



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Georgia Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

GEORGIA

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

Internal conflicts in Abkhazia and South Ossetia remain unresolved. These conflicts, together with problems created by roughly 250,000 internally displaced persons (IDP's), pose the greatest threat to national stability. In 1993 Abkhaz separatists forcibly took control of Abkhazia, and most ethnic Georgians, a large percentage of the population, fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in the conflict area with the agreement of the Government and the Abkhaz separatists. Despite the presence of peacekeepers there has been little repatriation of ethnic Georgian IDP's apart from some spontaneous returns to the Gali region, where the security situation remains unstable. A Russian peacekeeping force has been in South Ossetia since June 1992. Repatriation to South Ossetia has also been slow. The Government has no effective control over either Abkhazia or South Ossetia. There were no large-scale armed hostilities in South Ossetia or Abkhazia in 1996, but Abkhaz and Georgian armed bands operated in the Gali region

The Ministry of Interior (MVD) and Procuracy have primary responsibility for law enforcement, and the

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

The economy improved, led by gains in trade and services, agriculture, and transportation. The economy remains primarily agricultural. Foreign aid makes a large contribution to the economy. Per capita gross domestic product is estimated at over \$500.

The Government continued efforts to improve its human rights record, but significant problems remain. These include police and security force abuse and beating of prisoners and detainees, forced confessions, inhumane prison conditions, deaths in custody, judicial corruption, denial of fair and expeditious trials, and arbitrary interference with privacy and home. Some press freedoms are constrained, the judiciary is subject to executive pressure, and discrimination against women is a problem. There is, however, a growing awareness on the part of the people of their individual rights. The number and variety of independent nongovernmental organizations (NGO's) is growing. The Parliament is more active and reformist than its predecessor. Independent newspapers show a greater willingness to criticize government policies.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

In 1996, there was a sharp drop in the level of violence due to improved political and social stability. Perpetrators of atrocities and other political killings arising from the separatist conflict in the region of Abkhazia are not being investigated, prosecuted, or punished. President Shevardnadze proposed in 1995 that the United Nations create a body to investigate and punish those guilty of crimes against humanity in Abkhazia. The U.N. Observer Mission in Georgia (UNOMIG) and the Organization for Security and Cooperation in Europe (OSCE) mission in Georgia have sent teams into Abkhazia to investigate security incidents and human rights abuses.

The authorities reported that 13 people died while in pretrial detention, a decline from 40 last year. All deaths were officially attributed to medical causes, but physical abuse and torture of prisoners also played a role (see Section 1.c.).

Abkhaz separatist authorities continue to condone violence to discourage the repatriation of ethnic Georgian internally displaced persons to the Gali district. In spite of the cessation of large-scale hostilities in 1993 and the presence of peacekeepers, there has been little repatriation. About 10 percent of IDP's and refugees have returned. A series of politically motivated attacks occurred in Abkhazia directed at civilians by both Georgian and Abkhaz armed bands. The most serious occurred on January 5. Three young men wearing a mix of military and civilian clothing fatally shot eight members of an ethnic Georgian family in Shesheleti, Abkhazia. The U.N.'s report characterized the attack as "well-planned, not random, and carried out with ruthless efficiency." The identity of the perpetrators remains unknown.

b. Disappearance

According to the State Committee on Human Rights and to Abkhaz separatist authorities, the fate of

over 1,000 Georgians and Abkhaz who have disappeared since 1992 as a result of the Abkhaz conflict is still unknown. The OSCE reports that the Government has 10 Abkhaz in detention. The Abkhaz authorities reportedly hold about 24 ethnic Georgians (see Section 1.d.). Partisan groups active in Abkhazia periodically take hostages. There is some cooperation between the two sides on exchange of hostages.

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

The Constitution forbids the use of torture, but serious abuses occur. Members of security forces continued, on a routine basis, to beat and abuse prisoners and detainees. According to Amnesty International and Human Rights Watch, there were instances of torture and mistreatment, including the use of electric shock. Government officials claim that a lack of proper training and supervision of investigators and guards often results in cases of abuse. Corruption and criminality also play a role. The most serious incidents of abuse occur in the investigative stage of pretrial detention when suspects are interrogated by police. A number of policemen have been arrested or disciplined for physical abuse, and five, including the former head of the MVD's narcotics unit, were put on trial.

Members of the Parliamentary Committee on Human Rights and Ethnic Relations have independently investigated claims of abuse. In particular the subcommittee on prisons has been very active.

Prison authorities admit that conditions are inhuman in many facilities. They blame inadequate cells, medicine, and food on a lack of resources. In the pretrial detention facility in Tbilisi for example, 2,050 inmates are housed in a prison designed for fewer than 1,000. Cells can contain as many as 36 inmates with so few beds that they must sleep in shifts. The lack of proper sanitation, medical care, and food poses a serious threat to the life and health of prisoners. Tuberculosis is a particular problem. Government plans announced in 1995 to build a new pretrial detention center remain unfulfilled. The poor condition of prisons is a contributing factor to the pretrial detention mortality rate. Thirteen people died in pretrial detention. Although officially attributed to medical causes, physical abuse and torture were also factors in these deaths.

Until March the International Committee of the Red Cross (ICRC) had only limited access to detainees and prisoners. From March to October, the ICRC found that its access improved, but it still had to make several applications and get senior-level approval for some visits.

On October 10, President Shevardnadze issued a decree instructing the Ministers of Security, Interior, and the Procuracy to allow ICRC access without obstacle to all detainees in all places of detention. The President issued his decree after months of unsuccessful negotiations between the ICRC and the ministries to ensure appropriate access. The President's instructions were carried out, and the ICRC had full access to detention facilities at year's end in accordance with its customary procedures, which include meetings with the detainees without the presence of third-party observers and the regular repetition of visits. This year the ICRC saw 243 prisoners in Georgian detention, as well as 60 in the custody of Abkhaz separatist authorities. Many of these detainees and prisoners were visited repeatedly. The OSCE mission and foreign diplomats had some access to detainees and prisoners.

International human rights monitors have faced obstacles in connection with prisoners arrested in 1995 for alleged involvement in the assassination attempt on President Shevardnadze. When eventually allowed to meet with some, though not all, of these individuals, government officials remained in the room. Despite earlier assurances of access, the Procuracy continued to prevent international monitors from meeting with several of these detainees. Following the attempted assassination of President Shevardnadze, the MVD arrested dozens of individuals. Many continue to be held and officials from the

Office of the Prosecutor tried to prevent human rights monitors from meeting several of the detainees. At least one of those detained, former security service Captain Guram Papukashvili, was beaten severely. After several scheduled meetings with Papukashvili were cancelled, officials allowed human rights monitors to meet him in March, but not alone. Papukashvili reported that since his arrest he had developed kidney problems and coughed up blood. In April he confirmed to his attorney that he had been beaten. These restrictions prevented independent verification of reports of torture and abuse, denial of medical care, and denial of prisoners' access to their attorneys. No appeal nor complaint was filed by Papukashvili's attorneys.

Human rights monitors were also denied permission to see Loti Kobalia, Badri Zarandia, and other members of the former Gamsakhurdia government on trial for high treason and other crimes, on the grounds that their cases were ongoing. Court officials allowed monitors and journalists to meet defendant Nugzar Molodinashvili, a onetime member of Gamsakhurdia's Supreme Council, after he declared a hunger strike that lasted more than 30 days.

Colonel Gia Korbesashvili, arrested and severely beaten as a suspect in the July 1995 attempted bombing of a bridge in Tbilisi, is still under investigation by the MVD. The case is in the Tbilisi city court, but the trial has not yet started. The Office of the Human Rights Defender created in 1995 is not yet functioning (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for a 9-month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and restrictions on the role of the prosecutor (see Section 1.e.). These safeguards are not yet in force and not observed. A new Criminal Code, which will bring into force the constitutionally mandated restrictions on the powers of the Procuracy and the police, is scheduled to be introduced in Parliament by the end of the first quarter of 1997 (see Section 1.e.). The Criminal Code of the former Georgian Soviet Socialist Republic continues to be used by a law enforcement and court system that has been slow to adapt to democratic norms. Under Soviet law, prosecutors issued warrants for arrests and searches without court approval. Persons could be legally detained for up to 72 hours without charge. After 72 hours, the prosecutor was required to approve the detention. However, this approval was often a formality as it was normally the prosecutor who initiated the arrest in the first place. The law allowed for a maximum of 18 months of detention before trial. In practice even these provisions are frequently violated. Virtually no means are available for accused individuals to present their cases to a judge prior to trial. This effectively means that pretrial detention is at the discretion of the prosecutor.

Persons detained on suspicion of involvement in the attempted assassination of President Shevardnadze in August 1995 have been held without trial for 15 months and no trial dates have been set. In a separate case, Giorgi Korbesashvili was arrested in July 1995, beaten several times, denied access to an attorney of his choosing for seven months, and not told of the charges against him. He continues to await trial on charges of plotting to blow up a bridge in Tbilisi

(see Section 1.c.).

On August 7, police arrested Eldar Gogoladze, a colonel in the State Security Service, on suspicion of weapons possession. At the time of his arrest, Gogoladze had a permit to carry a weapon. Police searched Gogoladze's home 10 days after his arrest and found no weapons, but continued to press charges. Gogoladze was released from pretrial detention in November on grounds of insufficient evidence. However, the Procuracy has made no decision on dropping the charges.

Nikolay Ploshkin, held by the authorities for 3 years in pretrial detention, was released on May 2 after having been tried and found guilty on the charge of concealing a crime. He received a sentence of 2 1/2 years and was released based on time already served.

There were no cases of forced exile.

e. Denial of Fair Trial

The Constitution provides for an independent judiciary. Prior to adoption of the Constitution, the courts were often influenced by pressure from the executive branch. This pattern continues with judicial authorities frequently deferring to the executive branch, particularly at lower levels of the court system.

The court system is divided into three levels. At the lowest level are district courts, which hear both routine criminal and civil cases. City courts, the next level, serve as appellate courts for the district courts, reviewing cases and either confirming verdicts or returning the case to the lower court for retrial. City courts also try in the first instance major criminal cases. The Supreme Court, the highest level, acts as an appellate court. Parliament approved the creation of a Constitutional Court this year, which is now operating.

A new Criminal Code is due to be considered by Parliament by year's end. In its draft form, it is designed to reduce the pervasive powers of the Procuracy (see Section 1.d). A separate draft law to reorganize and reduce the power of the Procuracy was being debated in Parliament at year's end. Currently Soviet law continues to be used. Under Soviet law prosecutors are vested with powers greater than those of judges and defense attorneys. Prosecutors direct criminal investigations, supervise some judicial functions, and represent the State in trials. Trials are not conducted in an adversarial manner. Prosecutors continued to wield disproportionate influence over outcomes.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his or her rights and must notify the detainee's family of his or her location as soon as possible. These rights mark a significant departure from Soviet legal practice, but they are not observed.

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

Human rights observers report widespread judicial incompetence and corruption, including the payment of bribes to prosecutors and judges.

In the trials of Badri Zarandia, Loti Kobalia, and other members of the former Gamsakhurdia Government who fought against forces loyal to the Shevardnadze Government, the Government consistently violated due process during the investigation and trial. Torture, use of forced confessions, denial of legal counsel, and expulsion of defendants from the courtroom took place. On May 7, Zarandia and his codefendants Zviad Sherozia, Gabriel Bendeliani, Karlo Jichonaia, Gurgen Malania and Murman Gulua were expelled from court. On June 17, Zarandia was sentenced to death after being convicted of high treason, hooliganism, banditry, and other crimes. He was told of the sentence in his cell as he had not been permitted to return to the courtroom following his expulsion. On November 18,

Kobalia was found guilty and also received the death sentence. In a separate case, Nugzar Molodinashvili, a former member of Gamsakhurdia's Supreme Council, was expelled from the courtroom on May 21 for "offending the Government" during his trial.

The two men condemned to death in the 1995 trial of the assassination attempt against parliamentary deputy Jaba Ioseliani filed appeals, which are still pending. The case was marked by procedural irregularities and acts of abuse, forced confessions, denial of legal counsel, and expulsion of defendants from the courtroom took place.

Former Member of Parliament and head of the Monarchist Party Temur Jhorjholiani was sentenced to 4-years imprisonment after being convicted of drug possession and assault on a police officer, despite having Parliamentary immunity at the time of his arrest in 1995. The judge disregarded the question of whether Jhorjholiani's immunity should have excluded the evidence that led to his conviction. Throughout the trial, the Court refused Jhorjholiani's requests for bail without explanation in violation of the Constitution's requirement that judges cite grounds for such decisions.

There are no known political prisoners. Political overtones, however, attended the cases of a number of individuals, including Gamsakhurdia supporters and MGB personnel, who were tried and sentenced on criminal grounds.

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

Credible reports indicate that government security agencies monitor private telephone conversations without court order. Police and State tax authorities also enter homes and places of work without legal sanction. Police regularly stop and search vehicles without probable cause to extort bribes. The high level of unregulated police misconduct and corruption has undermined public confidence in government, especially law enforcement agencies.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the 1991 press law provide for freedom of the press, but the Government constrains some press freedoms. Security and law enforcement authorities attempted to intimidate the press through public comments and private meetings.

Numerous independent newspapers operate and the press increasingly serves as a check on government, frequently criticizing the performance of high-level officials. However, no independent newspapers have a national audience and most citizens get their news from television. The Government finances and controls two newspapers and a radio and television network, which have a national audience and reflect official viewpoints.

The State also exerts influence over the press in other ways. For example, it owns and operates the major printing facility. Earlier this year, the Government proposed to a number of independent newspapers that they centralize their operations and accept government assistance. They refused. Independent newspapers and television stations are harassed by state tax authorities.

Rustavi-2, a member station of the fledgling independent television network, TNG, for the second successive year encountered government attempts to shut it down. In spite of the legal decision in 1995 that confirmed Rustavi-2's right to broadcast television, the Ministry of Communications revoked the

station's license in July and awarded its broadcast channel to a company with strong ties to government officials. Rustavi-2 had been broadcasting in Tbilisi only for a short time, but had demonstrated independence. Rustavi-2 appealed the revocation but lost in the district court. The subsequent appeal to the Supreme Court was successful. In November the Supreme Court overturned the lower court's decision. Other independent stations reported pressure by local governments to support them.

Academic freedom is widely respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice. The Government permits unannounced assembly in four locations in Tbilisi and requires 24-hour advance notice for assemblies in other areas. The Government generally grants permits for assembly and registration for associations without arbitrary restriction or discrimination. Government respect for freedom of assembly is, however, limited in some cases. On May 26 police, including elite "OMON" troops from the Ministry of the Interior, violently broke up a sanctioned assembly of 200 demonstrators, mostly supporters of former President Gamsakhurdia.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Georgia has a tradition of religious tolerance. In two separate instances, however, foreign Christian missionaries were questioned by police for engaging in "anti-Christian activities." In one of those instances, Orthodox priests urged police to call in the missionaries for questioning. This action reflects a growing mistrust on the part of the Georgian Orthodox Church of the activities of missionaries of other denominations, especially evangelicals (see Section 5). The Georgian Orthodox Church stated publicly that foreign Christian missionaries should confine their activities to non-Christian areas.

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

The 1993 law on migration provides for these rights, and the Government generally respects them in practice. Registration of an individual's place of residence is no longer required. In principle the Government respects the right of repatriation, although approximately 270,000 Meskhetian Turks (primarily Muslim), who were expelled to Central Asia by Stalin in the 1940's, still face public opposition to their return. The Government publicly supported the right of the Meskhetian Turks to return but did not develop a mechanism for repatriation, nor identify a community willing to accept returnees. The pilot effort to resettle 35-40 Meskhetian families proposed in 1995 did not take place. In 1996 the Government granted refugee status to 120 Meskhetian Turks who came to Georgia as students.

The 1994 quadripartite agreement (Russia, Georgia, Abkhazia, and the United Nations High Commissioner for Refugees) on repatriation in Abkhazia provided for the free, safe, and dignified return of displaced persons and refugees to their homes. The Abkhaz separatist regime prevented virtually all official repatriation before unilaterally abrogating the agreement in 1994. Over the past 2 years, some 30,000 to 35,000 of the estimated 250,000 IDP's from Abkhazia have returned spontaneously, most to the southern part of the Gali District where the Abkhaz militia operate only sporadically. Returnees continue to face security threats from Abkhaz separatist militia, and Abkhaz and Georgian armed bands (see Section 1.a.).

The 1992 ethnic conflict in South Ossetia also created tens of thousands of ethnic Georgian IDP's. South Ossetian separatists continue to defy OSCE and government attempts to repatriate people to their homes.

At present there is no effective law concerning the settlement of refugees or the granting of political asylum in Georgia. Parliament is considering a draft law. Georgia has so far not acceded to the 1951 Geneva Convention related to refugees. The Government has not provided first asylum, both because there are no legal provisions for it and because the matter has not yet been raised in practical terms.

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

The Constitution and the 1995 Election Law provide citizens with the right peacefully to change their government. Citizens exercised this right in elections in October 1992 and November 1995. A democratically elected President and Parliament govern most of Georgia. The separatist regions of Abkhazia and South Ossetia are ruled by undemocratic leaders. In addition the region of Ajara is to a large extent self-governing, under conditions resembling a police state. Ajara's postindependence relationship to the rest of Georgia is still undetermined and in matters, such as elections, Ajara's authorities claim that regional laws take precedence over national laws. The Government does not challenge illegal, undemocratic activity by the Ajaran authorities, purportedly because Tbilisi seeks to avoid open separatism in this ethnic Georgian, historically Muslim region. Ajara held regional elections on September 22 and denied requests from international as well as Georgian organizations to monitor the elections. In the September election, the Ajaran authorities employed fraud and intimidation to ensure the victory of the local ruling party. In addition the most serious violations noted during the 1995 national elections occurred in Ajara.

The 223-member Parliament and President Eduard Shevardnadze were elected in multiparty elections in 1995. Despite some violations, international observers judged these elections to meet international standards, except in Ajara. There was no voting in the separatist regions of Abkhazia and South Ossetia. President Shevardnadze's party won a majority of the seats in Parliament. Only two other parties qualified for representation in Parliament, but opposition parties actively participated in preelection planning and election monitoring.

Women are poorly represented in Parliament. Only 16 women (7 percent) were elected to Parliament in 1995, and only 1 woman (6 percent) has been named to a ministerial post.

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

The Government generally respects the right of domestic and international organizations to monitor human rights, but has limited the access of some organizations to prisoners (see Section 1.c.).

Domestic human rights monitoring is politicized. The Government claims that most local human rights groups are extensions of partisan political groups, while those groups criticized the State Committee on Human Rights, which has been disbanded, and the Parliamentary Committee on Human Rights, for favoring the Government. Pending since 1995, when filled, the constitutionally mandated Public Human Rights Defender will be selected and funded by Parliament, but accountable neither to the Parliament nor the executive. The extended delay in filling this position reflects continued disagreement between the President and Parliament over a mutually acceptable candidate.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, landownership, or place of residence. The Constitution provides for Georgian as the state language, but not all minorities in

Georgia prefer to use Georgian. As a practical matter, the approximately 500,000 Armenians and 300,000 Azeris prefer to communicate in their own language. The Abkhaz, Ossetian, and Russian communities prefer to use Russian. Georgian and Russian are both used for interethnic communication.

Women

Women's nongovernmental organizations (NGO's) report that family violence and rape are not common, although spousal abuse and sexual harassment occurs. Spousal abuse usually goes unreported, and police are reluctant to investigate complaints. Sexual harassment is increasingly reported as a problem in the workplace. The Government has no support services for abused women, although police reportedly investigate reports of rape.

Human rights monitors in Abkhazia continue to note reports of rape of non-Abkhaz women by young Abkhaz men, often in paramilitary dress, but these assaults reportedly declined in 1996.

Women's access to the labor market continues to be confined mostly to low-paying and low-skill positions frequently despite high professional and academic qualifications. Few women work in professional positions and women have suffered disproportionately when companies and organizations laid off workers. An NGO Association for the Employment of Women was established in 1995 by a group of concerned Georgian women for registering unemployed women, but has not been active.

Several organizations have been formed to promote women's rights, including Georgian Women's Choice and the Political Organization for the Defense of Women's Rights. The two organizations cooperate closely to promote an agenda concentrated on the "social and economic rights" of women.

Children

Government services for children are extremely limited. The 1995 Health Reform Act withdrew the right of children over the age of 1 year to free medical care. While education is officially free, many parents are unable to afford books and school supplies, and most parents have to pay for their children's education.

The Georgian private voluntary organization (PVO), "Child and Environment," noted a dramatic rise in homeless children following the collapse of the Soviet Union. It estimates that there are approximately 1,000 street children in Tbilisi due to the inability of orphanages and the Ministry of Education to provide support. Child and Environment also reported a growing trend towards child involvement in criminal activity, narcotics, and prostitution despite the cultural tradition of protecting children.

People with Disabilities

There is no legislative or otherwise mandated provision requiring accessibility for the disabled. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period have been closed because of lack of government funding. Most disabled persons are supported by family members, or by international humanitarian donations.

Religious Minorities

The Georgian Orthodox Church, wary of proselytism, has sought to hinder evangelical missionaries and the Salvation Army. In one instance, the Orthodox Church urged the police to question foreign Christian missionaries (see Section 2.c.). The Catholic Church also complains of continuing delays in the return of churches closed during the Soviet period and later given to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remains closed.

Organizations promoting the rights of Jews and Jewish emigration continue to report that the Government provides good cooperation and support. Jewish leaders in the country attribute isolated acts of anti-Semitism in previous years to general instability and disorder. The Government has been outspoken in denouncing anti-Semitism. A virulently anti-Semitic article that appeared in the independent newspaper *Noi* during the summer prompted a public rebuke from the President. The Prosecutor's Office filed charges against the editor for inciting interethnic hatred.

National/Racial/Ethnic Minorities

The Government generally respects the rights of individuals of ethnic minorities in nonconflict areas, but limits self-government in the ethnic Armenian and Azeri enclaves. The Government provides funds for ethnic schools, and the teaching of non-Georgian languages is permitted. Violence in Abkhazia and South Ossetia reflects historic ethnic conflicts and the legacy of Soviet policy, designed to pit ethnic minorities against one another.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of citizens to form and join unions. The Soviet Labor Code, still in effect, specifies that these unions must be registered with the Ministry of Justice.

A union of trade unions (the Amalgamated Trade Unions of Georgia) has been established and comprises 25 sectoral unions. The union, jointly with the Ministry of Justice, has prepared a draft law on trade unions. The union sees the protection of social and economic rights of workers as the basic function of trade unions. Unions are remnants of the Soviet period when they were essentially administrative bodies concerned with property and finance rather than with workers' rights.

There are no legal prohibitions against affiliation and participation in international organizations. The right to form unions is protected under the Constitution.

b. The Right to Organize and Bargain Collectively

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor and provides for sanctions against violators;

violations are rare. The Ministry of Labor enforces this law.

d. Minimum Age for Employment of Children

According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. These laws are generally respected.

e. Acceptable Conditions for Work

The nationally mandated minimum wage was abolished in 1995 and replaced by a wage scale that sets salaries for various grades in the public sector, the lowest of which is approximately \$10 (13 lari) per month. There is no state-mandated minimum wage for private sector workers. A recent Government report concluded that \$77 per month was required for the basic minimum needs of an individual. Pensions and salaries are usually insufficient to meet basic minimum needs.

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

[end of document]



[Return](#) to 1996 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.