave injury and exceeding the legal limits on police authority.

On April 10, Rustavi Prison 2 officers David Shubitidze, Kakha Sharumashvili, and Davit Jighauri were convicted of having exceeded the limits of their authority by physically abusing inmate Robert Makharashvili on February 18. They were sentenced to one year in prison.

On April 29, officers B. Khvhistani, K. Sopromadze, and

J. Jankhoteli were found guilty of physically and morally insulting arrestees K. Chrelashvili, G. Bregadze, L. Beruchuashvili, V. Muraviov, and G. Jibladze. Their sentences ranged from seven to eight-and-a-half years' imprisonment.

On May 9, in the Zugdidi District Court, Badri Sordia of the Special Operational Department of the Ministry of Internal Affairs was sentenced to 11 years in prison for inflicting bodily injuries on Zaal Akobia and Vakhtang Guchua in 2005.

Officers G. Bitiashvili, R. Chitishvili, and K. Kesauri were charged with exceeding the limits of their authority against Merab Burdiashvili; on May 14, the Court of Appeal sentenced Kesauri to five years' imprisonment in absentia. On March 16, Chitishvili and Bitiashvili were sentenced to seven years imprisonment and prohibited from holding a government position, including law enforcement work, for a period of two years.

On November 20, the Mstkheta District court sentenced officers Bondo Tatunashvili and Besik Orkodashvili to two years of probation, a fine in the amount of $3,125 (5,000 lari), and suspension from work for three years. They had been charged in August 2006 with exceeding the limits of official authority through torture and violence against pupils at Akhalgori Secondary school.

On December 11. Vake-Sabutarlo District Unit officers L. Gelbakhiani, M. Chaduneli, G. Kokolishvili, and G. Sakhamberidze were convicted of torture and fraud and given

sentences that ranged from 11 years' imprisonment to three years probation and a fine of $3,125(5,000 lari).

There were 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.

NGOs continued to claim that close ties between the Prosecutor General's Office and police hindered their ability to substantiate police misconduct. NGOS alleged also that a 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 officers, as well as low public awareness of the protections afforded citizens, impeded improvements.

According to Ministry of Internal Affairs statistics, during the year 4,328 of the 24,680 detainees held by authorities were registered with injuries. Of these, 186 claimed to have been beaten by police. The general inspector's office of the ministry referred 145 of the cases to the prosecutor general's office for further investigation. Of these, 108 investigations were on-going at year's end; police were acquitted of wrongdoing in 23 cases. The public defender's office noted that 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.

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.

In January 2006 Mikheil Chkheidze alleged police officers mistreated him in the Bagdati region when he and a friend were stopped for questioning. During the trial, Chkheidze said that his previous testimony was aimed at avoiding criminal responsibility, and in May 2006 the criminal investigation was closed on the basis of lack of evidence of a crime.

In February 2006 Batumi police patrol officer Mamuka Jincharadze reportedly beat severely Jemal Baramidze of Batumi with his pistol after stopping him for speeding, causing serious injury. In August 2006 the Kehlvachauri District Court convicted Jincharadze of exceeding police authority and sentenced him to three years' imprisonment. During his appeal at the Kutaisi Court of Appeals, Jincharadze pled guilty, and the court sentenced him to two years' imprisonment, followed by probation for one year.

In May 2006 Eduard Jaogli alleged police officers mistreated him in the Isani-Samgori police station, resulting in injuries. Investigators in the case concluded that, during his arrest, Jaogli resisted and proportionate force was used to apprehend him. Upon being charged, Jaogli suffered an epileptic shock, lost consciousness, and fell to the floor. He was taken by ambulance to a Tbilisi clinic. According to medical records, Jaogli had knee injuries. These injuries contradicted Joagli's statements that police officers had beaten him in the face and on the body. A witness present at Jaogli's arrest stated that no visible injuries were evident. Based on these facts, it was ruled that Jaogli had not been subjected to mistreatment, and the investigation was terminated on April 27.

In September 2006 Gia Razmadze alleged mistreatment by police officers in the Kvemo Kartli region. A forensic expert examined x-rays taken of Razmadze on the day of his arrest and determined that the injuries at issue did not indicate any criminal offense on the part of police, and the case was closed on October 24.

Avtandil Khvinchiashvili alleged he sustained injuries as a result of excessive use of force by police during questioning in November 2006 in the Gldani-Nadzaladevi district. Police officers testified that Khvinchiashvili resisted arrest and proportionate force was used to apprehend him. A forensic report indicated that Khvinchiasvhili suffered light injuries. A witness, a local business owner, testified that Khvinchiashvili and another man were drunk and not conducting themselves appropriately, so he called the police. The witness corroborated the police testimony, and it was established that the police officers were acting within the limits of the law. On April 30, the investigation was terminated.

The investigation continued at year's end into the alleged 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 a 2005 medical examination of Konenishvili, which included a computer-assisted tomography scan, magnetic resonance imaging, and x-rays. In June 2006 a prosecutor who was involved in the case left the prosecution service, reportedly of his own volition.

An investigation by the Prosecutor General's Office continued into former chief of the State Audit Agency Sulkhan Molashvili's allegation that he was tortured while in pretrial detention in 2004. Molashvili's attorneys appealed his case to the European Court of Human Rights in 2006, and at year's end Molashvili was being held in the prison hospital. According to the Prosecutor General's Office, Molashvili continued to refuse to identify the alleged perpetrators who tortured him.

Other sections of this report contain information related to this section; see sections 1.d., Role of the Police and Security Apparatus and 2.b.

Prison and Detention Center Conditions

During the year the number of deaths in the penitentiary system increased. According to the Ministry of Justice, 100 prisoners died during the year, compared with 92 in 2006. Most deaths were related to poor medical care and health issues. However, although the total overall number of prisoner deaths increased over the last six years as the overall number of prisoners rose, the mortality rate of deaths decreased. Of the 100 deaths, at least five were reported as suicides on the Justice Ministry's Web site. 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.

Conditions in many prison and pretrial facilities generally remained poor and did not meet international standards. The public defender's office, the Organization for Security and Cooperation in Europe (OSCE), the CPT, and many NGOs, including HRW, continued to report inhuman and life-threatening conditions, including poor facilities, overcrowding, and inadequate nutrition and health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities. In his December bi-annual report, the public defender recommended the Ministry of Justice work to improve the hygienic conditions, by improving shower facilities and laundries in the prisons and creating proper air ventilation to ameliorate conditions.

In March 2006, 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 beaten severely by prison officials, including the head of the prison, Temur Tabaghua. Tsikvadze stated also that prison officials denied his requests to see a doctor. Investigators in the case questioned Tabaghua and other inmates. All of them denied that Tsikvadze was beaten. The case was closed on March 31 after the investigation concluded that there was no evidence of a crime.

In September Shalva Ramishvili of independent TV 202 reportedly submitted a case to the European Court of Human Rights in connection with his January 2006 temporary move by prison officials from his regular cell to a carcer, a small disciplinary solitary confinement cell, which Ramishvili alleged lacked necessary ventilation and sanitary facilities.

Five prisons out of 17 institutions and pretrial detention facilities were overcrowded severely, sometimes at double their capacity, due to the increase in the prison population as the government cracked down on crime since 2004. According to government statistics, at the beginning of the year, an estimated 21.7 percent of inmates

were detainees awaiting trial. While this was an improvement over previous years, the high figure continued to indicate a backlog of court cases.

Tbilisi Prison No. 5 continued to be used as a pretrial detention facility. As of December 21, 2,661 prisoners remained in Tbilisi Prison No. 5, exceeding the official capacity of 1,881 by 41 percent.

The investigative service of the Department of Prisons conducted investigations into alleged misconduct by prison officials. During the year the service opened investigations into allegations that prison officials brought prohibited items such as illegal narcotics onto prison grounds. For example, in October 2006 Ramaz Gabisonia, an official in the women's prison, was detained on charges of bribery and possession of prohibited items on prison grounds. On March 12, Gabisonia was convicted for commission of bribery and passing prohibited objects to a prisoner and was sentenced to two years of imprisonment.

With the exception of the new prisons in Kutaisi, Rustavi, and Gldani, prisons severely lacked medical facilities, including equipment and medicines. In the autumn, the Department of Prisons announced an open tender for purchasing medical insurance service for prisoners for three years. The tender was won by the insurance company Aldagi-BCI and after contracting with Department of Prisons, they became responsible for medical treatment of prisoners. In accordance with contract terms, the insurance company must provide all prison institutions with medicine, fill medical staff positions, and train staff. All medical staff that worked in the penitentiary system as of the implementation of the contract became employees of Aldagi-BCI and no longer were staff members of the penitentiary system. The penitentiary system no longer had any authority in their selection, promotion or dismissal.

The Ministry of Justice, which includes the Department of Prisons, continued its comprehensive effort to reform all aspects of the penitentiary system. During the year the total budget for the penitentiary system increased approximately 132 percent in comparison to the budget in 2006, which was itself 63.5 percent higher than in 2005. According to the Ministry of Justice figures for 2006 and 2007 the overall inmate population grew from 15,423 to 18,310. Of the 18,310 inmates in the system, 2,963, or 16.2 percent, were in pretrial confinement. In December a presidential pardon and amnesty was granted to 914 prisoners, who were released before the end of the year. According to the Council of Europe's Committee for the Prevention of Torture, the country's prison population more than doubled between 2004 and 2007. The increase in the prison population was linked to the government’s fight against crime, which resulted in a decrease in crime across the country, including in the capital of Tbilisi.

In cooperation with NGOs, the Justice Ministry adopted a code of ethics for prison system employees on December 13 that set standards for employee conduct and the use of force, modeled after European practices. In August the Working Control Unit of the Headquarters of Department of Prisons was created. According to this unit, during the year there were 36 cases of disciplinary violations by penitentiary officers in various penitentiary establishments. Out of the 36, six were dismissed from their posts, 11 received strict rebukes, 18 received a rebuke, and one was reprimanded. Salaries for prison guards were increased and paid regularly; the average salary of a prison employee was 79 percent higher than in 2006.

The justice ministry was in the middle of a multiyear program to build and renovate prisons in order to meet international physical standards. During the year the government increased the budget for capital expenditures on prisons by 555 percent compared to 2006. In January a justice ministry decree created a new juvenile department in two prisons for women, which meant that juvenile female inmates would be confined separately from adults, as was the case for males. The renovated Khoni Prison No. 9 was reopened in February, and in May an additional wing was opened at Rustavi Prison No. 2. In December Gldani prison was opened officially, and 2,478 prisoners were transferred from Tbilisi Prison No. 5, easing the overcrowding. In December a psycho-rehabilitation center, Atlantis, was opened in Rustavi No. 6 prison to treat inmates on a voluntary basis with drug or alcohol dependencies.

The government increased spending for prisoners' food and nutrition by 227 percent compared with 2006 and reported that it required prisons to ensure that relatives were allowed to deliver packages of food to prisoners, something that prisoners relied on in the past. A sundry shop opened in Kutaisi Prison No. 2 in April as part of an effort to reduce reliance on packages from outside sources, which had been a conduit for smuggling contraband into the prison.

In June the government and the International Committee of the Red Cross (ICRC) extended for two years a prison tuberculosis control program.

As of December 1, local monitoring councils operated in 11 penitentiary establishments. The councils monitored penitentiary establishments, developed appropriate recommendations, and delivered reports every three months**.** Members who belong to the councils were approved by the Minister of Justice and selected on the basis of their desire to work, qualifications, and reputation. The latter was defined as general assessment of character, education and work experience, ability and desire to work as a member of the Council, and reliability. It excluded candidates who were previously convicted or charged for illegal acts. Ideally, members were to reside within 30 kilometers from the institution in which they monitored.

The ICRC had full access to detention facilities in the country, as well as to those in the regions of Abkhazia and South Ossetia, to monitor conditions of detention and treatment of all detainees. The ICRC followed up on persons detained in connection with the conflicts in Abkhazia and South Ossetia. Prison conditions in the two regions were chronically substandard, although overcrowding reportedly was 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.

There was a low incidence of police corruption at the patrol police level. As a result of recent reforms, the relatively high 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.

In October the UN Human Rights Committee expressed its regret about the persistence of reports involving police abuse, in particular during the arrest of suspects, and deaths allegedly resulting from the use of excessive force by police.

The number of incidents of police misconduct, such as the fabrication or planting of evidence, reportedly did not decrease, with allegations persisting that authorities continued to use threats to plant or fabricate evidence against suspects or their families. A number of cases in which police were charged with planting evidence, using excessive force, inhuman and degrading treatment, abuse of official authority, and exceeding the limits of official authority, carried over from 2006.

According to the Prosecutor General's Office, there were 205 criminal proceedings initiated against police during the year, resulting in 271 convictions, compared with 239 initiated criminal proceedings and 228 convictions in 2006.

The public defender reported that on February 19, the Ministry of Internal Affairs arrested Lasha Khorguiani, Gocha Mildiani, and Khvicha Mildiani, planted drugs on them, unlawfully detained them, tortured Khorguiani, and abused official authority. The arrests were made allegedly because Irakli Kodua, the head of the ministry's Special Operations Department, was angry that a person using Khorguiani's cell phone had accidentally dialed a friend of Kodua's at a late hour. Gocha and Khvicha Mildiani were released on February 20, but authorities continued to hold Khorguiani, seeking the identity of the person who made the early morning call. Khorguiani was released after two months detention and a $3,200 fine (5,000 lari). No charges were brought against Ministry of Internal Affairs officials.

Authorities arrested or administratively disciplined police officers in some high−profile cases of physical abuse or deaths in custody. The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations. However, NGOs maintained that the incidence of abuse was higher than the number of cases investigated by the prosecutor general and that this failure to conduct systematic investigations and pursue convictions of all alleged abusers continued to foster a long-standing culture of impunity. Human rights NGOs also asserted that many instances of abuse went unreported by victims due to fear of reprisals or lack of confidence in the judicial system.

The Prosecutor General's Office was in charge of all criminal investigations into allegations of torture and mistreatment. Prosecutors were required to investigate police use of force when a detainee with injuries sustained during arrest was registered. The law required the office to open an investigation when it received information about a possible violation even if from an anonymous source. If prosecutors concluded after investigation that charges were not warranted, the decision could be appealed to a higher level 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 the office conducted investigations into allegations of torture or abuse and inhumane treatment by police and concluded that the police had committed some violations.

A 2006 police code of ethics obliges police officers to uphold the human rights of all persons and to use force only when strictly necessary for the performance of their duty; the Ministry of Internal Affairs and prosecutor general's office are responsible for implementing the code. The General Inspection service of the Ministry of Internal Affairs investigates cases of suspected duty infractions of police officers, receiving complaints from citizens who call in on the ministry hot line, from the Public Defender, or from the Main Unit of the Human Rights and Monitoring Department of the ministry. Infractions may be addressed to the policeman's supervisor who can also initiate an inquiry. Disciplinary measures may be one of seven types: reproach, condemnation, severe condemnation, deprivation of the ministry badge, demotion, demotion by one grade, dismissal. If there is suspicion that a police officer committed a criminal act, the policeman is suspended from his post, and if the allegations are confirmed, the inquiry materials are transferred to the Prosecutor General's office where the case becomes a criminal investigation.

During the year 413 officers received administrative sanctions; 271 were dismissed and 37 were arrested on criminal charges.

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

Other parts of this report contain information related to this subsection; see section 1.c.

Arrest and Detention

Police, investigators, and prosecutors may arrest a person upon suspicion and without a warrant, but the law stipulates that detainees must be brought before a magistrate judge within 72 hours. Those not charged within this period must be released. During the year, there were no reported cases of detainees kept longer than 72 hours without being charged.

NGOs stated that reports of police planting drugs or weapons in order to make an arrest continued. The prosecutor general's office is the only body authorized to engage directly with the courts. During the year the Public Defender and NGOs working on human rights issues reported a number of cases in which law enforcement officers planted drugs or weapons in order to charge individuals in criminal cases.

On May 23, the law was amended to lower the minimum age at which children may be held criminally responsible for certain violent crimes, such as first degree murder and rape, from 14 to 12. HRW and some European countries criticized the change.

Under the law the release of detainees on bail is preferred over pretrial detention. Since October 2006 the government released on bail approximately 50 percent of those arrested. Citing the 2006 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. Such counsel is appointed upon the defendant's request by the agency that is in charge of the proceedings. If a defendant requests an attorney after arrest, the investigator or prosecutor who is handling the case is responsible for contacting and engaging the attorney. In June legislation was passed to provide attorneys free of charge to all persons charged in criminal cases.

On September 25, former defense minister Irakli Okruashvili gave a televised press conference in which he declared his opposition to the government and accused President Saakashvili of several sensational crimes, including ordering him to kill prominent businessman Badri Patarkatsishvili. Okruashvili provided no corroboration for his charges, which in some cases were based on alleged private conversations between him and Saakashvili. Police arrested Okruashvili on September 27 and charged him with corruption. According to the ICG, while Okruashvili's record was tainted, "he aired questions which have long preoccupied the opposition and civil society." At the time of his arrest he had just established a new opposition party and was considered by pundits a potential challenger to President Saakashvili in the next election. The arrest triggered large opposition protests, including the largest demonstration at that point since the Rose Revolution. Other opposition leaders expressed concern that Okruashvili's arrest was politically motivated, an attempt to intimidate all of the political opposition, and part of a series of attacks on human rights by the government. He was released on bail October 8 after he made a videotaped confession to some of the charges against him and retracted his charges against Saakashvili. Okruashvili left the country on November 1 and, in subsequent interviews from abroad, stated that his confession, retraction, and departure from the country had been forced. On November 25, Okruashvili was arrested in Germany. At year's end, Okruashvili remained in pretrial detention in Germany, where he had asked for asylum.

Defense counsel has the right to meet persons accused of a crime without hindrance, supervision, or undue restriction; however, some attorneys alleged that audio and video equipment in police stations, which was intended to record interrogations of suspects by law enforcement or investigators, was sometimes used improperly to 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 are required to inform detainees orally of their rights and to provide detainees with a copy of the arrest and search form, signed by police and detainees, to acknowledge that detainees have been fully informed of their rights. The public defender's office and NGOs reported that police often failed to inform completely detainees of their rights and that, if informed of their rights, detainees often did not understand them.

In December 2006 law enforcement officers arrested Pridon Chakaberia, head of the administration of the Kvemo Bargebi village in Abkhazia's Gali region, while he was in Zugdidi, and charged him with drug trafficking. The Zugdidi court found Chakaberia guilty and sentenced him to 10 years in prison on February 16. Abkhaz de facto authorities condemned the arrest as an attempt to intimidate the local population and demanded his release. Some observers believed that the Georgian police planted drugs on him and arrested Chakaberia because of his cooperation with the Abkhaz authorities. A court in the western Georgian city of Kutaisi released Chakaberia on April 23.

According to 2005 amendments to the Code of Criminal Procedure, pretrial measures of restraint include detention, release on bail, and personal guarantee. The amendments eliminated alternatives such as house arrest and police supervision. Since January 1, the judiciary sought to use bail rather than pretrial detention. NGOs noted that due to economic hardship, some defendants were not able to pay bail even when it was granted, ending up in pretrial detention. According to Supreme Court

statistics, there were 21,170 persons convicted in criminal cases during the year, 9,788 sentenced to imprisonment, or 46.2 percent, 9,585 released on probation, or 45.3 percent, figures analogous to 2006. The number of those tried receiving probation increased by 3.9 percent. The remainder of those found guilty received either fines or correctional labor as punishments. Of those charged in criminal cases, 11,241 were released on bail. In 2006 approximately 50 percent were released on bail.

Under the law and in practice, the overall maximum time period for trial and exhaustion of appeals is 12 months. A person who is arrested must be charged within 72 hours or released. They can be held for a maximum of 9 months before the court of the first instance renders a verdict. Once the verdict is rendered, the start of the prison sentence begins immediately, despite any appeal process underway. There is a maximum three month appeal process for the Appellate court and a maximum of six months for the Cassation Court in the Supreme Court. If all appeals are exhausted, a prisoner could be held for a maximum of 18 months. There are no time constraints once the trial begins for the first instance court to render a verdict.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. However, reports persisted 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 also expressed concern 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 scheduling trials. The number of people in pretrial detention decreased significantly, as the backlog of cases was reduced and the use of bail increased.

Following 2006 constitutional amendments, the High Council of Justice, the body that disciplines judges, operated throughout the year as an independent institution with a majority of its members from the judiciary. In June Parliament passed further changes reorganizing the High Council of Justice and removing the minister of justice as a member, the last such executive branch official. Eight judicial members elected by the Conference of Judges and the chairman of the Supreme Court constitute the majority of the High Council of Justice. Two members of the council are appointed by the President and three members are elected by Parliament. The head of the Legal Committee of Parliament-currently a member of the ruling party-is an ex-officio member of the High Council of Justice.

In December 2006 the authority to appoint or dismiss judges was moved from the president to the High Council of Justice in order to increase the transparency of the judicial appointment process. Despite the use of objective written examinations to create a pool of potential qualified appointees and publication of the names of all the potential candidates for public comment, the judicial appointment process was not sufficiently transparent. Oral interviews of appointees were held behind closed doors with no public knowledge of what criteria were used for selection.

In July Parliament passed legislation on ex parte communications, prohibiting prosecutors, defendants, investigators, and any interested third parties from contacting judges outside the courtroom during cases to sway their judgments. The legislation--which went into effect in August--also repealed Soviet-era laws that punished judges, both criminally and administratively, for making "incorrect rulings," provisions that many observers believed the government could use to limit judicial independence. The law requires judges to report in writing to the secretary of the High Council of Justice any ex parte communication within one month. The secretary then forwards the report to the appropriate regulatory body--the prosecutor general for prosecutors, the Georgian Bar Association for defense attorneys, or the relevant agency heads for investigators-–for disciplinary action. If these bodies do not act, the High Council of Justice may take action on its own initiative. The council can impose a $60 (100 lari) fine on unregulated entities (defendants, accused, third parties, legal representatives, or other interested persons) who violate the ban on ex parte communications. According to the High Council of Justice Disciplinary commission, no disciplinary action was taken on ex parte communications since the law's adoption.

The Code of Ethics for Prosecutors was approved in June 2006. Violations of the ethics code results in disciplinary action by the Prosecutor's Office. The General Inspection of the Office of the Prosecutor General conducts an inquiry into such facts and presents this information to the Prosecutor General with a recommendation for disciplinary action. The code was actively implemented during the year, with 17 prosecutors receiving disciplinary actions from reprimand, to sharp reprimand, to dismissal from the job.

Defendants must confirm in court any statement they gave while in pretrial detention before it can 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, they were not aware of the protection, or they feared the penalty if they did not retract it.

In 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 including Chief of the interior ministry's Department of Constitutional Security Data Akhalaia reportedly beat and kicked him severely in order to force him to give incriminating evidence against lawyer Giorgi Usupashvili, the brother of opposition Republican Party leader Davit Usupashvili. According to Sioridze, the officers wanted him to sign a statement saying that Usupashvili misappropriated $111,000 (200,000 lari). Government investigators concluded that Sioridze's claim of injury was to achieve mitigation of a possible criminal liability in another case in which he was charged. As a result, in September 2006 officials terminated the criminal proceedings against the police.

The law provides penalties of up to five years in prison for witnesses who change or retract their original statements to police. NGOs contended that the provision made witnesses more vulnerable to prosecutorial pressure because it discouraged them from recanting incriminating statements given to the prosecutor during pretrial investigations. Prosecutors supported the provision on the ground that it discouraged witnesses from changing their testimony due to pressure from the defendant or his or her associates. Both torture and the extortion of evidence represent criminal offences under the Criminal Code. Article 30 of the Criminal Procedural Code sets aside a general rule, based on which the persons having suffered property damage, physical, or moral injuries have the right to file a civil claim and demand compensation. The compensation for physical injuries covers the costs of burials, medical treatment, prosthetic device and medicine, insurance, the compensation of financial aid and pension. Compensation for moral injuries can be monetary. The general rule of seeking compensation and redress for the injuries received as a result of crime through civil action equally applies to all crimes, including torture and extortion of testimony.

The High Council of Justice administered a three-tiered court system composed of regional (city) courts, appellate courts, and the Supreme Court. Regional (city) courts hear routine criminal, civil, and administrative law cases. Appellate courts serve a purely appellate function. The Supreme Court acts as the court of final appeal. According to Supreme Court data, during the first quarter of the year, the Supreme Court's Chamber for Administrative and Other Cases issued judgments in favor of the government in 93 cases and in favor of private individuals or companies in 87 cases. The government continued setting up a system of magistrates to hear specific cases, such as misdemeanors; when completed, the system will have 18 enlarged district (city) courts with 48 magistrate judges specialized to hear cases in civil, criminal, and administrative categories. By year's end six magistrate judges had been appointed and were working in the district (city) courts.

In June in cooperation with the Council of Europe, the High School of Justice established curriculum for training judges. The school began training judges, many of whom will serve as magistrate judges, in December. During the year the salaries of judges at all levels were raised $60 (100 lari) a month to reduce the incentive for corruption.

In November the Council of Judges adopted a Code of Ethics for Judges. The code defines rules of judicial ethics to strengthen independence, impartiality, and integrity of the judiciary.

The 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 generally interpreted its role 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, except where national security, privacy or protection or a juvenile are involved. While the 2005 criminal procedure code does not provide for a jury trial, there were other amendments that expanded defendants' rights in criminal procedures. For example, in January Parliament approved adding

an article to the Criminal Procedure Code that allows a person to appeal an arrest as unlawful, even if he or she had been released within a short time following the arrest without charges.

Defendants have the right to be present at their trial and to consult an attorney; however, access to defense attorneys for indigent defendants was limited in practice. The majority of criminal defendants went to trial without benefit of counsel. In June Parliament established a system to provide persons accused of crimes with free legal assistance in the first 48 hours, regardless of their financial status. The budget was increased more than $800,000 (1,280,000 lari) to begin the two-year process of implementing the new law.

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.

The law provides that, within five days following the conclusion of the court hearing or trial the record must be prepared and signed by the secretary and the presiding judge of the hearing. Only after these court officials have signed the document can it be introduced to the parties. Comments from the parties regarding the wording of the transcript may be submitted to the court.

The law provides that criminally charged defendants could be tried in absentia. During the year Parliament amended the law to permit a person convicted in absentia to appeal their conviction, which guarantees a new trial.

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 does not constitute grounds for postponing a hearing. A judge may also rule on an appeal of a pretrial preventative measure without a hearing.

By law a court must certify that a plea bargaining agreement was reached without resort to violence, intimidation, deception, or illegal promise and that the accused had the opportunity to obtain legal assistance. Although the prosecutor general's office reported that the majority of plea bargaining cases supported ongoing investigations into drug trafficking, NGOs criticized plea bargaining. There were widespread reports that such agreements (some on issues much wider than drug trafficking) required a person to pay money but the agreement was not used to obtain information on other criminal activity. Some plea bargaining agreements reportedly included a tacit understanding that the person accused would not pursue complaints of abuse or mistreatment against law enforcement authorities and would support their version of events in order to avoid negative publicity.

Political Prisoners and Detainees

Many individuals, including several high−ranking officials from the previous government, considered themselves to be political prisoners. Local human rights organizations varied on estimates of the number of political prisoners, reporting from one prisoner of conscience to 60 political prisoners. The parliamentary Human Rights Committee and Public Defender claimed that there were no political prisoners in the country.

During the year there were verdicts in the following two high-profile cases involving charges of treason; at year's end, both verdicts had been appealed:

On May 23, the Tbilisi City Court found the head of the opposition party Forward Georgia, former member of Parliament and minister of state security Irakli Batiashvili, guilty of treason allegedly for providing intellectual support and encouragement to rebels in the Kodori valley in July 2006. The court sentenced Batiashvili to seven years in prison. Batiashvili, who claimed the evidence was fabricated, filed an appeal. Some observers asserted that the evidence in the case did not substantiate the charge against Batiashvili and raised due process concerns, including the court's alleged acceptance of an inaccurate copy of the transcript of a telephone conversation as evidence and failure to provide the defendant with all of the relevant case material as required by law. Opposition parties and some NGOs therefore considered him a political prisoner. The release of Batiashvili was one of the demands made by the opposition during a series of demonstrations in November. On December 13, Nino Burjanadze, the acting president during the presidential election campaign, reportedly announced that he would be released on the day after the inauguration of the newly elected president in January 2008.

On August 24, the Tbilisi City Court found 14 individuals guilty of treason in a conspiracy to take over the government by violence. Most of the defendants reportedly were members of opposition parties affiliated with the Justice Party, headed by former state security minister Igor Giorgadze, who was accused of the 2005 attempted assassination of then president Shevardnadze. The defendants included Giorgadze's niece Maia Topuria, Teimuraz Zhorzholiani, Kakhaber Kantaria, Ramaz Samnidze, Giorgi Metreveli, Guram Papukashvili, Varlam Galdava, Revaz Bulia, Giorgi Akhobadze, Maia Nikoleishvili, Iakob Kvinikadze, Zaza Davitaia and Vakhtang Talakhadze. Critics maintained that the evidence in the case did not substantiate the charge and raised a number of due process concerns, such as the alleged destruction of potentially exculpatory evidence and admission into evidence of written statements from witnesses with similar language and narrative structure, including 16 word-for-word identical sentences, and closing of the courtroom. The Prosecutor's office noted that the witnesses' testimony was consistent with regard to the significant elements regarding the conspiracy. The prosecution further contended that the witnesses' recollections of the participation of different people in various meetings indicated that law enforcement authorities did not coach the statements.

On October 17, the opposition published a manifesto containing several demands, including the release of unspecified political prisoners.

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.

In Abkhazia, the de facto parliament in May 2006 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 depriving 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 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. Charges against some opposition leaders after video and/or audio surveillance raised concerns among some NGOS and international observers about this practice. In its December report, the ICG contended that civil society activists complained phone taps had become widespread and used to implicate opposition or public figures and business men.

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.

There were concerns about the lack of due process and respect for the rule of law in a number of developments related to property rights. A law passed in June required old leases to be reregistered with the government. The law also gave the government the right to evict illegal tenants with five days notice. There were protests over the law and widespread concern among citizens over its ramifications. As a result, a resolution passed in November restricted the government from attaching title to property after August 1 unless it reserved its rights before that date. Various ministries and cities gave notice affecting 1,950 different properties before the deadline. The government said that cases would be reviewed and not all the properties would be divested from their owners. After passage of the June law, residents alleged that the government tore down booths, stalls, and other structures giving only a few days verbal notice, thus precluding the possibility for owners to appeal to the courts. Residents reported the justification offered by the officials for tearing down the structures was the city's appearance or that owners did not have proper documentation.

In April, according to HRW, restaurant owners in Tbilisi and a neighboring town complained that officials had pressured them into handing over their property by threatening them with criminal charges for purchasing their property through corrupt business transactions during the Shevardnadze era. The government contended that these instances were cases of property with expired or ambiguous leases or obtained through fraudulent transactions or bribery linked to corruption, which caused domestic and international observers to raise concerns that the government had not sufficiently respected due process and the rule of law. The Public Defender was investigating ten such cases at year's end, although there were reportedly more.

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 Abkhazia, particularly in the predominantly ethnic Georgian Gali region, and in South Ossetia. The government had no effective control over most of Abkhazia and South Ossetia. The government maintained effective control over the upper Kodori valley in Abkhazia and several Georgian enclaves in South Ossetia. In May the government established a Temporary Administrative Unit in South Ossetia and delegated authority to the administration of Dmitry Sanakoyev, an ethnic Ossetian who won an unofficial "alternative election" in November 2006. A commission including government officials and South Ossetian representatives began work to define a broad autonomy for the region. In practice Sanakoyev's administration exercised authority only in the Georgian enclaves.

There was little information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. Abkhaz de facto authorities in March agreed to permit a UN human rights officer's presence and the deployment of three UN civilian police in the Gali Sector headquarters.

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 of the de facto authorities, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Abuse by de facto law enforcement authorities included arbitrary arrests and detention as well as routine mistreatment of detainees. De facto law enforcement authorities rarely wore uniforms or carried badges or credentials, allowing them to act with impunity.

Killings

There were no reports of deliberate or indiscriminate killings related to the conflict during the year.

Abductions

In February unknown persons abducted David Sigua, an ethnic Georgian serving as de facto election commission chair in the Abkhaz-controlled Gali district. The Georgian government denied Abkhaz accusations of involvement in the disappearance, and both sides agreed to a joint investigation, which was being conducted by the UN at year's end. Sigua's whereabouts remained unknown.

Government and Abkhaz commissions on missing persons reported that nearly 2,000 Georgians and Abkhaz remained missing as a result of the 1992-93 war in Abkhazia. The ICRC assisted both commissions in efforts to provide information to the families of the missing persons. However, most of the missing persons went unaccounted for in the region of Abkhazia. According to the ICRC, no repatriation of mortal remains occurred during the year.

Child Soldiers

In Abkhazia, teenage boys were frequently taken from their homes for forced conscription in the Abkhaz militia. Some parents claimed that their sons were younger than 18 and under the required age for military service. While the number of ethnic Georgians conscripted into the Abkhaz military was reportedly small, the threat of conscription remained a political tool used by the de facto authorities to control the ethnic Georgian population and to prevent young Georgian men from returning to or staying in the ethnic Georgian Gali district.

Other Conflict-related Abuses

A 2006 Abkhaz law on citizenship, which excludes the possibility of dual Abkhaz-Georgian citizenship but allows dual Abkhaz-Russian citizenship, limited the rights of the ethnic Georgian population in Abkhazia to participate in the electoral process and to have representation in the de facto parliament, as well as in local de facto bodies.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press. The government restricted freedom of speech and the press in connection with the fall political crisis. Throughout the year, there were accusations by NGOs, independent analysts, and journalists that high-ranking government officials and opposition politicians 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 local government officials and by opposition politicians.

Some individuals claimed to western monitors that they were afraid to criticize the government publicly or by telephone for fear of reprisal.

There were approximately 200 independent newspapers in Georgia, although most were local and with extremely limited circulation or influence. During the year print media frequently criticized senior government officials. However, few editorially independent newspapers were commercially viable. In addition lack of financial resources further limited their circulation. Patrons in politics and business typically subsidized newspapers, which were subject to their influence.

Most people received news from broadcast media. There were eight independent or privately owned television stations in Tbilisi and one public station, Channel 1. Four of the Tbilisi-based stations, Channel 1, Rustavi-2, Imedi, Mze claimed nationwide coverage. Imedi was the most viewed station and frequently carried criticism of the government. A fifth channel, Batumi-based Adjara Television, broadcast nationwide. Observers believed that some members of the government directed progovernment television stations, notably Rustavi-2 and Mze, to provide positive coverage of the government. During the pre-election period, the Organization for Security and Cooperation in Europe (OSCE) reported that Channel 1's coverage of the campaign improved and became more balanced. Some observers felt that as monitors reported on media coverage in the presidential campaign the balance of reporting improved. An international NGO estimated that there were more than 45 regional television stations outside of Tbilisi, 17 of which offered locally oriented daily news.

The Committee to Protect Journalists reported that, on

January 17, two unknown men briefly abducted *Giya Boklomi* journalist Ilya Chachibaya and warned him to stop his journalistic work in Zugdidi. At year's end local police closed the investigation into the alleged incident of threats of physical violence and the threat to close his newspaper by local authorities, without finding evidence to support Chachibaya's claims. Chachibaya planned to appeal the decision in the Kutaisi Court of Appeals.

In March, Elisio Janashia, editor of *Tavisupali Sitkhva* (Free Word), claimed that she was verbally abused and threatened by the spokesman for the governor of Samegrelo-Upper Saventi after she published an article about harassment of a journalist from another newspaper. On March 15, the Public Defender requested that the Zugdidi Internal Affairs investigate the allegations. The investigation was still ongoing at year's end.

At the end of July, the president signed legislation prohibiting video and photo cameras in courtrooms but allowing journalists to be present. A number of journalists and NGOs opposed the camera ban, arguing that publicity in courtrooms helped ensure fair trials.

On November 7, after using excessive force to disband opposition protesters, the government instituted a State of Emergency which, according to the constitution, suspended all broadcast press activities, except those of Public Television. As a result, operations were suspended completely at three television stations during this period (*Imedi*, *Kavkasiya*, and Channel 25) and *Imedi* was raided by Special Forces from the Ministry of the Interior. According to *Imedi* management, no official order authorizing the police raid was presented and police held the staff at gunpoint. Media sources and HRW reported that police violently dispersed departing staff and its supporters outside with teargas, rubber bullets, and truncheons. In the late evening, the prime minister read a statement declaring that a State Emergency was in effect and only public television would be allowed to broadcast, as permitted by the Constitution. Print media was not affected by the state of emergency. The ban was lifted on November 18, and all broadcast media except for *Imedi* television resumed their news broadcasts.

Imedi television stayed off the air following the suspension of its license by the Georgia National Communications Commission but resumed broadcasts on December 12. The government said that these actions were taken in response to the statement broadcast by *Imedi*, which allegedly called for the violent overthrow of the government—a charge that the broadcaster's management denied. According to the OSCE/ODIHR's first report on the pre-presidential election period, "similar statements apparently broadcast by other channels did not have the same legal consequences." When personnel were permitted to return several weeks later to the station, although the stationed had been cleaned, they found extensive damage to the equipment, looting of station property, vandalism, and theft of staff members' personal property and automobiles.

Imedi resumed broadcast on December 12, but closed again on December 26 after the resignations of several key journalists concerned that the owner, Badri Patarkatsishvili, a presidential candidate, had been accused by the government on December 24 of plotting a coup. The allegation was based on audio and video-recordings made public of a Patarkatsishvili representative attempting to bribe a Ministry of Interior official into thwarting the election, triggering mass unrest in Tbilisi and the entire country, and assassinating the minister of internal affairs.

The Georgian Media Council (a self-governing body of journalists and academics set up at the European Commission suggestion in 2006) monitored presidential campaign coverage to evaluate the coverage each candidate received. Adam Michnik, a noted Polish journalist and politician was asked by the EU to monitor the media. He set up a board of prominent local journalists and academics that monitored the ethical tone of the media coverage.

OSCE/ODIHR media monitoring results indicated a lack of balance in the news coverage of most monitored television stations during the presidential campaign through the end of the year, with the incumbent generally receiving the most coverage. *Imedi* TV appeared to be more critical of the incumbent than other monitored broadcasts.

In November, Ramaza Samkhradze, the director of independent radio station *Hereti*, a small regional radio station, alleged that during the election campaign in November-December, an attempt was made by a progovernment businessman to pressure Radio *Hereti* to stop antigovernment reporting. The Public Defender requested an investigation by the prosecutor's office.

In a November 15 report, the UN Human Rights Committee expressed concern over the lack of proper investigation of acts of harassment against journalists and called on the government to respect freedom of speech and of the media.

Throughout the year, self-censorship remained a concern among journalists, often tied to the fact that most journalists worked without contracts. In December, six high profile television journalists from *Imedi* and *Rustavi2* resigned. *Rustavi2* journalists said that they felt pressured to conform to a pro-government policy**;** *Imedi* journalists said they resigned due to increased pressure to conform to an antigovernment editorial policy.

Prior to the fall political crisis, NGOs, media analysts and individual journalists cited improvement in access to public information, less indirect and covert pressure on journalists, and better financial resources. While the law provides for the National Commission on Communications to adopt a code of ethics for broadcasters, the commission postponed issuing a code in 2006 to allow for public comment after journalists criticized the draft version, originally proposed by the European Commission, as an attempt to control broadcast media. At year's end the commission had not adopted such a code of ethics.

The Ministry of Defense and the Ministry of Internal Affairs made considerable improvement in providing access to journalists and information. During the year the defense ministry permitted journalists to visit the Krtsanisi Training Annex and other facilities that had been closed. Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by the de facto authorities.

Other parts of this report contain information related to this section; see section 2.b., Freedom of Assembly and section 3.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was available to 7 percent of the population.

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 government restricted this right in November, and the police on occasion 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 granted routinely.

Different political parties were galvanized by the September arrest of former Defense Minister Irakli Okruashvili and joined to form the United Opposition Council (UNC).

The UNC began protests in October in Zugdidi, Kutaisi, and other regions, culminating in a series of November protests in Tbilisi:

On October 28, seven men physically assaulted MP Bezhan Gunava, MP Bidzina Gujabidze, and Laska Chkhartishvii from the Equality Institute, at an opposition rally in Zugdidi. On October 29, the Kutaisi court sentenced two of the seven men to 20 days administrative detention and fined five others. On October 30, the Public Defender recommended that the government criminally prosecute the seven individuals, all of whom were ruling party members for dispersing the October 28 demonstration. He criticized the court for imposing administrative sentences on defendants who used violence against MPs. The Public Defender called for the criminal prosecution of all persons, including police officers, who did not prevent the beatings of the MPs. No police were charged for failing to execute their duty of maintaining law and order.

Activists attempted to drive from western regions of the country to participate in a November 2 protest in the capital but were unable to do so. The government allegedly seized cars, keys and car registration papers from drivers, blocked motorways, and slashed car tires. Some drivers reportedly were assaulted and roads were blocked coming into Tbilisi.

The Tbilisi protests began on November 2 and continued peacefully until November 7, when demonstrators were dispersed with force that HRW, the ICG, and others described as excessive. Early on November 7, police cleared approximately 70 protesters and hunger strikers from the vicinity of Parliament. HRW reported that police physically assaulted several protesters. Later that morning, in response, a larger number of protesters broke through police lines, and confrontations began with police. After mid-day, police, using a loud speaker, demanded that protesters clear the streets several times, and riot vehicles subsequently used water cannons on the crowds. In several confrontations during the day, riot police fired tear gas and rubber bullets at those protesters who did not disperse when ordered by police. HRW reported that "many of those beaten were peaceful protesters, protestors attempting to disperse, or individuals merely observing the events or coming to the aid of victims of police violent." A number of fist fights between protesters and police also took place, and some groups of protestors attacked police or law enforcement agents who had become separated, particularly later in the day. Government spokesmen asserted that the authorities were in their rights to disperse the demonstrators and that it was a legally based decision.

Local area hospitals admitted 587 persons with either injuries or side effects from the tear gas. Three of those admitted required surgery. Thirty-four policemen were injured, two seriously. Included in the number of injured were the Public Defender and political party activists. Koba Datiashvili, leader of the opposition People's Party, was kidnapped, beaten, and taken to Gori military hospital before he was released. Early on November 8, the government declared a state of emergency, but citizens were unclear whether this restriction was country wide or only confined to Tbilisi due to contradicting statements from officials. According to one NGO, this confusion affected protestors in Batumi and Telavi who gathered seemingly not knowing about the ban on November 8, but were forcibly dispersed by police.

The Public Defender called for an investigation into the use of excessive force by police and the events of November 7. On November 10, Old Tbilisi District Prosecution Office initiated a preliminary investigation into the bodily injuries sustained by individuals on November 7. The investigation was subsequently transferred to the Investigation Unit of the Tbilisi Prosecutor's Office. In addition to evidence gathered, the Prosecutor's Office accepted materials sent from the Public Defender with regards to 12 individuals who were affected. Information from the prosecutor's office indicated that 19 persons received injuries, varying in degree of seriousness. All 19 were examined by medical authorities. At year's end the investigation was underway and no one had been charged.

The Ministry of Internal Affairs dismissed 11 police officers for violating the ministry's instructions during the November 7 disorders not to cause conflict with citizens which would further escalate the situation.

In his December report, the Public Defender recommended that the Ministry of Internal Affairs provide a special re-training program for patrol police inspectors to familiarize them with current legislation about freedom of assembly and how to differentiate between the exercise of this freedom and disorderly behavior.

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.

However, there were a number of reports that opposition activists continued to be harassed after the November demonstrations. For example, the OSCE's December 20 interim report on the January 2008 presidential election reported allegations of "political intimidation, pressure and violence" against opposition activists including the New Rights Party during the campaign.

In addition some opposition MPs were physically assaulted during the year. Opposition MP Gia Tsagareishvili asked the prosecutor general's office to prosecute ruling party MPs Koba Dvalishvili and Vakhtang Balavadze for beating him on September 18 after he made a public statement that they found offensive. Tsagareishvili was affiliated with former defense minister Okruashvili's planned opposition party. The Public Defender's report stated that there were grounds for arrest on criminal conduct charges for threatening a public official. The prosecutor's office looked into the above allegations, but concluded there were no signs of criminal conduct and no investigation was initiated.

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 in 2005 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. The tax code exempts the Orthodox Church from paying value added tax (VAT) for the importation of some religious items (crosses, candles, icons, books, and calendars used exclusively for religious purposes) but requires other religious groups to pay VAT and file for reimbursement.

Any religious group may register as a local association or foundation and receive tax exempt status. 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.

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. However, many other religious groups registered under the legislation, which does not discriminate against any religious activity.

During the year attacks on religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease, with the Ombudsman's Office reporting that incidents of abuse declined to nearly half the number of cases the previous year. Police were quick to respond to incidents of abuse but were slower in their follow up to crimes they viewed as minor "hooliganism," defined as actions that violate public order or demonstrate open contempt towards society committed by using violence or threats of violence.

A 2005 law separating state schools and religious teaching narrowed the interpretation of the government concordat with the Orthodox Church regarding reaching 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 change to school religious education although they observed along with NGOs that practice did not always keep pace with the law. During the year there continued to be flaws in the implementation of the law, which mainly pertained to

carrying out religious rituals and displaying religious objects.

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, as did the primary textbook. At midyear the Ministry of Education suspended work on a new curriculum that was to have addressed the public complaints. The curriculum was abandoned principally because the group could not agree on a curriculum and there were not enough incentives offered to teachers who would have to teach the course.

Unlike in 2006, representatives from the Armenian church reported they no longer had problems importing religious literature. The Armenian Church had stopped importing candles because of customs problems.

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 Kingdom Halls required congregations to continue meeting in private homes. The prosecutor general's office investigated cases in which the members of Jehovah's Witnesses were denied the use of privately owned facilities to hold religious conventions for large groups in 2005-06 but could not identify the specific individuals responsible. In May the European Court of Human Rights (ECHR) ruled against the government for failing to protect the group from violent harassment in 1999. At year's end the group had four cases pending before the ECHR, filed during the administration of previous governments. One of these cases contested a 2001 Supreme Court ruling that revoked the group's registration. However, during the year the organization was registered under the new registration law. This status allowed them to import materials, rent venues, and conduct other transactions as a legal entity.

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. By midyear the justice ministry had adopted plans to rely on disinterested expert opinion for assessment of future ownership disputes, instead of a now inactive commission that had included a Georgian Orthodox Church participant.

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. 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 apprehensive towards "nontraditional" religions, which were perceived as taking advantage of the populace's economic hardships by gaining members through economic assistance. 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.

During the year the government investigated several cases of interference, threats, intimidation, or violence. The prosecutor general's office elected to exercise prosecutorial discretion to emphasize cases arising after 2003, given its limited investigative and prosecutorial resources. Investigations prior to 2003 were scheduled to continue where feasible, but priority was given to new cases. Religious minority groups pointed out that this could lead to the eventual elimination of cases that could be investigated under law predating 2003.

On January 29, in Chkhorotska, the prosecutor general's office opened a criminal investigation against Vladimir Sukinara for inflicting verbal and physical abuse against two members of Jehovah's Witnesses. On February 21, the Jehovah Witnesses Eter Charkviani and Inga Izoria, the victims on the case, withdrew their complaint stating that they had reconciled with Sichinava. The case was closed as a result.

On June 12, there were two instances of violence directed against members of the Jehovah's Witnesses. In Tbilisi, undetermined persons threw rocks at the building of the Jehovah witnesses and on the same day, threw a bottle at Marina Kinkladze, Jehovah Witness, when the latter was cleaning the entrance of the building. On the same day, a criminal case was on the grounds of damage to the Jehovah witness property. The investigation was ongoing at year's end.

On May 29, unidentified individuals insulted and physically abused Jehovah Witnesses Davit Shermadini and David Karamiani in Gldani. The instigators forcibly took the Jehovah Witnesses' literature and promptly destroyed it at the scene. At year's end the investigation was still underway.

In June a court sentenced Khaber Ninikuri, Giorgi Alasania, Nikoloz Tsikhelashvili, and Shalva Mosiashvili to seven years' imprisonment for a November 2006 attack on the office of Jehovah Witnesses in Rustavi.

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. Although the Russian Orthodox Church recognizes the country's territorial integrity, the Georgian Orthodox Church patriarchate claimed that the Russian church was sending in priests loyal to the church patriarchate in Moscow under the pretext of setting up indigenous Abkhaz churches.

A 1995 decree issued by the de facto leader of Abkhazia prohibiting 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 the group has approximately 1,500 members. Although Baptists, Lutherans, and Roman Catholics also reported they were allowed to operate in the region, the Georgian 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 de facto authorities.

For a more detailed discussion, see the *2007 International Religious Freedom Report.*

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, 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. Checkpoints operated by de facto militia often obstructed citizens' internal movement in these regions and from these regions to areas controlled by the Georgian government. In December 2006, Abkhaz de facto authorities closed the cease-fire line to all civilian vehicular traffic. Abkhaz de facto authorities reduced the number of legal official crossing points to six by the end of the year, with only one being open for vehicular traffic. There were some case by case exceptions made due to medical emergencies and funerals at other checkpoints. South Ossetian authorities closed the Transcaucasian Highway through a string of Georgian-administered villages to the north of Tskhinvali throughout much of the year.

An Abkhaz citizenship law allows 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 de facto 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.

In July Parliament passed a law authorizing the government to begin accepting applications in 2008 for repatriation of Meskhetian Turks beginning in 2011, based on documents that attest to their deportation.

Internally Displaced Persons (IDPs)

Approximately 240,000 ethnic Georgians, 227,000 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 an action plan for its first national strategy on IDPs.

Approximately 105,000 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.

During 2006 the government began a project called "My House," which allowed over 50,000 IDPs to register property owned in Abkhazia before the war. Abkhaz de facto authorities continued to prevent repatriation of the approximately 227,000 IDPs previously driven from the region, despite their 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 50,000 IDPs, mostly seasonal workers, returned to the Gali region of Abkhazia.

In 2006 Abkhaz de facto authorities instituted a law that prevented internally displaced Georgians from reclaiming homes they fled in Abkhazia in 1992/1993.

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

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 there is reason to believe they feared persecution. However, in its November report, the UN Human Rights Committee expressed concern that current legislation did not fully ensure respect for nonrefoulement and recommended additional legislation and procedural safeguards, training for border guards, and a mechanism to speed referral of asylum seekers. 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 1,300 registered refugees from Chechnya settled in the Pankisi valley in the eastern part of the country. International humanitarian organizations' assistance to refugees in the Pankisi valley was sporadic. In June the government began issuing refugees temporary residence permits, allowing them to move freely about the country, open bank accounts, and purchase homes. 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.

Stateless Persons

According to UNHCR, in 2006 there were 1,273 registered stateless persons in the country. Of these, 60 percent resided in Tbilisi and others were scattered throughout the country. Among those registered as "stateless," documentation was poor. The number of registered stateless persons may include Chechens who volunteered for repatriation to Russia but were denied because they had never been registered in Russia and did not have documented Georgian citizenship. This confusion was compounded by persons who lived in the unrecognized, separatist regions.

The law allows for acquisition of citizenship by birth, including for children of stateless individuals born on Georgian territory. For persons born on foreign territory, the law allows for the acquisition of citizenship through a naturalization process that requires 10 years of continuous residence in the country, demonstrated command of Georgian or Abkhaz language and Georgian history, and demonstrated permanent employment or possession of real property.

There were no clear estimates of the size of the Roma population. When the country became independent in 1991, many Roma left the country, although several thousand reportedly remained. Large numbers of Roma came from Abkhazia, from where they had migrated to Zugdidi and Tbilisi, while additional Muslim Roma arrived from Armenia and Azerbaijan. Internal seasonal migration was noted during the summer to the Black Sea Coast. Romani IDPs from Abkhazia were not entitled to IDP social assistance as they had no documentation to prove their status.

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.

Controversial 2004 constitutional amendments remained in force during the year that strengthened the powers of the president, by giving him/her the ability to dismiss Parliament in two circumstances: if the Parliament does not approve the President's Cabinet nominations after three attempts, then the President can dismiss the Parliament and appoint the Prime Minister and Cabinet himself; if the Parliament does not pass the budget on time, the President can approve the budget by decree. In both instances newly elected parliaments could neither vote on the Cabinet nor the budget.

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 citizenship in order to vote or participate in the political process.

Elections and Political Participation

The most recent presidential and parliamentary elections were held in 2004. The OSCE reported that the 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. All of these problems continued to be noted during the November-December presidential election campaign. 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 pre-election registration was conducted and little or no campaigning occurred.

International observers in 2004 deemed the 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 high 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.

In October 2006 the OSCE, the Council of Europe, and respected NGOs concluded that the local elections generally respected fundamental freedoms. OSCE and NGOS

noted, however, that the ruling National Movement party abused its incumbency status through actions such as employing identical slogans, designs, and images in government public service announcements and in campaign materials, thereby improperly blurring the distinction between the National Movement and the government. OSCE, NGOs, and opposition parties also criticized the composition of the Central Election Commission, which was dominated by members of the ruling party. OSCE also noted that election legislation, voter registration, vote counting, and election grievance processes needed improvement.

International organizations, including the UN and the OSCE, as well as the government, did not recognize the February 11 local and March 4 and 18 "parliamentary " elections in Abkhazia, just as they did not recognize previous elections in the separatist regions.

Following opposition protests in November, the government agreed to change the composition of the Central Election Commission to include six members appointed by opposition parties. One member was appointed by the ruling National Movement and the other six were appointed by the President and Parliament under the previously existing procedure. The opposition also appointed members to all Precinct Election Commissions at this time; however, the mid-level District Election Commissions remained without opposition representation. Subsequent votes on major issues that came before the CEC split on party lines. Prior to this reform, the President and Parliament appointed a new chairman of the CEC, but opposition parties alleged that the appointee was selected in advance by the President and therefore was not consistent with the transparent procedure provided for in the electoral code. In their interim election reports, the OSCE reported flaws in the conduct of election commissions.

OSCE noted in their election interim reports that in November and December, the presidential election campaign was conducted in a highly polarized political environment. Opposition candidates expressed deep distrust in the election administration and alleged that they were unable to compete equally with the incumbent. They also alleged widespread pressure on voters, in particular, on state employees. The authorities, for their part, suggested that the opposition was not willing to respect the outcome of the election.

There were no government restrictions on political party formation beyond registration requirements; according to the justice ministry's Registration and Licensing Department, there were 189 registered political parties, of which 179 were active. However, some members of the political opposition were subjected to political violence. There were reports that politically active persons who were not members of the ruling party experienced problems such as selective prosecution for corruption.

At year's end the government had not determined the identity and the whereabouts of the offenders who in 2005 severely beat Valeri Gelashvili, then an opposition MP.

There were 23 women in the 235-seat Parliament. The speaker of Parliament, Nino Burjanadze, who served as Acting President during the presidential campaign, 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 2006 local government reforms, the number of seats held by ethnic minorities in municipal councils was commensurate with their percentage of the population in each region of the country.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; while the government implemented these laws effectively against low-level corruption, which decreased as a result of high profile reforms led by the president, senior level officials reportedly engaged in corruption with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

According to a September Transparency International Report, the positive improvements to fight corruption were implemented in the following areas: university entrance exams, state licensing and permissions, state revenue collection, and accuracy of the public registry. Problems remained with the lack of transparency in the government's policy making process, lack of research-based fight against bribery and corruption, lack of and stable and effective mechanism for interaction between government and civil society, inconsistency related to protection of legal requirements during arrests, and difficulties in accessing public information, especially in the regions.

On June 19, Freedom House's 2007 Nations in Transit report - which covered 2006 **-** noted the country had made significant progress in implementing anti-corruption measures, where the government's tough reforms for the public sector were having a sustained positive effect. The report noted that corruption remained a serious concern. In a subsequent report for 2007 Freedom in the World 2008, Freedom House reported that despite progress in combating lower- and mid-level corruption, corruption at elite levels apparently continued.

A number of politically active defendants in corruption cases, including former Defense Minister Okruashvili and his associates, alleged that they were victims of selective prosecution. Other opposition leaders also stated that Okruashvili was a victim of selective prosecution. Critics alleged that the government only brought up on corruption charges high level officials when it was politically expedient to do so. Government authorities pointed out that, particularly in the case of Okruashvili, the investigation had been underway for quite some time, and Okruashvili only came forward with his allegations to attempt to preempt his arrest. During the year members of the government and ruling party members were investigated for corruption.

On September 23, Mikheil Kareli, the former mayor of Shida Karli region, was arrested and charged with bribery and illegal business practices. Earlier, according to press accounts, several officials from the local administration, including Vasil Makharashvili, the governor of Gori, Nugza Papunashvili, the deputy chairman of the City Council, and Gaioz Dzanadia, the governor of Kareli district were arrested on corruption charges. At year's end the investigation continued.

In December 2006 the Ministry of Internal Affairs opened a criminal case that involved the company Colizeum Ltd. and Kutaisi public officials. The ministry charged the deputy mayor of Kutaisi, the acting head of the Service of Territorial administration, and fifteen members of the Kutaisi mayor's office with neglect of official duty and exceeding the limits of official authority. All were accused of forging documents that paid Colizeum Ltd. more than $331,372 (553,392 lari) over the actual amount of work completed on re-roofing damaged houses in the city.

The Deputy Mayor of Kutaisi, Omar Kikvidze was found guilty of neglect of official duty and the Acting Head of the Service of Territorial Administration of the Mayor's Office, Mukhran Kokhredize was found guilty of exceeding official authority. Both were sentenced to three years probation, fined $3,125 (5,000 lari), and deprivation of the right to hold a position in the public sector for three years.

Zviad Mandaria, a member of the Kutaisi Municipality and Iralki Goglichidze, the Deputy Head of the City Service of Economic Development at the Mayor's office were found guilty of exceeding their authority and sentenced to two years probation, fined $6,250 (10,000 lari), and deprived of the right to hold a position in the public sector for three years.

Thirteen employees of the same organization were found guilty of similar crimes regarding this case and sentenced to two years probation, fined $3,125 (5000 lari) and deprived of the right to hold a position in the public sector for three years.

On April 25 the Revenue Service opened a criminal case against the company Gorgia Ltd. for bringing in construction materials from Turkey without paying proper customs duties. Five Batumi Customs agents were implicated and charged with abusing their official power for the purpose of gaining profit or privilege from Gorgia Ltd. The five officials were accused of intentionally undervaluing the materials, thereby permitting the company to pay significantly reduced customs fees. Zaza Ochkhikidze, Zurab Gugava, Shadiman Tsakadze and Lasha Jaiani were sentenced to three years probation and fined $1,250 (2,000 lari). Kakhaber Zarandia was sentenced to six months probation and fined $ 1,875 (3,000 lari). All five were required to make reparation to the state of funds lost.

On May 2, David Kekua, deputy head of the General Inspection Department of the Ministry of Internal Affairs, was charged with planting evidence during a high-profile

murder investigation and held in pre-trail detention. On October 25, he was found dead in his cell in Tbilisi Prison No. 7. An investigation was ongoing at year's end.

In October 2006 the Parliament stripped the immunity of two ruling party parliamentarians, Gia Nutsubidze and Giorgi Kenchaidze implicated in a corruption scandal in 2004. Nutsubidze was sentenced to imprisonment for three years on January 14 and in September 2004, Kenchaidze found guilty of extortion and sentenced to two years in prison.

On February 14 Davit Ingorokva, the director general of the state-owned Georgian Oil and Gas Company was found guilty of filing a false public corporate declaration and sentenced to probation for 5 years, and a fine of $31,250 (50,000 lari). In the course of the investigation it was discovered that the total value of the funds stolen from the company was $3,978,434 (6,365,495 lari). Ingorovka and his accomplices, who were also convicted in the criminal case, partially reimbursed the victim, which was in this instance, Georgian Oil and Gas Company.

During the fall, the public defender reportedly criticized the head of the Ministry of Interior's Special Operations Department for attempting to illegally seize cars he liked. As of year's end government authorities had not investigated this accusation.

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.

Other parts of this report contain information related to this subsection; see section 1.d.

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. However, while some NGOs enjoyed close cooperation with the government and officials were cooperative and responsive to their views, others complained of discrimination from government members.

The major human rights issues that caused tensions between the government and NGOs were the ill treatment of prisoners, lowering of the minimum age of criminal responsibility, inconsistency of the bail system, intimidation and use of administrative resources during the presidential campaign, violations of rights to property, and use of excessive force on November 7.

The UNHCR and the OSCE monitored 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 public defender's office generally operated without government interference and was considered effective, with some exceptions.

On November 2, Public Defender Office staff member Giorgi Getsadze visited the Geguti prison to verify allegations that prison guards were accepting money to be transferred to inmates, prohibited by law. When prison guards denied that such a practice existed, Getsadze called a colleague, Giorgi Mshvenieradze, to discuss the situation. On November 5, Bacho Akhalaia, Head of the Penitentiary Department released an audio tape of the Getdadze-Msheviaradze telephone conversation, alleging that Getsadze was attempting to bribe the guards. On December 10, Getsadze was found guilty of the charge, fined $3,125 (5,000 lari) and sentenced to one year probation, during which he may not serve in a public sector job.

The public defender's office attributed Getsadze's arrest to his role in revealing the plight of naked inmates in the Rustavi Prison No.6 in October 2006, which caused a strong negative public reaction. According to the office, Getsadze was convicted of attempting to bribe prison staff members into passing money to prisoners, and recording the process by a hidden camera to implicate officers.

Public Defender Sozar Subauri stated in his report on the events of November 7 that he was physically abused on that date by representatives from the special operations department under the Ministry of Internal Affairs on Rustaveli Avenue. The Public Defender stood between the demonstrators and the special operation unit members and tried to prevent a provocation between the sides. Even though the Public Defender identified himself to both sides, he was physically beaten by law enforcement officers. On November 15, a criminal investigation was launched to investigate Subauri's allegations. On November 24, Subauri was questioned and examined by forensic medical experts to determine the extent of his injuries. The investigation was ongoing at year's end.

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 initiate prosecutions or other legal actions. The public defender objected to justice ministry regulations prohibiting the use of cameras and recorders in the penitentiary system as an obstacle to substantiating claims of prison abuse.

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 public defender's report is delivered in front of Parliament and is available upon request for public dissemination; the spring report to Parliament was conveyed to an almost empty hall, and received a reserved assessment from Parliament.

The parliamentary 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 claims of abuse. By law the prosecutor general is charged with protection of human rights and fundamental freedoms; the prosecutor general's human rights protection unit is the reporting and monitoring arm of the legal department and has no independent investigative powers. The human rights unit focused on curbing abuses by law enforcement officials.

The UNHROAG office in Sukhumi continued to monitor respect for human rights in Abkhazia and to visit detention facilities in the region. In March Abkhaz de facto authorities agreed to permit a UN human rights officer's presence and the deployment of three UN civilian police in the Gali Sector headquarters and these deployments subsequently occurred.

Other parts of this report contain information related to this section; see section 2.b., Freedom of Assembly.

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

Rape is illegal. Criminal cases of 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. If the victim was pregnant, contracted HIV/AIDS, or was subjected to extreme violence, the sentence may be increased to 15 years and, if the victim was a minor, up to 20 years. In 2006 the Ministry of Internal Affairs reported 156 cases of rape and attempted rape, compared to 167 cases in 2005. Observers believed many instances of rape went unreported

due to the social stigma for victims. Police did not always investigate reports of rape.

Violence against women was a problem. The government acknowledged that domestic violence was a problem. Women victimized by domestic violence, however, rarely reported it because of social taboos, and police rarely arrested or punished perpetrators. According to Ministry of Internal Affairs statistics, during the year the police responded to 2,056 cases of family conflicts, in which 545 involved reports of domestic violence where restrictive orders were issued. The number of such conflicts registered in 2006 was 3,665, but there is no information available on restrictive orders, as the law did not go into effect until September 2006, and statistics were not required to be gathered until January 2007. UN and NGO studies have found that in 2006 approximately 5 percent of women reported being physically abused. A November UN Human Rights Committee report recommended that the government institute a mechanism to compile information on domestic violence and to make it publicly available. A local NGO operated a hot line and a shelter for abused women, although services at the shelter were limited due to a lack of funding and facilities. The same UN report recommended that the government take measures necessary to protect victims from domestic violence by establishing a sufficient number of shelters across the country.

The law on domestic violence, which came into effect in June 2006, 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 abusers and police to issue temporary restrictive orders 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. In September 2006, the Ministry of Internal Affairs developed a form required by law for police to issue as restrictive orders, but training for police in this area was lacking outside of Tbilisi. In his biannual report, the public defender recommended amendments to the law that would imply administrative liability for nonexecution of a restraining order, create social and labor guarantees for victims, and establish rehabilitation for aggressors. In July the government approved the Action Plan on Measures to Prevent and Combat Domestic Violence mandated by law.

The kidnapping of women for marriage continued to occur, 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 maintained a hot line and shelter to assist victims of attempted kidnappings, who were often rejected by their families after escaping from the kidnapper.

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

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 stated that discrimination against women in the workplace existed but instances were never reported. The speaker of Parliament continued to chair a Gender Equity Advisory Council, which included 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 at the deputy state minister level 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 their 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.

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 2006. In his December biannual report, the Public Defender recommended the Ministry of Education and Science promote public awareness and education to protect children from domestic and any other forms of violence.

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 95 percent in 2005, the most recent year for which data was available; secondary school enrollment for the same period was 81 percent. 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, including and especially in the separatist regions of Abkhazia and South Ossetia.

During the year the government rehabilitated 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.

There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. Incidents of sexual exploitation of children, particularly girls, were reported. Commercial sexual exploitation of children and pornography are punishable by up to three years' imprisonment. The Ministry of Internal Affairs sponsored a center for the rehabilitation of minors, which regularly provided medical and psychological assistance to child and adolescent victims before returning them to their guardians. Street children and children living in orphanages were reportedly particularly vulnerable to trafficking.

Difficult economic conditions broke up some families and contributed to the number of street children. In September the NGO Save the Children estimated that there were approximately 823 street children in four major cities, 435 of whom were 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. According to a UN-sponsored report prepared by the Minnesota Advocates for Human Rights, the education ministry views street children as a local issue which should be addressed by the municipalities, not the ministry.

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 were paid on a regular basis. Due to reported mismanagement of resources, staff members often diverted money and supplies provided to orphanages for personal use.

Roma children were usually born at home and their births were not registered by their parents with the government.

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

The law prohibits trafficking in persons; however, there were reports that women and girls were trafficked to, from, and within the country for commercial sexual exploitation and labor and men were trafficked from the country for labor.

The country was a country 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 exploited in the adult entertainment sector or forced into prostitution. Victims most frequently 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 women from other countries of the former Soviet Union were trafficked through the country to Turkey, sometimes using fraudulently obtained passports.

Children were seldom trafficking victims, although street children and children living in orphanages were 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 outside the country 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 2006 the country incorporated into its domestic law the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, and the Council of Europe Convention on Action against Trafficking in Human Beings.

The criminal code prohibits trafficking in persons, including minors, for sexual, labor, and other forms of exploitation. Trafficking in adults is punishable by seven to 20 years in prison. Trafficking in minors is punishable by a prison sentence of eight years to life, under aggravated circumstances. Minors are defined as anyone below the age of 18. The code prohibits internal and external forms of trafficking, although transborder trafficking is an aggravated form of the crime.

The code of civil procedure provides for confiscation of assets of convicted traffickers, members of their families, their close relatives, and persons related to traffickers if these assets were acquired through trafficking in persons. Such assets are to be used to satisfy the needs of the trafficking victim, with any remaining assets go to the state. A victim can also claim civil damages from the trafficker during the criminal proceedings.

On May 8, Parliament amended the criminal code to criminalize the use of services of a (statutory) trafficking victim, which is punishable by three to 15 years' imprisonment.

A trafficker was convicted in April and sentenced to 26 years in prison after two victims trafficked contacted the hot line in the fall of 2006. One victim was a minor.

As of year's end the courts had opened 24 new criminal investigations, one involving a minor. During the year the courts rendered 13 judgments against 16 perpetrators; the sentences of those convicted ranged from eight to 26 years in prison. None involved government officials or international organization employers.

As a result of active cooperation between the prosecutor general's office, the Ministry of Foreign Affairs, and the International Organization for Migration, a third-country national was safely repatriated in January after her trafficker was convicted and sentenced to 11 years in prison.

An interagency antitrafficking coordination council serves as the overall coordinator for antitrafficking measures undertaken by state agencies. National NGOs and international organizations were actively involved in the work of the council, which met quarterly. On July 19, the council approved a strategy for rehabilitating and reintegrating trafficking victims into society. The strategy is the final document in a series providing the framework for assistance to, and protection of, trafficking victims. The prosecutor general's office, the State Fund, and international organizations and local NGOS were designated to implement the strategy, which called for individual victims to receive a specific rehabilitation plan according to their needs.

During the year the government allocated approximately $180,000 (300,000 lari) to protect and aid trafficking victims and an additional $29,000 (51,000 lari) to rehabilitate and open a second shelter in the country -- the first in Tbilisi -- before the end of the year. A hot line for trafficking victims and inquiries was fully operational in the largest cities, and a trafficking victim shelter functioned in Batumi.

The country has a system for protecting and providing rehabilitation opportunities for trafficking victims, integrating them back into society. This system is fully operational.

A robust public information campaign ensures that information about trafficking is widely available through law enforcement agency Web sites, public service announcements, antitrafficking television programming, and brochures at the country's main ports of entry.

Persons with Disabilities

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

According to official data for the year, the country has 11,024, children with disabilities, although the actual number is thought to be higher.

National/Racial/Ethnic Minorities

The law requires that all government officials speak Georgian, which some minorities claimed excludes them from participating in government. Some government materials distributed to the public were only available in the Georgian language.

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 did not speak Abkhaz instructed students in Georgian. However, those who did so were often subject to harassment and prosecution by de facto Abkhaz authorities.

During the year there were no significant incidents of ethnic/criminal violence in the Tsalka region. The ethnic Greeks residing there were predominantly elderly and often reported economic difficulties (low pensions). The improvement of the social situation in the district was largely due to upgrades in the water supply, roads, and electricity, renovated schools, and appearance of local NGOs where community members are actively involved.

In the ethnic-Armenian dominated region of Akhalkalaki, many ethnic Armenians asserted that the government should allow Armenian to have "provincial language" status, as very few persons there spoke Georgian and were unable to conduct daily affairs in Georgian. They also complained that the government did not provide Georgian language instruction. Ethnic Azeris had similar complaints in the ethnic-Azeri dominated region of Kvemo Kartli.

While 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 law requires that ethnic minority students learn Georgian as a second language, and the government funded over 200 primary and secondary Russian, Azeri, and Armenian language schools throughout the country for persons whose first language is not Georgian. In Tbilisi a large majority of ethnic minority groups communicate in Georgian in their daily affairs.

The government took several steps to better integrate ethnic minority communities through Georgian language instruction, education, involving minorities in political dialogue, and increasing their overall access to information. The government increased its efforts to provide Georgian language instruction to members of ethnic minorities serving in the armed forces and law enforcement. In his annual report, the public defender recommended that the Ministry of Education send qualified Georgian language teachers who speak the relevant national minority languages to these regions.

In July Parliament approved a law on the repatriation of the Meskhetian Turks, a national minority group of the Muslim faith deported by Stalin in 1944. The legislation honored commitments made by the country to the Council of Europe in 1999 to provide for the resettlement of the Meskhetians by 2011. Passage of the law allowed the government to begin accepting applications on January 1, 2008 for repatriation from Meskhetians based on documents which attest to their deportation. Passage of the law came under heavy criticism from opposition MPs and the media, which pointed to the delicate ethnic and demographic balance in areas once inhabited by Meskhetians but which have become populated by a sizeable ethnic Armenian community.

Other Societal Abuses and Discrimination

While there are no laws that criminalize homosexual behavior, it was not widely accepted in society.

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 treatment 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 in 2006.

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 the prosecutor general's office to form and join unions. Labor unions stated that provisions of the labor code limit the mechanisms available for them to exercise their rights. Labor unions' most frequent demand was for the creation of an eight-hour workday, with double pay for overtime. The labor code stipulates an eight-hour day unless the employee and employer agree to other arrangements. Critics asserted that this gave too much power to employers, since there was a shortage of jobs in the country.

The principal association of unions is the Georgian Trade Union Confederation (GTUC), which represented unions in 25 sectors with over 252,000 unionized workers. The Educators and Scientists Free Trade Union of Georgia (ESFTUG) represented over 100,000 members. The ESEFTUG merged with GTUC by the end of the year. There were a few small unions for civil servants, cultural workers, and art workers, but they did not participate in GTUC. Although many employees in large-scale enterprises were unionized, their power was not commensurate with their large membership. Only a minority of the members were active in the labor movement. Critics believed that this gave management a free hand.

The law prohibits discrimination by employers against union members or union organizing activities, and employers may be prosecuted for violations and forced to reinstate employees and pay back wages. Despite this law, the GTUA and its national unions continued to report some cases of management warning staff not to organize trade unions.

During the year GTUC alleged several instances in which union members were threatened with dismissal by their employers for union activity. In December union members were fired from their jobs in Poti for union activity and their office sealed. After negotiations between the port authorities and the union, most all workers were reinstated and the union office was reopened. There were continuing reports that some workers, including teachers, employees of various mining, pipeline and port facilities, and the Tbilisi municipal government, complained of being intimidated or threatened by employers-−including public sector employers-−for union organizing activity. There were a few cases of employers failing 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 punishments for those who refuse to take part in negotiations; however, the government did not always protect this right in practice. The ombudsman's office listed not requiring employers to provide notice to employees in the event of termination of the labor relationship as one of the major deficiencies of the labor code. The practice of collective bargaining was not widespread. The GTUC administered approximately 1,600 collective bargaining agreements. 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 law limits the maximum length of strikes to 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. In practice, strikes were rare.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked for commercial sexual exploitation and men were trafficked for labor.

NGOs and trade unions have objected to a provision in the labor code that 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 contact. 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.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace; however, there were reports that children were sometimes trafficked for commercial sexual exploitation. A least one minor was trafficked during the year for sexual exploitation.

The public defender's office listed not giving enough attention to the rights of minors as one of the major deficiencies of the labor code. 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, Labor, and Social Affairs is responsible for enforcing laws regulating child labor. Although official data was not available, child labor was not generally considered a serious problem. Approximately 77.4 percent of working children were employed on family farms while 18.4 percent worked in family enterprises.

The minimum legal age for employment of children is 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 ages 16 to 18 are subject to reduced working hours and are prohibited from working at night. Inspections are performed by the Labor Department of the Ministry of Labor, Health, and Social Affairs, which employed six labor inspectors nationwide.

e. Acceptable Conditions of Work

Neither the minimum wage for public employees, approximately $67 (115 lari) a month, nor the statutory minimum wage for private sector workers, approximately $12 (20 lari) a month, provided a decent standard of living for a worker and family. The minimum wage was below the average 2006 monthly wage in both private enterprise and the government sector. The official minimum subsistence levels were approximately $72 (121.40 lari) for a single person and $126 (215.10 lari) for a family of four. Unreported trade activities, assistance from family and friends, and the sale of homegrown agricultural products often supplemented salaries. The Ministry of Labor, Health, and Social Affairs is responsible for enforcing the minimum wage. The GTUA had its own inspector to monitor compliance.

The labor code provides for a 41-hour work week and for a weekly 24-hour rest period, unless otherwise provided by a labor contract. The public defender's office listed not giving enough attention to the rights of pregnant women as one of the major deficiencies of the labor code. The code does not protect pregnant women from being dismissed from work while they are on maternity leave. The labor code provides that, unless otherwise addressed by an employment agreement, the duration of the business day is determined by the employer, but should not exceed 41 hours a week. Break and leave is not included in the work time. Duration of leave between work days (shifts) should not be less than 12 hours. The Labor Code provides that employees must work overtime labor without compensation to avoid natural disasters or prevent industrial accidents or to resolve of the consequences of either event. Pregnant women or women who have recently given birth are prohibited from working overtime without their consent. Overtime is defined as work that exceeds the work hours addressed in the employment agreement. If the employment agreement does not specify business hours then overtime is considered to be performance exceeding 41 work hours per week. Terms of overtime labor are defined by the parties.

The government set occupational health and safety standards. The Ministry of Labor, Health and Social Affairs is charged with monitoring implementation of health and safety standards and had six inspectors assigned to the task. However, the public defender's office listed failure to ensure safe conditions for workers as one of the major deficiencies of the labor code. During the year the government allocated approximately $33,000 (55,000 lari) for a program for formation of workplace safety rules. The law permits higher wages for hazardous work and provides workers the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment. In practice employees rarely, if ever, took advantage of these protections.

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