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2023 Country Reports on Human Rights Practices: Georgia

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EXECUTIVE SUMMARY

During the year, Georgians advocated in favor of membership for the country in the European Union. There were also widely attended public protests against draft legislation that would have threatened Georgia's European Union candidacy. In December, the European Council voted to grant the country candidacy status, recommending further progress in nine areas involving democratic elections, justice reforms, and improved human rights protections.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment; arbitrary arrest or detention; serious problems with the independence of the judiciary, along with investigations and prosecutions widely considered to be politically motivated; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists; substantial interference with the freedom of peaceful assembly and freedom of association; serious government corruption; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons and activists.

The government took steps to investigate some officials for human rights abuses, but impunity remained a problem.

Russia-occupied regions of Abkhazia and South Ossetia remained outside central government control, and de facto authorities were supported by Russian forces.

Significant human rights issues in the occupied regions included credible reports of: unlawful killings; arbitrary arrest or detention; restrictions on freedom of movement, especially of ethnic Georgians; and restrictions on the ability of ethnic Georgians to own property or register businesses and to receive education in their native language. Russian and de facto authorities in both regions committed abuses with impunity.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings.

On November 6, Russian occupying forces in South Ossetia killed Tamaz Ginturi, a local resident age 58, who along with three other residents had gone to pray at the St. George of Lomisi Church in the village of Kirbali. On December 7, de facto police forces in Russian-occupied Gali, Abkhazia, severely beat Temur Karbaia, a Georgian citizen age 43, while checking his identity documents, resulting in Karbaia's death. The Public Defender's Office (PDO) placed the responsibility for the killings on the Russian Federation and asked the international community for increased involvement to prevent serious human rights violations in the occupied territories.

B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of government authorities.

More than 2,300 individuals remained missing following the 1992-93 war in Abkhazia and the 2008 Russian invasion, according to the International Committee of the Red Cross. On November 25, Russian occupying forces detained three Georgian citizens near Adzvi village in Gori municipality. There was no progress toward resolving the cases of the 2008 disappearances of ethnic Ossetians Alan Khachirov, Alan Khugaev, and Soltan Pliev. According to the State Ministry for Reconciliation and Civic Equality, Georgian investigative bodies and international experts were actively involved but unable to obtain additional information on the disappearances.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

While the constitution and law prohibited such practices, there were credible reports government officials employed them. The public defender's report for 2022, published in April, noted that while its office's investigations into crimes committed by law enforcement officers were effective in 2022, the Prosecutor's Office refused to prosecute the cases, seemingly in an effort to cover up crimes by government officials. The report also noted isolated incidents of alleged physical violence against prisoners by the staff of closed prison facilities and some incidents of what the report termed "psychological violence" by prison staff in such facilities.

The report termed the incidents of physical and psychological violence by police against persons in custody to be mistreatment. According to the report, there were 419 mistreatment allegations. Detainees alleged the use of excessive force and physical and psychological violence by law enforcement officials was particularly problematic in cases of administrative arrests. Bodily injuries inflicted either during or after arrest in administrative cases featured in 27 percent of the 419 allegations.

The public defender repeatedly urged authorities to provide timely and appropriate medical treatment for detained former President Mikheil Saakashvili. In December 2022 the PDO reported that an independent team of medical experts examined Saakashvili and assessed that his health had "deteriorated sharply" since they last examined him in late April 2022, and considered his condition as "severe." The PDO also reported the experts' conclusion that, despite having undergone all treatment available in the country, his condition was "rapidly deteriorating." The PDO assessed that Saakashvili's case could violate Article 3 of the European Convention on Human Rights for inhuman treatment.

Prior to his return to the country in October 2021, Saakashvili was tried in absentia and convicted on various charges, including abuse of power for ordering a physical assault on a former member of parliament in 2018. Legal proceedings continued against Saakashvili on additional charges stemming from crimes he allegedly committed while in power and his 2021 illegal border crossing; he denied all charges as politically motivated.

In another report of cruel, inhuman, or degrading treatment, the National Preventive Mechanism (NPM) identified a systemwide practice of body inspections. Body scanners were available only at four prisons as an alternative means of full body inspections. According to the NPM's 2022 report, prison administrations used the practice of "squatting" to examine inmates' body parts and also conducted full naked-body inspections.

As of year's end, several former officials remained on trial in absentia at Tbilisi City Court in various cases of torture and other crimes allegedly committed under the former government. The officials included former Deputy Chief of the General Staff Giorgi Kalandadze; and former Director of the Gldani No. 8 Prison Aleksandre Mukhadze. In June, the Tbilisi City Court sentenced former Deputy Culture Minister Giorgi Udesiani to six years in prison for extortion and illegal deprivation of liberty. The other cases remained pending.

The State Security Service of Georgia (SSSG) reported that Georgian citizen Mamuka Chkhikvadze was released from detention in Russia-occupied South Ossetia on August 26. Chkhikvadze was detained by Russian forces near the occupation line in December 2021, beaten in a Tskhinvali prison, and in May 2022 was sentenced to five and a half years in prison by de facto authorities in South Ossetia.

Prison and Detention Center Conditions

While overall prison and detention facility conditions were adequate, some older facilities lacked sufficient ventilation, natural light, living space, and adequate health care. According to the State Ministry for Reconciliation and Civic Equality, prison conditions in Russia-occupied Abkhazia and South Ossetia remained chronically substandard.

Abusive Physical Conditions: As in previous years, the problem of long-term isolation of prisoners, placement in de-escalation rooms and solitary confinement cells, and inmate-on-inmate violence persisted. There were reports that inmates with mental health issues were confined for extended periods in de-escalation rooms; in some cases, inmates claimed to have been handcuffed. According to the PDO and the Council of Europe's Committee for the Prevention of Torture (CPT), de-escalation rooms and solitary confinement cells were used as punishment, and the PDO termed their use as cruel, inhuman, and degrading treatment. Most de-escalation rooms were not padded. In response to PDO reports and court rulings, the government amended statutes pertaining to solitary confinement. Solitary confinement could be applied for 24 hours, renewed up to three times.

Reports by the CPT and public defender's NPM continued to identify informal management of prisons by "influential inmates" ("watchers"), a problem that affected primarily semi-open facilities. The PDO reported that such informal control by influential inmates "often leads to interprisoner violence and bullying" and that "watchers" controlled prisoners' access to clothing, food, medicine, packages from their families, and complaint boxes. Some prisoners

victimized by “watchers” requested transfer to high-risk prisons or self-isolation to escape abuse, increasing risks of mental health problems among the prison population.

Lack of fresh air and activities remained issues at closed institutions. Inmates in “closed” prisons (Prisons Nos. 2 and 8) and high-risk institutions (Prisons Nos. 3 and 6) were confined to their cells for 23 hours a day, with limited or no access to rehabilitation or resocialization services. Long-term confinement had a negative effect on inmates’ mental health, with a larger impact on those with existing mental health conditions.

While the Ministry of Justice maintained a special medical unit for prisoners with disabilities, the PDO reported that prisons and temporary detention centers lacked such services. Mental health care remained inadequate within the penitentiary system. The system lacked qualified numbers of social workers, psychologists, psychiatrists, and medical staff. Timely referral of inmates for specialized medical care was lacking and performed only in emergencies. The PDO’s annual report for 2022 stated that patients in psychiatric institutions remained subject to “frequent and vicious” application of physical and chemical restraint. The report also described the living conditions of such patients as constituting ill-treatment.

Administration: Prisoners indicated that following their complaints, including appeals to the public defender, they were subjected to retaliation in the form of physical violence, systematic verbal abuse, and threats by penitentiary officials of worsened conditions and increased sentences.

Independent Monitoring: The government permitted independent monitoring of prison conditions by international prison monitoring organizations, including the CPT, NPM, and some local and international human rights groups. The CPT completed an ad hoc visit in March to the secure wards of Viva Medi Clinic in Tbilisi, where prisoners receiving inpatient treatment were housed. NPM completed nine preventive visits at four facilities.

D. ARBITRARY ARREST OR DETENTION

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government’s observance of these prohibitions was uneven, and reports of selective or arbitrary arrests continued.

Arrest Procedures and Treatment of Detainees

Law enforcement officers were required to have a warrant to make an arrest, except in cases where probable cause was shown that a person committed a crime for which conviction was punishable by imprisonment and that the individual could abscond or fail to appear in court, destroy evidence, or commit another crime. The Georgian Young Lawyers' Association (GYLA) and the PDO noted the law did not explicitly specify the role and powers of a judge in reviewing the lawfulness of arrests and that courts often failed to examine the factual circumstances of the detention.

Upon arrest a detainee had to be advised of their legal rights. Any statement made after arrest but before a detainee was advised of their rights was inadmissible in court. The arresting officer was required to immediately take a detainee to the nearest police station and record the arrest, providing a copy to the detainee and their attorney. The PDO reported that maintenance of police station logbooks was haphazard and that in a number of cases the logbooks did not establish the date and time of an arrest. The PDO also highlighted shortcomings in informing those arrested of their rights, ensuring their timely access to a lawyer, and informing their families.

In 2021, parliament increased the limits of administrative detention from 12 to 24 hours, which could be extended for another 24 hours for gathering evidence. GYLA and the Social Justice Center (SJC), however, reported excessive and unjustified use of the maximum 48-hour detention period without adequate judicial oversight following the amendments. In 2022 and 2023, the European Court of Human Rights (ECHR) found numerous violations of the European Convention on Human Rights for arrests and convictions of protesters and others engaged in civil disobedience for petty hooliganism and disobedience of police orders, the two charges most frequently used against protesters and others engaged in civil disobedience. The law permitted alternatives to detention. Nongovernmental organizations (NGOs) and court observers reported the judiciary failed to use alternative measures adequately. The government also lacked a monitoring mechanism for defendants not in custody.

Detainees had the right to request immediate access to a lawyer of their choice and the right to refuse to make a statement in the absence of counsel. An indigent defendant charged with a crime had the right to counsel appointed at public expense. As a result of government income requirements, however, many low-income defendants were ineligible for government aid and could not afford counsel during critical stages of criminal proceedings, reportedly including during the first 24 hours after arrest. The Georgian Democracy Institute (GDI) highlighted that in several instances, lawyers were neither allowed to meet with detainees nor notified of the detainees' locations in a timely manner. The GDI noted detainees were

purposefully isolated in detention facilities throughout the country, which hindered the provision of an effective defense. Detainees facing possible criminal charges had the right to have their families notified by the prosecutor or the investigator within three hours of arrest; persons charged with administrative offenses had the right to notify family upon request, but the PDO noted that these rights were not fully observed. The law required the case prosecutor to approve requests by persons in pretrial detention to contact their family.

Witnesses had the right to refuse to be interviewed by law enforcement officials. In such instances, prosecutors and investigators could petition the court to compel a witness to be interviewed if they had proof that the witness had “necessary information.” According to the PDO, police continued to summon individuals (including juveniles) as “witnesses” and later arrested them. The office also noted police used involuntary interviews without the presence of lawyers and failed to advise interviewees of their rights prior to initiating interviews.

Authorities reportedly used administrative detention to hold individuals for up to 15 days without the right to an effective defense, defined evidentiary standard of guilt, or the right to a meaningful appeal. The ECHR found several violations of due process guarantees as a result of the government’s use of administrative arrests.

Arbitrary Arrest: Reports of arbitrary detentions continued. For example, the PDO reported that several civil activists and NGO representatives were arrested for holding protest posters and blank papers while peacefully protesting the prime minister’s NATO summit statement. NGOs identified several instances of individuals arrested and later convicted for administrative violations related to demonstrations in which they did not participate. The PDO assessed administrative detention of demonstrators in many cases did not meet the proportionality requirements. The PDO reported that some of the administrative arrests were arbitrary. ECHR found several administrative arrests to be arbitrary.

There were frequent reports of detentions of Georgians along the administrative boundary lines of both the Russia-occupied regions of Abkhazia and South Ossetia. Several individuals remained in detention, including those who were detained in previous years. The ECHR found that the Russian Federation was legally responsible for arbitrary detentions on the occupied territories of Georgia. On November 6, Russian occupying forces arrested Levan Dotiashvili, who had gone to pray at the St. George of Limisi Church in the village of Kirbali, and released him on November 9.

Pretrial Detention: The constitution defines a maximum of nine months for pretrial detention, which was usually respected. NGOs highlighted several instances where

defendants were kept in pretrial detention by court orders without clear justification. In November, ECHR found that abuse of pretrial detention had occurred in a 2015 case.

E. DENIAL OF FAIR PUBLIC TRIAL

Although the constitution and law provided for an independent judiciary, the government did not respect judicial independence and impartiality in politically sensitive cases. Judges were vulnerable to political pressure from within and outside the judiciary on cases involving politically sensitive subjects or individuals. According to the World Justice Project Rule of Law Index, confidence that the judiciary was free of improper government influence remained low.

The PDO, the nongovernmental Coalition for an Independent and Transparent Judiciary, and the international community continued to raise concerns regarding a lack of judicial independence. They highlighted problems, including the influence of a group of judges primarily consisting of High Council of Justice (HCOJ) members and court chairs that allegedly stifled critical opinions within the judiciary and obstructed proposals to strengthen judicial independence. NGOs referred to this group of influential, well-connected, and nonreformist judges as the “clan.” Other problems they highlighted included the impact of the HCOJ’s powers on the independence of individual judges, manipulation of the case distribution system, a lack of transparency in the High Council’s activities, and shortcomings in the HCOJ’s appointments of judges and court chairpersons. Some former and current judges publicly stated they had faced pressure from senior judges to rule a particular way in specific court cases. In analyzing four waves of judicial reform and other changes in the law since 2013, civil society stakeholders agreed that the reforms were ineffective due to the lack of political will to foster an independent judiciary, since a large majority of positive changes in the law remained unimplemented or only partially implemented.

In June, parliament adopted a legislative judicial reform package. The nongovernmental Coalition for the Independent and Transparent Judiciary stated that the law failed to address major challenges in the judiciary.

On November 8, the European Commission recommended that the European Council grant Georgia EU candidate status provided that Georgia implements nine reforms, including a holistic and effective judicial reform, with special emphasis on the High Council of Justice. The EU also outlined the need for more thorough and systematic integrity checks in consultation with the EU and the Venice Commission.

The independence of individual judges remained compromised through levers primarily within the judiciary by an influential group of judges pejoratively referred to as the “clan,” on behalf of authorities. Such levers included problematic selection, appointment, and disciplinary processes; promotion processes; the lack of authority of individual courts to select their court chairs; manipulation of the randomized case assignment process; transferring judges from one court to another; instructions on how to rule in specific court cases; and pressure.

NGOs criticized the process to elect a new inspector for the investigation of judicial misconduct, stating it lacked objectivity, fairness, transparency, and a sufficient legal framework. NGOs reported that the individual selected as the new inspector had close ties with the judicial “clan.” On May 17, the Coalition for an Independent and Transparent Judiciary negatively assessed the parliament’s appointment of three of the five nonjudge members to the HCOJ, whose positions had been vacant since 2021, stating that the three candidates refused to acknowledge the existence of major problems in the judiciary.

The HCOJ selected individual court chairs. According to Court Watch Georgia, judges rotated as chairs of courts or court chambers, meaning that the HCOJ entrusted the chairmanship position to a closed circle of judges. The PDO and current judges reported a disbalance of cases between individual judges and court chairs. According to the PDO, as much as 38 percent of cases were not subject to random electronic distribution; instead, court/chamber chairs allocated cases to specific judges, which posed a risk to judicial independence and arbitrary adjudications.

A lack of transparency in the court system also undermined public trust in the judiciary. The Institute for Development of Freedom of Information positively assessed June amendments to the law that made court decisions public; but decisions were only made public after a final ruling had been rendered by the highest court, which could take years.

There were credible allegations that some influential “clan” members were corrupt. Several investigative journalists’ reports highlighted corruption in the judiciary, specifically relating to unexplained income of judges. Some of the country’s most influential judges reportedly either failed to fully declare all assets or declared assets that significantly exceeded their declared income.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, but the judiciary did not consistently enforce this right. The PDO reported numerous violations of the right to a fair trial, and NGOs noted this right was not enforced in some high-profile, politically sensitive cases. NGOs reported courts were inconsistent in their approaches to closing hearings to the public and at times did not provide an explanation for holding a closed hearing. The country lost a case in the ECHR for failing to ensure a public hearing in a criminal case. The code on administrative offenses did not provide the necessary due-process provisions, especially when dealing with violations that could result in a defendant's loss of liberty. The ECHR decided on several cases against Georgia's use of the administrative code throughout the year. In one case, the ECHR determined that arresting and convicting individuals for drawing profane graffiti was a nonproportional restriction of the right to liberty. In another case in May, the ECHR found a violation of freedom of assembly for unjustified custodial sentence for nonviolent conduct during a demonstration (throwing beans at police).

Defendants had the right to an attorney at public expense if they were indigent, but many defendants and their attorneys did not have adequate time and facilities to prepare a defense.

According to the PDO report for 2022 published in April, the rate of involvement of defense lawyers during the first 48 hours of an arrest decreased significantly from 37.6 percent in 2021 to 18.8 percent in 2022. The PDO reported that arrested individuals often complained that the penitentiary obstructed their communication with lawyers.

Prolonged criminal court hearings remained a significant shortcoming. In its annual report for 2022, the PDO highlighted that criminal cases were often delayed, going unreasonably beyond the terms determined by legislation, particularly in appeals courts.

Court Watch reported that the main cause of the delays was an insufficient number of judges. As a result of the backlog, most judges failed to comply with statutory terms for case review, which could be subject to judicial discipline, thus allegedly making the judges vulnerable to additional pressure. NGOs reported that the HCOJ periodically announced competitions to fill judicial vacancies but stated they were unable to fill the positions due to a shortage of qualified applicants. NGOs claimed the HCOJ was responsible for the shortage, to hinder the influx of new candidates into the system. The NGO GYLA reported a lack of transparency in the process of promotion of judges.

The PDO, civil society, and the international community recognized the administrative code lacked some due process provisions, since the law allowed for those found guilty of certain

administrative offenses to be punished with imprisonment without the due process provisions afforded to defendants charged under the criminal code. NGOs noted that lack of due process guarantees and a low standard of proof for using administrative imprisonment created a risk of abuse of police discretion and selective use of administrative offenses. GYLA noted that civil society and legal assistance organizations were not notified when a protester was detained under the administrative code, creating an ad hoc system where some defendants received legal representation only by chance if a civil society representative happened to be in the court that day and could offer it.

The PDO reported unreasonable delays in rendering judgements by the courts of first instance. The PDO noted concerns relating to the right of effective defense during remote trials due to the inability to have confidential consultations between the lawyer and the defendant. NGOs noted there was inadequate time to prepare for a defense in administrative offense trials.

Political Prisoners and Detainees

There were reports of political prisoners and detainees.

On June 22, President Zourabichvili pardoned Nika Gvaramia, head of opposition-leaning television channel Mtavari Arkhi, whose prison sentence was deemed politically motivated by the PDO and international and domestic NGOs.

The trials of two former members of the government's Commission on Delimitation and Demarcation, Iveri Melashvili and Natalia Ilychova, continued throughout the year. The PDO stated that the case had political or other illegal motives.

Opposition party members considered former President Mikheil Saakashvili to be a political detainee.

The government permitted international and domestic organizations to visit persons claiming to be political prisoners or detainees, and several international organizations did so.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

In Russia-occupied Abkhazia, the de facto legal system prohibited property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving internally displaced persons of their property rights. In 2019 the de facto parliament of Abkhazia passed “legislation” that also deprived family members of those “who fought against the sovereignty of Abkhazia, participated in the hostilities against Abkhazia, or assisted occupational forces” of the right of inheritance.

In a 2010 decree, South Ossetian de facto authorities invalidated all real-estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhagori Region. The decree also declared all property in Akhagori belonged to the de facto authorities until a “citizen’s” right to that property was established in accordance with the de facto law, effectively stripping ethnic Georgians displaced in 2008 of their right to regain property in the region.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution and law prohibited such actions, and there were reports that the government failed to respect these prohibitions. For example, there were widespread reports that the government monitored the political opposition. Civil society, journalists, and the international community raised concerns regarding the SSSG’s secret surveillance system, its lack of political neutrality, and weak oversight. The legal framework had been challenged in the Constitutional Court since 2017. The Constitutional Court heard arguments in 2018 for a case challenging a law on electronic surveillance but had not yet rendered a judgment as of mid-December.

In 2022, parliament passed controversial amendments that expanded the government’s ability to conduct covert investigative measures, overriding a presidential veto, despite concerns raised by the Venice Commission and others. The amendments included provisions extending the maximum surveillance period from six to nine months and for an indefinite period for over 70 selected crimes, authorizing surveillance for an additional 27 crimes, and permitting surveillance of an individual without notification for years.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The constitution and law provided for freedom of expression, including for members of the press and other media; however, journalists, NGOs, and the international community raised serious concerns regarding the government's respect for freedom of expression. These concerns focused on the imprisonment of the head of an opposition-leaning media outlet until his June release, the worsening environment and legislation for media pluralism, draft legislation that would have treated media organizations that received at least 50 percent of their funding from abroad as "foreign agents," violence and threats of violence against journalists, and insufficient accountability for violence against journalists that took place in connection with the July 2021 Pride event. Other concerns included restrictions on access to information and funding sources, and fines on media outlets. In addition, the PDO noted in its 2022 report that the country's lack of proper statistics on offenses committed against journalists impeded awareness of the scale of the problem.

The PDO, GYLA, and other NGOs noted inconsistent application of laws regarding "obscene language," which included nondirect verbal insults of police and public officials. Several opposition-affiliated persons were convicted of posting obscene videos on social media, but similar language from the ruling party was not reprimanded.

The government allegedly illegally surveilled journalists. The PDO reported that nobody was charged over an allegation of surveillance of journalists of the Mtavari television station. NGOs reported that previous investigations of illegal surveillance of journalists remained pending.

Freedom of Expression: In February, the speaker of parliament adopted regulations on press accreditation that imposed additional restrictions on journalists. Media organizations criticized the new rule as noninclusive and vague. The Media Advocacy Coalition reported that in several instances, the chief of staff of the Parliament of Georgia suspended journalists' accreditations. The NGO Georgian Charter of Journalistic Ethics (GCJE) and the PDO stressed the lack of due process guarantees when imposing sanctions on journalists and found it problematic that only critical media outlets were sanctioned under the new rule.

The GCJE cited access to information as a major problem for journalists and listed numerous examples when state institutions failed to provide media with information and prevented their coverage of public events. The Media Advocacy Coalition expressed concern over the denial of entry to several journalists who sought to attend open parliamentary hearings.

There were instances in which the government restricted public figures, political opponents, and journalists from criticizing the government or discussing matters of public interest. For example, Nika Gvaramia, founder and former general director of the largest opposition-leaning television station Mtavari Arkhi, was incarcerated from May 2022 until he was pardoned by the president on June 22. He had been convicted on charges of abuse of power. Amnesty International and local NGOs asserted his conviction raised concerns for media freedom. The PDO assessed the case was politically motivated and violated Article 18 of the European Convention on Human Rights. An appeals court and the Supreme Court, however, upheld Gvaramia's conviction in November 2022 and June 19 respectively.

Media watchdogs expressed concern that the legal battles between the Ministry of Defense and Formula TV founder and former Defense Minister Davit Kezerashvili were aimed at eliminating the critical television station.

Violence and Harassment: There were reports of violent physical attacks, threats of violence, harassment, and defamation lawsuits against journalists throughout the year. There was also a lack of accountability in such cases.

On June 27, Misha Mshvildadze, one of Formula TV's shareholders and anchors, was physically attacked while entering a supermarket in Tbilisi. Authorities arrested one person in connection with the attack. According to Mshvildadze more individuals were involved, including members of the SSSG. The public defender and media rights groups condemned the attack and called for urgent investigation to identify the perpetrators. On September 12, the Special Investigation Service closed the case without any further action. According to Mshvildadze's attorney, the Special Investigation Service failed to provide the victim with the security camera footage of the incident and ignored the findings of Formula TV's journalistic investigation.

During the March protests against the "foreign agent" legislation, dozens of journalists and camera operators were subjected to tear gas as well as physical and verbal abuse from police. Others were arrested while trying to report on the protests. The GCJE criticized subsequent court proceedings against the journalists, including for lacking due process, as well as marathon hearings that lasted until early morning hours.

Journalists were also subjected to threats of violence. According to the Media Advocacy Coalition, after Gela Mtivlishvili, a reporter from online media site *Mtis Amebebi*, was subjected to verbal criticism by ruling-party figures August 3 for his reporting on the Shovi landslide, local officials threatened to "throw him in the water," and he received death threats.

Journalists were often subjected to defamation lawsuits. According to the Georgian Democracy Institute (GDI), there was a growing tendency for government representatives or persons associated with the government to initiate defamation lawsuits against media outlets critical of the government. The report noted 38 such cases for 2021-2023, which GDI considered to be aimed at discrediting critical media outlets and discouraging them from expressing critical opinions. Transparency International/Georgia reported these cases were often decided very quickly and imposed high fines on outlets.

Government officials were not held accountable for violence and harassment. Media organizations expressed concern regarding the judgment of the Appeals Court of Tbilisi lowering the sentences of those responsible for the July 2021 Pride-related violence. No organizers of those attacks were charged.

Censorship or Content Restrictions for Members of the Press and Other Media,

Including Online Media: NGOs expressed concern regarding the close relationship among the Georgian Public Broadcaster, the Georgian National Communications Commission, and the ruling party.

Media Advocacy Coalition critically assessed the law adopted in October, which increased the Georgian National Communications Commission's mandate to investigate and fine media organizations in cases of obscenity or hate speech. Prior to the law, a self-regulatory body was in charge of regulating obscenity and hate speech. Media Advocacy Coalition criticized the increased role of the state in overseeing the media and for not taking into consideration other less intrusive alternatives.

Nongovernmental Impact: There were numerous reports of attacks on journalists by far-right groups. Mamuka Andguladze, a member of the far-right group Alt-Info, attacked TV Pirveli journalist Nato Gegelia on March 15 and destroyed her cell phone. Gegelia subsequently received threats and her house was burglarized. The Media Advocacy Coalition appealed to state authorities to provide security measures for the journalist. The Special Investigation Service arrested one person for the incident.

In another example, on May 20, security guards at a Kvareli Lake resort physically attacked Formula TV journalists covering protests over the rumor that Russian Foreign Minister Sergei Lavrov's daughter was attending a party at the property.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but concerns remained regarding unauthorized surveillance online.

In May, Meta suspended 80 Facebook accounts, 26 pages, nine groups, and two Instagram accounts associated with the government's Department of Strategic Communications for "coordinated inauthentic behavior." According to Meta, this network originated in Georgia and targeted domestic audiences.

Insufficient information was available regarding general internet freedom in Russian-occupied Abkhazia and South Ossetia.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law generally provided for freedom of assembly. Human rights organizations expressed concern, however, regarding provisions in the law, including the requirement that political parties and other organizations give five days' notice to local authorities to assemble in a public area, thereby precluding spontaneous demonstrations. This provision was challenged by the PDO before the Constitutional Court in 2021; however, the case remained pending. The PDO and NGOs reported that police sometimes restricted, ineffectively managed, or failed to protect freedom of assembly. The ECHR found several violations of the right to peaceful assembly based on the government's nonproportional interference, arbitrary arrest of peaceful protesters, or sanctioning of demonstrators.

The PDO and NGOs reported that authorities often used disproportionate force when managing and breaking up rallies and used the administrative code to detain demonstrators. For example, a lawyer from the NGO Tolerance and Diversity Institute was arrested for holding a poster in public with a sign where the prime minister's name "Irakli" was changed to spell a profane word. Eduard Marikashvili, head of NGO Georgian Democracy Initiative, and other activists while protesting with empty pieces of paper were arrested and convicted of petty hooliganism. According to the UN Special Rapporteur on Human Rights Defenders, articles 166 and 173 on petty hooliganism and disobedience of a police order appeared to have been used on multiple occasions to arbitrarily restrict the rights to peaceful assembly and expression, including of human rights defenders.

The PDO stated that the use of the administrative code “in many cases did not meet the requirements of necessity and took the form of unjustified interference with freedom of assembly.” The Tbilisi Pride event scheduled for July 8 was disrupted and canceled after approximately 3,000 far-right demonstrators marched to the event to counterprotest and looted the space. Despite assurances from the Ministry of Internal Affairs that police would protect the event, counterdemonstrators breached the perimeter and police evacuated the Tbilisi Pride organizers. GDI accused the Ministry of Internal Affairs of coordinating with counterdemonstrators to disrupt the event. Other NGOs assessed the ministry’s inaction as tolerance of hate groups. According to GYLA, the July 8 violent counterdemonstration organizers also organized the violent attacks against journalists and civic activists in July 2021.

Concerns continued during the year regarding insufficient accountability for the violence by far-right counterdemonstrators during a July 2021 Pride event. Despite the submission of a case to the ECHR on behalf of 16 journalists, camera operators, and photographers who were subjected to the July 2021 violence, the ECHR had not released a decision on the case by year’s end. Georgian Young Lawyers’ Association highlighted that none of the organizers of the violence had been arrested and stated that law enforcement officials lacked the political will to hold the organizers accountable. In a March 31 report, the PDO criticized the government for not prosecuting organizers of the violence as well as the judgments rendered against individual offenders of the violence as lacking effective investigations.

Freedom of Association

While the law provided for freedom of association, there were reports that some government representatives and supporters of the ruling party pressured selected political opposition figures (see section 3). There were also cases of government pressure on civil society organizations. For example, on October 2, the SSSG held a press conference and released filmed video footage of a training on peaceful advocacy carried out by civil society organization Centre for Applied Nonviolent Action and Strategies (CANVAS), accusing the group of attempting to organize a coup in Georgia. SSSG then interrogated the CANVAS trainers who carried out the training as well as the participants of the training and staff from CANVAS and a partner organization. The UN Special Rapporteur on Human Rights Defenders stated that “the presentation of the video as evidence of a conspiracy strongly indicates a deliberate attempt by the SSSG to criminalize the human rights defenders involved and delegitimize the exercise of fundamental rights, and particularly young people and students exercising their right to peaceful protests, in the public eye.”

Senior ruling party representatives publicly criticized certain NGOs and others and on March 7, approved the first draft of a law that targeted NGOs and media organizations that received at least 50 percent of their funding from foreign assistance and labeled them as “foreign agents.” The country’s public and the international community sharply criticized the draft. For example, the EU’s High Representative stated on March 7 that, “The law in its current form risks having a chilling effect on civil society and media organizations, with negative consequences for the many Georgians benefiting from their work. This law is incompatible with EU values and standards.” The draft also was widely seen as an effort to tarnish the reputations of leading NGOs that engage in election monitoring, in advance of the 2024 parliamentary elections. In the face of widespread protests, the ruling party withdrew the draft on March 9. The Public Defender and GYLA stated that in response to the March 7-9 protests against the draft law, the Ministry of the Interior’s dispersal of peaceful protesters was unjustified and use of force was disproportionate.

According to the Office for Democratic Institutions and Human Rights (ODIHR) within the Organization for Security and Cooperation in Europe (OSCE), the draft law was incompatible with EU regulations/case law and human rights standards, failing to be foreseeable and threatening freedom of association, interfering harshly with right to privacy and also defining nonproportional sanctions. Additionally, ODIHR highlighted that Georgian draft legislation had similarities to Russian legislation adopted several years earlier.

C. FREEDOM OF RELIGION

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation of citizens, but de facto authorities and Russian occupying forces limited this freedom in Abkhazia and South Ossetia.

In-country Movement: There were substantial impediments to internal movement due to a lack of access to the Russia-occupied regions of Abkhazia and South Ossetia. International humanitarian organizations reported that the majority of the approximately 290,000 internally displaced persons (IDPs) from Russia-occupied Abkhazia and South Ossetia wished to return

to their areas of origin but lacked adequate security provisions and political, human, economic, and movement protections, absent a political resolution to the conflicts.

Foreigners were restricted from moving in and out of South Ossetia, but some could access Abkhazia with approval from de facto authorities. The law prohibited entry into and exit from the Russia-occupied regions by non-Georgians through the territory of neighboring states (i.e., Russia).

Russia and Abkhaz de facto authorities limited international organizations' ability to operate in Abkhazia, although international organizations had greater ability to operate there than in South Ossetia.

De facto authorities and Russian forces in the Russia-occupied territories also restricted the movement of the local population across the administrative boundary lines (ABLs). Although they showed some flexibility for travel for medical care, pension services, religious services, and education, in several instances de facto authorities, particularly in South Ossetia, hindered access to medical care in Tbilisi-administered territory for residents in the occupied territories. The main Abkhazia crossing point remained open for all residents who possessed locally authorized travel documents. In August 2022, de facto authorities of South Ossetia began allowing residents of Akhalkgori and Java districts to cross two checkpoints from the 20th to the 30th of every month. Georgian media reported that ethnic Georgians living in Abkhazia had to obtain a special pass from Russian security services to enter Georgia proper for prayers on St. Mary Day, on August 28. All churches in Abkhazia were closed, except for one providing services in Russian.

The cochairs of the Geneva International Discussions – representing the United Nations, the OSCE, and the EU – and other international actors continued to express concern that prolonged closures of crossing points would undermine livelihoods, prevent local residents from getting the pensions, food, and medicine they needed, and potentially cause a new wave of displacement.

Residents of Abkhazia who had Georgian citizenship could not use Georgian passports to cross the Abkhazian ABL to or from Tbilisi-administered territory. De facto authorities continued to prohibit older Soviet-era passports used by thousands of ethnic Georgians living in Abkhazia for crossing, threatening the livelihood of many residents. De facto authorities claimed residents without valid crossing documents were allowed to apply for residence permits (reserved for “foreign” residents) that would enable them to cross but would strip them of voting, property, and other rights. Only holders of new Abkhaz “passports,”

permanent residence permits, and temporary identification documents known as Form No. 9 were allowed to cross. Form No. 9 identification was given to any resident who applied for a residence permit and was valid until that person received the permit or for a maximum of six months.

Georgian passport holders without resident status in Abkhazia could cross if they possessed invitation letters cleared by the de facto “state security services” allowing them to enter Abkhazia. The latter did not consistently provide permission to cross and limited movement to specific areas. Crossing permits issued by South Ossetia de facto authorities were the only document that allowed movement across the South Ossetia ABL to or from Tbilisi-administered territory.

Individuals who approached the ABLs or crossing points risked detention by members of the Russian Federal Border Service (Russian guards). Russian guards along the Abkhazia ABL typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines. Along the South Ossetia ABL, Russian guards frequently transferred individuals to de facto authorities. The SSSG reported detentions by de facto authorities typically lasted two to three days until the detainee paid fines set by a de facto “court,” although some sentences for “violations of the state border” carried considerably longer terms. As of year’s end, the EU Monitoring Mission knew of 45 individuals detained along the ABL with Abkhazia and 58 detained along the ABL with South Ossetia. Local sources reported that on several occasions, de facto security actors or Russian guards crossed into Tbilisi-administered territory to detain an individual. Most often, the arrested individuals were accused of violating the “state border.” According to the EU Monitoring Mission, many detainees were obliged to sign documents in Russian that they did not understand.

According to the Office of State Minister for Reconciliation and Civic Equality, 37 Georgian citizens were illegally detained in South Ossetia and 21 in Abkhazia during the year. Most of them were reportedly released. As of December 1, eight Georgian citizens remained in the Tskhinvali prison in South Ossetia, and three remained in Abkhazia. According to the de facto Security Service of South Ossetia as of June, de facto authorities detained 376 “violators of the border regime.”

De facto authorities continued to expand and reinforce fencing and other physical barriers along the ABL between Tbilisi-administered territory and South Ossetia. This expansion of the Russian “borderization” policy further restricted movement, creating physical barriers and obstructing access to agricultural land, water supplies, and cemeteries. According to the Office of State Minister for Reconciliation and Civic Equality, illegal “borderization” continued along

the ABL with South Ossetia in the Dusheti, Kaspi, Gori, Kareli, Khashuri and Sachkhere municipalities. The SSSG announced on June 14 that Russian occupation forces had resumed the process of “borderization” along the South Ossetia ABL, which began in 2022. The SSSG stated that de facto authorities “illegally installed metal poles and barbed wire” near the village of Khurvaleti, Gori Municipality.

E. PROTECTION OF REFUGEES

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. The PDO and NGOs, however, alleged executive and judicial authorities made politically motivated decisions in response to some asylum requests. There also were credible reports that government officials denied some Russians fleeing incarceration or abuse access to asylum procedures at the border and that the system appeared to lack procedural safeguards for those seeking such protection.

According to UNHCR, from January to July, 4 percent of asylum-claim rejections were based on national security grounds.

The backlog of asylum cases led to significant delays. According to UNHCR, the average time for administrative review of cases decreased from two years in 2021 to 1.5 years in 2022 and 2023, but the timeframe for cases to be heard in courts remained the same. Following the asylum authority’s decision, in case of appeal, an asylum seeker could have to wait for another two years to receive the court’s final decision.

Access to Basic Services: Asylum seekers received no financial support from the government, and the government-run reception center only assisted 10 percent of the asylum-seeking population. UNHCR provided financial support for vulnerable cases.

Persons with disabilities and mental or psychological needs also encountered problems in accessing various services and allowances. There was no state referral mechanism for persons with specific needs, and UNHCR was often approached for additional support.

Except for Akhmeta, local municipalities did not provide benefits to persons with international protection status.

Durable Solutions: The government offered a path to naturalization for refugees residing on its territory that included required language and history tests. Authorities purportedly denied naturalization to some applicants based on national security concerns. The law required 10 years of residency for citizenship, further complicating the ability for refugees to receive Georgian citizenship.

Temporary Protection: The government provided temporary protection to approximately 407 individuals, including 325 Ukrainians who may not qualify as refugees.

The law on the legal status of aliens and stateless persons provided avenues for temporary-stay permits for individuals who were rejected for international protection but could not be returned to their countries of origin due to the reasons stated in the law.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

According to UNHCR, there were approximately 290,000 IDPs from the 1992-93 and 2008 conflicts, including persons in “IDP-like” situations in need of protection and humanitarian assistance. This number included individuals who returned to Russian-occupied Abkhazia and South Ossetia, as well as those displaced in the 2008 conflict, who subsequently were relocated or obtained housing or cash compensation.

Most persons displaced in 2008 received formal IDP status in accordance with national legislation, although some individuals who were not displaced by the 2008 conflict and lived close to the ABL were officially described as being in an “IDP-like situation.” Despite their 1994 agreement with Georgia, Russia, and UNHCR that called for the safe, secure, and voluntary return of IDPs who fled during the 1992-93 war, Abkhaz de facto authorities continued to prevent the return of those displaced by that war. Between 45,000 and 60,000 IDPs reportedly had returned since that time to the Gali, Ochamchire, and Tkvarcheli regions of eastern Abkhazia, but de facto authorities refused to allow the return of IDPs to other regions. De facto authorities prevented IDPs living elsewhere in the country from reclaiming homes in Abkhazia based on a “law” that expropriated all “abandoned property” from the 1992-93 war. IDPs who returned and managed to obtain Abkhaz “passports” were allowed to buy and sell property.

Ethnic Georgians living in Russia-occupied Abkhazia lacked fundamental rights and confronted onerous registration requirements that threatened their continued status. De facto authorities continued to pressure ethnic Georgians to acquire a “foreign residency permit” that allowed the holder to cross the ABL and remain in Abkhazia for a period of five years. An applicant was required, however, to accept the status of an alien (i.e., a Georgian living as a foreigner in Abkhazia), could not purchase property, could not transfer residency rights of property to children born in de facto controlled territory, could not vote, and had to accept a lack of other basic rights. According to a Democracy Research Institute 2020 report, the right to receive education in the native language was extremely restricted for Georgians living in the occupied territories of Georgia. This practice was systemic and manifested in actions such as the express prohibition of education in the Georgian language, persistent harassment of Georgian-language teachers, banning of Georgian handbooks, and preventing university students from continuing their studies in Georgian higher education institutions through direct restrictions of movement or other direct or indirect pressure.

Since 2015, UNHCR reported a widening documentation gap in Russia-occupied Abkhazia, noting fewer residents of Gali district held valid documents due to the expiration and nonrenewal of documentation by de facto authorities there. The solution offered by de facto authorities, i.e., to issue permanent residence permits, did not provide the full scope of rights and was not welcomed by the majority of Gali district residents who did not wish to declare themselves foreigners living in their ancestral land.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org> .

Section 3.

Freedom to Participate in the Political Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In 2018, a new constitution went into effect that eliminated direct election of the president and established a fully proportional electoral system for the 2024 parliamentary elections, among other provisions.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National elections were reported to be competitive but lacked important components of fairness; abuses and irregularities also were reported. The country held the most recent national parliamentary elections in 2020. In its March 2021 final report, the OSCE mission assessed the October elections were competitive and, overall, fundamental freedoms were respected but stated “pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state” reduced public confidence in some aspects of the process. The mission particularly highlighted concerns regarding ruling party dominance in election commissions. Other problems included widespread reports of intimidation of party supporters and public-sector employees. The OSCE also reported continuing shortcomings in the complaints and appeals process, concluding that “the systemic rejection of the majority of complaints on formalistic grounds significantly limited the opportunity to seek effective legal remedy.” The OSCE did not observe the November runoff elections, and most domestic observer groups significantly scaled back their observation efforts or did not observe in light of the boycott of the runoffs by opposition parties.

Credible domestic civil society organizations deployed approximately 3,000 election observers across the country. They alleged misuse of administrative resources by the ruling party, voter intimidation, vote buying, violations of ballot secrecy, obstruction of journalists and domestic election observers, and inaccurate and altered vote tabulation at the precinct and district level. Domestic organizations submitted hundreds of electoral complaints and were highly critical of the Central Election Commission’s management of the elections. In November 2020, 26 domestic NGOs issued a statement describing the conduct of the October elections as the worst held under the ruling Georgian Dream party. In addition, opposition parties alleged the number of missing ballots in certain precincts indicated there was widespread “carousel voting.” Leading domestic nonpartisan election monitors reported the majority of their postelection complaints were rejected by the election administration and courts, undermining public confidence in the electoral process and the outcome of the election.

Political Parties and Political Participation: Several incidents of violence targeting opposition party figures and activities occurred. Examples included two attacks on Zurab Japaridze, leader of Girchi-More Freedom, assaulted during the March protests against the draft foreign-agents law and again on June 17. The latter attack was followed a few hours later by another violent incident in which a mob threw rocks at a hotel where an institute affiliated with the party was conducting a summer youth-training camp. The camp organizers held authorities responsible for the attack, reporting that a progovernment media outlet had

arrived at the training site before the mob and that police took 40 minutes to arrive. None of the perpetrators of the violence were prosecuted.

Opposition parties reported an uneven playing field due to lack of finances and obstacles to fundraising, the ruling party's control of administrative resources, and deep polarization – including pressure and intimidation – as main obstacles to political participation. In September, canvassers from United National Movement were physically assaulted, allegedly by supporters of ruling Georgian Dream party, while distributing pamphlets protesting the name change of a local square in Chokhatauri, Guria Region. United National Movement party officials claimed the assault was intended to intimidate their supporters. The Ministry of Internal Affairs opened an investigation into the incident but none of the perpetrators were prosecuted.

Participation of Women and Members of Marginalized or Vulnerable Groups: De facto authorities in Abkhazia continued to prevent ethnic Georgians from participating in de facto elections. Ethnic Georgians willing to apply for de facto Abkhaz passports generally did not receive them in time to participate in de facto elections due to extensive delays. Ethnic Georgians in South Ossetia were also required to accept a South Ossetian “passport” and “citizenship” to participate in political life. International actors, including the OSCE Group of Friends of Georgia, did not recognize the legitimacy of the de facto elections.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally did not implement the law effectively. There were reports of high-level government corruption.

Corruption: NGOs continued to cite weak checks and balances and a lack of independence of law enforcement agencies among the factors contributing to allegations of high-level corruption. On November 3, Transparency International/Georgia listed 151 uninvestigated cases of alleged corruption involving high-ranking public officials or persons associated with the ruling party. As of September, 99 public servants were charged with corruption.

NGOs assessed there were no effective mechanisms for preventing corruption in state-owned enterprises and independent regulatory bodies. NGOs continued to call for an independent

anti-corruption agency outside the authority of the SSSG, alleging its officials were abusing its functions.

In February, the new Anti-Corruption Bureau became operational to facilitate the fight against corruption. According to Transparency International/Georgia, the law did not grant the bureau investigative powers, which remained with the Anti-Corruption Agency under the SSSG and the Prosecutor's Office. The law established that the bureau was accountable to both parliament and the Inter-Agency Anti-Corruption Council. Leading civil society organizations raised concerns that the new bureau would neither have sufficient independence nor authority to be effective.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Most domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to their views in some cases.

In other cases, however, government officials failed to cooperate with domestic human rights organizations. Domestic NGOs stated that there were difficulties in gaining access to public information from government agencies, forcing NGOs to petition the courts to obtain information.

Retribution against Human Rights Defenders: (see section 2.b.)

Government Human Rights Bodies: The PDO was a constitutional institution, with a mandate to supervise the protection of human rights and freedoms. The PDO performed the function of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Civil society organizations viewed the PDO as the most objective human rights institution in the country. Parliament appointed the public defender; the PDO did not belong

to any branch of the government. In March, parliament appointed Levan Ioseliani as the country's next public defender. In response, a group of 16 local civil society organizations released a joint statement, noting that "the process was conducted without public involvement and participation." The organizations noted that the ruling majority "unreasonably rejected" other candidates selected as a result of "a transparent competition and inclusive engagement," and then selected a new candidate "behind closed doors."

The Gali and Ergneti Incident Prevention and Response Mechanisms (IPRM) were designed to cover issues in Abkhazia and South Ossetia, respectively, including human rights abuses reported in the occupied territories. Several Ergneti IPRM meetings took place during the year in Ergneti, covering abuses in South Ossetia. The Gali IPRM had not met since 2017. The government fully supported and participated actively in Ergneti IPRM meetings.

The prime minister chaired the Interagency Human Rights Council, created to draft and implement a united state policy in the field of human rights. The council discussed, approved, and presented to the government the statements and recommendations prepared in relation to the Human Rights Action Plan.

The Human Rights Secretariat was a structural unit within the government, tasked with coordination of the executive branch in drafting and implementing policies in the field of human rights. The secretariat was responsible for ensuring the involvement of the civil society, academics and international organizations in the process of drafting, implementing, and monitoring human rights policy. The secretariat administered and provided support to the activities of the Interagency Human Rights Council.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: Rape of a person, regardless of gender, was illegal if committed by use of force, threat of use of force, or against a person perceived to have a "helpless condition," a legal term generally applied to older individuals, persons with mental or physical disabilities, or others perceived to be unable to resist. Some observers expressed concern that the definition of rape did not fully comply with the requirements of the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), which the country had ratified, and that the lack of a positive-

consent framework meant that some reports of rape went uninvestigated or unpunished. A convicted first-time offender could be imprisoned for up to eight years. The government did not enforce the law effectively. According to the December 2022 assessment of the Committee of Ministers of the Council of Europe, “serious challenges persist as regrettably evidenced by the significant number of femicides and other serious gender-based crimes.”

Investigative authorities lacked training on effective procedures on case handling and evidence collection. GYLA reported sexual violence was prevalent and underreported. Accused assailants were convicted in only a small number of reported cases. Prosecutors applied overly burdensome evidence requirements for bringing charges against persons accused of sexual violence, while overwhelmingly strict requirements for convictions of sexual violence crimes were applied by judges.

The law also criminalized domestic violence. In cases that did not result in physical injury, penalties for conviction of domestic violence included 80 to 150 hours of community service or imprisonment for up to two years. Domestic and gender-based violence remained a significant problem that the government took several steps to combat. The government hired 15 witness and survivor advocates to assist victims during investigative and legal proceedings. In the first six months of the year, coordinators provided support to 1,292 individuals. The Ministry of Internal Affairs had a risk-assessment tool that enabled police to decide whether to issue a restraining order based on a questionnaire available in the restraining order protocol, the data assessment, and risk analysis. In addition, if there was a high risk of recurrence of violence, a system of electronic surveillance allowed the Ministry of Internal Affairs to monitor abusers 24 hours a day.

The 112 Emergency Center also deployed an app that allowed survivors of domestic violence or other forms of gender-based violence to communicate via text message with emergency operators, making it easier to report abuse without alerting the perpetrator who could still be nearby. A number of survivors reported instances of insensitive attitudes from police, such as asking women what they had done to prompt domestic violence against them.

According to GYLA, sexual violence remained one of the most serious, most hidden, and unpunished forms of gender-based violence.

Existing laws and practice failed to provide effective, survivor-centered, gender-sensitive legal solutions to combat sexual violence. For women and girls experiencing violence, justice was unavailable or difficult to access.

Other Forms of Gender-based Violence or Harassment: Kidnapping women for marriage occurred in remote areas and in ethnic-minority communities but was rare. Sexual harassment was illegal under the code of administrative offenses but was not criminalized and remained a problem in the workplace.

Discrimination: The law provided the same legal status and rights for women as for men, and those laws were generally respected in most areas. Civil society organizations continued to report discrimination against women in the workplace. The PDO monitored gender equality complaints, particularly those involving domestic violence and workplace harassment, and stated that gender equality remained a problem. The Human Rights Center also reported that discrimination in the workplace remained a problem.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence. Survivors received medical assistance, including emergency contraception, postexposure medication, and psychological support. There were no barriers or penalties for sexual violence survivors who become pregnant. A court decision was required for abortions after the first trimester, and such decisions were only granted in limited medical conditions.

Authorities regulated the use of surrogacy services. A Ministry of Justice decree regulating civil acts restricted the right to surrogacy to heterosexual couples who had been married or living together for more than one year. Women and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) rights organizations considered it a restriction on the ability of single women and LGBTQI+ persons to have a child.

The full integration of family planning services into the primary health-care sector remained a challenge, which, according to the PDO, significantly hindered access to information on family planning services and contraceptives, especially for women from vulnerable groups. NGOs criticized the Ministry of Education and Science for only dealing with the medical aspects of reproductive health.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law prohibited discrimination including on the basis of race, skin color, language, citizenship, origin, place of birth or residence, national, ethnic, or social origin.

According to the PDO, “The variety of statements encouraging discrimination against various vulnerable groups by political officials from year to year shows that the state has so far not taken effective steps to reduce stereotypes and ensure equality between different groups.”

In addition to political, civic, economic, and cultural obstacles, weak Georgian-language skills remained the main impediment to integration for members of the country's ethnic minorities. Some minorities asserted the law requiring “adequate command of the official language” to work as a civil servant excluded them from participating in government. The PDO reported that steps had still not been taken to support proportional and equal representation of ethnic minorities in the decision-making process in the state agencies, and the employment of ethnic minorities in the public sector remained a problem. Providing native-language textbooks issued in Georgia for Armenian, Azerbaijani, and Russian language schools also remained problematic.

The government continued its “1+4” program for ethnic minorities to study the Georgian language for one year prior to their university studies. According to the PDO report, participants often struggled to meet the demands of the program and dropped out. The program was considered by many minorities as “too little too late,” given that many students often lacked sufficient preparation in the Georgian language at earlier educational levels. Under a quota system, the government assigned 12 percent of all bachelor or higher certificate-level placements to students with ethnic minority backgrounds. Of these reserved slots, ethnic Armenian and Azeri communities each received 40 percent (5 percent of the total), while Ossetian and Abkhaz communities received 10 percent each (1 percent of the total).

Abkhaz de facto authorities continued policies that threatened the legal status of ethnic minorities, including Georgians, Armenians, Greeks, Roma, and Syrians, living in Abkhazia.

The government continued to report discrimination against ethnic Georgians in the Russia-occupied territories. The PDO continued to note the case of Tamar Mearakishvili, an activist in South Ossetia who alleged persecution by de facto authorities because of her Georgian ethnicity. According to the PDO, the goal of a number of criminal prosecutions against Mearakishvili was to force her to leave the region.

CHILDREN

Education: Children of noncitizens often lacked documentation to enroll in school. In response to the arrival of Ukrainian refugees following Russia's full-scale invasion of Ukraine,

however, the government enrolled 2,162 Ukrainian children in schools across the country, 1,363 of whom were enrolled in schools with Ukrainian-language curricula.

As in previous years, the office of State Ministry for Reconciliation and Civic Equality confirmed that de facto authorities in occupied South Ossetia and Abkhazia continued to discriminate against ethnic Georgian teachers and children.

Child Abuse: The law provided for the right to dignity, life, survival, and development, and prohibited discrimination. The government enforced the laws effectively. Conviction for various forms of child abuse, including trafficking, forced labor, or forced begging, was punishable by a spectrum of noncustodial sentences and prison terms. Conviction of domestic violence against children was punishable by community service or imprisonment for one to three years, and conviction for trafficking children was punishable by eight to 12 years' imprisonment, depending on the circumstance. The PDO reported that prevention of violence against children, timely response, and provision of rehabilitation services remained significant challenges, as did problems with the qualification of specialists and continued training, scarcity of resources, coordination, and timely referral to responsive authorities. Despite a prohibition against corporal punishment, the practice remained a problem in schools.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18, and this requirement was not effectively enforced by the government. Conviction for forced marriage of an individual younger than 18 was punishable by two to four years' imprisonment. The PDO reported that the harmful practice of childhood marriage or engagement remained a significant challenge in the country noting that government agencies often failed to identify cases of forced marriages. Early marriages were a particular concern in the Kvemo Kartli Region.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law prohibited child pornography or other forms of online child sexual exploitation and abuse. Authorities enforced these laws. The country was not a destination for child sex tourism. Street children and children living in orphanages were reportedly particularly vulnerable to exploitation.

The minimum age for consensual sex was 16. The law considered sexual intercourse with a juvenile as rape, provided it was committed by use of force, threat of force, or with a survivor of a "helpless condition." If these elements were not present, sexual intercourse with a child could be charged as a crime of "penetration of a sexual nature into the body of a person younger than 16 years of age," which carried a lower sentence. The penalty for conviction for

rape was from six years to life imprisonment, depending on circumstances; the government generally enforced the law. Conviction of other sexual crimes carried increased levels of punishment if the survivor was a juvenile.

ANTISEMITISM

Observers estimated the Jewish community to be no more than 6,000 persons.

As of year's end, a Supreme Court decision was pending regarding whether the 2018 killing in Tbilisi of human rights activist Vitali Safarov, who was of Jewish and Yezidi origin, constituted a hate crime. Human rights NGOs alleged the two men responsible for the killing were members of a neo-Nazi group, and a key witness at the trial testified that Safarov was killed because he was Jewish. In 2019, the Tbilisi City Court convicted the two men and imposed a 15-year prison sentence for the killing of Safarov but dismissed qualifying the killing as a hate crime. All parties appealed this verdict through the Tbilisi Court of Appeals. The prosecution and Vitali Safarov's family demanded that the action be qualified as a deliberate, group crime, which was committed on the basis of ethnic/religious intolerance. On February 16, the Tbilisi Court of Appeal upheld the verdict of the court of first instance.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's International Religious Freedom Report at <https://www.state.gov/religiousfreedomreport/>.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at:
<https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: Consensual same-sex sexual conduct was not criminalized for men or women, and the age of consent was equal. There were no laws criminalizing cross-dressing or other sexual or gender-characteristic behaviors.

Violence and Harassment: There were instances of violence and harassment by state and nonstate actors against LGBTQI+ persons and those reporting such abuse. Occasionally, police or other government agents failed to adequately respond to instances of violence or harassment against LGBTQI+ individuals.

Counter protesters disrupted the July 8 Tbilisi Pride event. Moreover, there continued to be a lack of accountability for the organizers of a far-right demonstration against LGBTQI+ persons in July that disrupted the Pride festival, including documented instances of looting property of the organizers.

Discrimination: The law made prejudice based on a person's sexual orientation or gender identity an aggravating factor for all crimes. According to NGOs, however, the government rarely enforced the law. The Human Rights Department of the Ministry of Internal Affairs trained officers on hate crimes. The law did not explicitly recognize LGBTQI+ couples and their families nor grant them rights equal to rights of other persons.

The PDO reported LGBTQI+ individuals continued to experience systemic violence, oppression, abuse, intolerance, and discrimination. The PDO stated that high-ranking officials, politicians, and public figures rarely made statements in support of equality.

LGBTQI+ activists said discrimination in the workplace based on gender identity and sexual orientation remained widespread and underreported.

Availability of Legal Gender Recognition: There was no law explicitly governing legal gender recognition; however, established practice required bodily modification surgeries before individuals could petition to change their birth certificates and other legal documents. The law did not provide options for transgender individuals who did not – for medical, financial, or any other reasons – wish to undergo surgery to register their gender.

The ECHR in December 2022 found discrimination in one case for refusing an individual's application to legally change their registered gender marker. Despite the ECHR's decision, the Public Service Development Agency refused to register the gender change, requiring a medical certificate confirming a gender-affirming surgical procedure.

Involuntary or Coercive Medical or Psychological Practices: So-called conversion therapy practices were not banned. According to Tbilisi Pride, there were several cases of parents taking children to a psychiatrist in an attempt to change the sexual orientation or gender identity or expression of the child.

There were no reports of surgeries performed on intersex children or nonconsenting intersex adults. The law and medical associations did not limit these practices or speak out against them.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters.

The ability of LGBTQI+ individuals to assemble in public or private or to form associations – as well as the ability of LGBTQI+ organizations to legally register or convene events – was limited. On July 8, opponents of the Pride Festival in Tbilisi broke through a police cordon and entered the territory of Lisi Lake, where the event was to be held. Violent groups had announced the disruption of the event in advance; however, authorities did not take necessary measures to prevent the disruption and looting that ensued. LGBTQI+ persons and their supporters had to leave the site with the help of police.

PERSONS WITH DISABILITIES

While the constitution and law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, and the provision of other government or private-sector services, the government did not effectively enforce these provisions. Despite a 2021 law on the rights of persons with disabilities, the PDO reported persons with disabilities continued to encounter barriers to participating fully in public life. Many families with children with disabilities considered themselves stigmatized and kept their children from public view.

Persons with disabilities were also deprived of their basic rights and access to entitlements, benefits, and services due to the inability of the disability assessment system to identify all persons with disabilities and grant them disability status.

The assessment system only considered persons' health outcomes, while neglecting other significant personal and environmental factors. Government data suggested that not all persons with disabilities were identified and registered.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Individuals often concealed their HIV or AIDS status from employers due to fear of losing their jobs.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law generally provided for the right of most workers, including government employees, to form and join independent unions, to legally strike, and to bargain collectively. According to the law, if a trade union or a group of employees initiated negotiations for the conclusion of a collective agreement, employers were required to negotiate in good faith. The parties were required to provide each other with information relevant to the issues being discussed during negotiations.

Although the law provided for the rights to freedom of association and collective bargaining, employers did not always negotiate in good faith. Employers' obligations to participate in mediation were not clearly defined by law or practice. Although the law prohibited employers from discriminating against union members or union-organizing activities in general terms, it did not explicitly require reinstatement of workers dismissed for union activity.

Certain categories of workers involved in "critical services" or related to "human life and health," as defined by the government, were not allowed to strike. The Trade Union Confederation of Georgia (GTUC) noted there were many instances when collective bargaining and freedom of association, including right to strike, was not ensured in private or state organizations. The International Labor Organization noted the government's list of such services included some that did not constitute essential businesses and services, such as municipal cleaning departments, natural gas transportation and distribution facilities, and oil and gas production, preparation, refining, and processing facilities. The GTUC reported systemic violation of labor and trade union rights in the postal operator, Georgian Post. On August 18, the Labor Inspectorate sanctioned Georgian Post Georgian lari 3,000 (\$1,130) for labor rights violations.

Due to continued concerns over the country's respect for freedom of association, collective bargaining, and the right to strike, labor unions called upon the government to take further steps to enhance worker protections and protect existing workers' rights. The government, however, did not effectively enforce laws protecting freedom of association, collective bargaining, or right to strike for workers, or prohibit antiunion discrimination. Penalties were less than those under other laws involving the denial of other civil rights and were rarely applied against violators. Remedies to address arbitrary dismissal and legal disputes regarding

labor rights were subject to lengthy delays. Employees who believed they were wrongfully terminated had to file a complaint in local court within one month of their termination.

Some employers interfered with unions. The PDO reported that Sairme Mineral Waters told employees in March the company would only negotiate if the trade union representative did not participate in the process. The GTUC reported that the government did not directly interfere with unions, but there were violations of trade unions rights by state organizations and companies.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The minimum wage for both state- and private-sector employees was below the official subsistence income level. Employers did not apply the official minimum wage, however, since the lowest paid jobs in the private sector were typically significantly higher than the minimum wage. Civil society organizations and the GTUC criticized the government for not changing the minimum wage rate, which was set in 1990.

The law provided for a 40-hour workweek and a weekly 24-hour rest period unless otherwise determined by a labor contract. Overtime was defined as work by an adult employee in excess of the regular 40-hour workweek, based on an agreement between the parties. An executive order established essential services in which overtime pay could not be approved until employees worked more than 48 hours a week. Pregnant women or women who had recently given birth could not be required to work overtime. There was no explicit rate for overtime; the law stated overtime "be reimbursed at an increased rate of the normal hourly wage... defined by agreement between the parties." A 2021 court ruling, however, found in one case

that a 125 percent rate qualified as meaningful overtime pay. The law did not explicitly prohibit excessive overtime.

The SJC reported that although the right to an increased remuneration for overtime work was recognized in the legislation, it was rarely applied. The SJC's research revealed that violations related to the overtime work were due to both gaps in the legislation and challenges in implementation. One of the main obstacles was the failure of employers to keep a comprehensive record of the number of hours performed by employees.

Occupational Safety and Health: According to labor rights groups, occupational safety and health (OSH) standards were appropriate for the main industries and OSH experts proactively identified unsafe conditions in addition to responding to workers' complaints.

On May 1, the government adopted Technical Regulations on the Minimum Requirements for Safety and Health Protection during Manual Lifting of Loads. The regulation established minimum requirements for the safety and protection of workers and other individuals who lift loads manually in the workspace.

In 2022, the government, with the involvement of the GTUC and other parties, passed new regulations defined by the Association Agreement with the EU to ensure safe working conditions at the workplace. The regulation applied to workplaces, including internships, and covered issues such as adequate space at a desk for each employee, air temperature in closed working spaces during working hours, the number of required lavatory facilities, rest and changing rooms, and shower facilities.

Employer abuses of workers' rights persisted, and it was difficult for workers to remove themselves from hazardous situations without jeopardizing their employment. Workers hired on fixed-term contracts frequently feared that calling attention to situations that endangered their health or safety would be cause for the employers not to renew their contracts.

The SJC reported that the construction, manufacturing, and mining industries were among the top three sectors of employment where the highest number of workers died or were injured. The number of inspections conducted in recent years in the mining industry was especially low. The PDO considered the mining industry – especially coal and lignite mining – and the construction industry to be especially dangerous. The Labor Inspectorate found the following economic activities to be especially dangerous: mining and quarrying; electricity; gas, steam, and air conditioning supply; construction; manufacturing; transportation, and storage.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws in the public sector. Penalties for violations were commensurate with those for other similar crimes, but the number of inspectors was insufficient to enforce compliance fully. Penalties for violations were sometimes applied against violators.

The Labor Inspectorate, part of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs, was responsible for enforcement. The Labor Inspectorate had authority over all sectors of the economy and could make unannounced inspections and initiate sanctions. The Labor Inspectorate's mandate to conduct inspections covering all aspects of labor law took effect in 2021. Inspectors conducted unannounced visits to workplaces and monitored OSH and labor violation cases.

As of August 29, there were 101 labor inspectors and inspection managers, and the inspectorate was attempting to fill 22 vacant positions. The number of labor inspectors was sufficient to enforce compliance. According to the International Organization for Migration, there were few labor inspectors who specialized in labor trafficking.

According to National Statistics Service data for 2021, the share of informally employed persons in the nonagricultural sector in the labor force was 28.8 percent, although the GTUC stated that the number was 40 percent, and NGO Progressive Forum considered that it was up to 30 percent, not counting the agricultural sector.

Nonstandard and informal work was common in sectors where physical safety was a major concern of employees, such as in open quarries in Tkibuli or Chiatara, as well as construction works in big cities. The tourism industry was also identified as a sector of physically dangerous labor practices, since drivers and guides often performed long, physically demanding, and largely unregulated work. There were frequent cases involving drivers in the tourism sector driving for more than 15 consecutive hours. The law did not adequately ensure the safety of those involved in informal and nonstandard work, and the Labor Inspectorate did not possess the mandate or resources to adequately cover informal and nonstandard employment sectors.

The SJC reported that the Labor Inspectorate did not have practical experience to monitor the informal sector.

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