

Georgia

by Michael Hikari Cecire

Capital: Tbilisi
Population: 3.7 million
GNI/capita, PPP: US\$7,510

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
National Democratic Governance	5.50	5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50
Electoral Process	4.50	4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50
Civil Society	3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Independent Media	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00	4.00
Local Democratic Governance	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25
Judicial Framework and Independence	4.75	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75
Corruption	5.00	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50
Democracy Score	4.68	4.79	4.93	4.93	4.86	4.82	4.75	4.68	4.64	4.61

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

Democratic institutions and practices in Georgia saw signs of development, stagnation, and even regression in 2015. Positively, the year saw increased evidence of political pluralism and a noticeable slowing in new prosecutions against former officials from the previously ruling United National Movement (UNM), while the structural independence and functionality of the Georgian judicial system were largely sustained in 2015. However, there were also signs of stagnation and even possible regression in other areas, and particularly in the realm of media freedom. While the Georgian media landscape remains diverse and largely pluralistic, the investigation and prosecution of the leading opposition media outlet, Rustavi2, points to political pressure by elements of the ruling Georgian Dream (GD) coalition.

After gaining independence from the Soviet Union in 1991, Georgia was mired in a succession of separatist conflicts, civil wars, and persistent economic depression in the 1990s. After peaceful protests known as the Rose Revolution ousted former President Eduard Shevardnadze in late 2003, the UNM's Mikheil Saakashvili held the presidency from 2004 to 2013. The UNM was effective in combating low-level graft, strengthening state institutions, and diminishing both organized and petty criminality, but its agenda often ran contrary to the rule of law, and power was concentrated among a small circle of UNM elites. Growing popular dissatisfaction led to a surprise victory by the GD coalition in 2012, and Georgian billionaire Bidzina Ivanishvili became prime minister, resulting in an uneasy cohabitation with Saakashvili. Ivanishvili resigned from the premiership in 2013, upholding previous promises to remain in office only briefly, and his longtime associate Irakli Gharibashvili assumed the post through December 2015. Despite Ivanishvili's departure, he remained active in GD party affairs, leading to accusations from the UNM and other opposition politicians that he maintained power through informal means and was therefore unaccountable. After coming to power in 2012, the GD-led government also embarked on a campaign of what some GD leaders termed "restorative justice," which targeted former state officials from the UNM. While UNM officials did engage in abuses during their period in power, critics claimed that the GD's campaign was politically motivated and largely arbitrary. Frequent statements by senior GD officials assuming UNM officials' guilt lent further evidence to this view.

New cases against UNM ex-officials largely ceased in 2015, though litigation against existing defendants continued. In a particularly high-profile case, former Tbilisi Mayor Gigi Ugulava was found guilty on a variety of corruption charges and sentenced to four and a half years in prison in September, after extended periods of pretrial detention that the Georgian Constitutional Court had found unconstitutional. Another former UNM official, onetime Defense Minister Davit Kezerashvili, was acquitted in absentia in the same month. Additionally, senior Defense Ministry staffers arrested and charged with corruption in 2014, coinciding with a public fallout between Ivanishvili and former GD Defense Minister Irakli Alasania, were released from pretrial detention and allowed to return to work. While the prosecutions raised questions about politicization, regular contrary rulings by various Georgian courts highlighted a degree of independence not previously seen in the judiciary.

However, there is evidence of potential regression in independence of the media. Rustavi2, the country's most popular television channel that is also closely linked with the opposition UNM, was subjected to court-imposed limited asset freezes in 2015. The August court decision came amid a lawsuit by a previous owner seeking to reclaim shares of the company that he claims had been illegally seized under the UNM government. While asset freezes and injunctions are not uncommon in such cases, independent nongovernmental organizations (NGOs) detected problematic patterns in the handling of the case suggesting that the process could be politicized. Comments from senior GD officials presuming Rustavi2's guilt did nothing to dispel this notion. Also of concern was a string of cancelled television programming across multiple channels during the summer, which critics claimed was a result of government pressure. Allegedly, senior GD officials were pressuring channels to modify their talk show programming in favor of new content to boost GD's flagging public image ahead of planned parliamentary elections in 2016.

The question of Rustavi 2's ownership raises major questions about the integrity and freedom of the media in Georgia, which have seen significant improvement in recent years but remain fragile and susceptible to potential abuse. At the same time, it also underscores the problems with maintaining a democratic trajectory while redressing the abuses of the previous regime when that regime is the principal opposition party.

Score Changes:

- **Judicial Framework and Independence rating improved from 5.00 to 4.75** due to evidence of sustained structural improvements and increased judicial independence compared to previous years.

As a result, Georgia's Democracy Score improved from 4.64 to 4.61.

Outlook for 2016: The parliamentary elections, scheduled for October, will be next year's most significant political event. Given the expected tight race, the year is likely to see increased levels of political activity from the ruling GD coalition and from parliamentary and non-parliamentary opposition groups. Due to falling support for GD and largely stagnant backing for UNM, the main beneficiaries of the elections could be non-parliamentary opposition parties, if current trends continue. These parties include a number of pro-Russia and anti-West groupings, which have the potential to fundamentally change the character of Georgian parliamentary politics, though they are unlikely to win enough support to gain power on their own. The fate of Rustavi2 and former Tbilisi mayor Gigi Ugulava will remain a topic of discussion as appeals cases are likely to conclude in 2016.

MAIN REPORT

National Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
5.50	5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50

- For the most part, 2015 was characterized by relative political stability. The intensity of partisan rancor between the ruling Georgian Dream (GD) and the opposition United National Movement (UNM) was somewhat less apparent during the year, likely due in part to the absence of high-profile election events.
- Billionaire and former prime minister Bidzina Ivanishvili, who founded GD in 2011, is widely believed to be playing a prominent role in Georgian political life. Opacity surrounding the extent of his involvement in governmental affairs is a regular source of tension as well as confusion. Because of the ambiguity, critics tend to associate most negative steps by the government as evidence of Ivanishvili's influence. Yet, uncertainty regarding Ivanishvili's relationship with the government makes it difficult to assess his influence one way or another. Not dissimilarly, former president Mikheil Saakashvili, now regional governor of Odessa, Ukraine, has also continued to be involved in decision-making within the opposition UNM—even after he was stripped of his Georgian citizenship for taking a Ukrainian passport.¹
- Ambiguity over shared power between the presidency and premiership put Prime Minister Gharibashvili and President Giorgi Margvelashvili increasingly at odds in 2014 and 2015.² In 2014, Gharibashvili and Margvelashvili fought over attendance at the United Nations (UN) Climate Summit, and in September 2015, the two leaders sparred again over representation at the UN General Assembly.³ Margvelashvili, preempted from a UN appearance by Gharibashvili, took a separate trip to the US in the same period,⁴ and complained publicly that the Georgian Ambassador to the US, who accompanied the prime minister at the UN, showed insufficient deference to the presidential office.⁵ In December, Gharibashvili resigned in a surprise move and was replaced by former foreign minister Giorgi Kvirikashvili.⁶
- GD feuding with Margvelashvili, while a source of political uncertainty, also appears to highlight some welcome pluralism. The president, though elected with GD backing earlier, has publicly broken with the GD mainstream on several occasions and has used the presidency as a check on the prime minister as well as the wider GD parliamentary majority. In July 2015, Margvelashvili vetoed a proposed bill to strip the National Bank of Georgia (NBG) of banking oversight functions and invest them instead in a separate Financial Supervisory Agency.⁷ Margvelashvili opposed the bill because it threatened the independence of the NBG. Some in GD argued that the NBG was partially responsible for the large-scale depreciation of the lari in late 2014 and 2015.⁸
- Recent coalition jockeying in parliament shows that pluralism is an increasingly ordinary feature of Georgian political life. The defection of the Free Democrats (FD) party from GD in late 2014 added new, centrist voices to the parliamentary opposition.⁹ The departure of FD has also strengthened the GD-aligned Republican Party, which now bears the standard for a liberal policy agenda within GD. Republican Davit Usupashvili has been the Speaker of Parliament since 2012, and the parliament appointed fellow Republican Tinatin Khidasheli (who is Usupashvili's wife) defense minister in May 2015.¹⁰ Earlier, in March, former defense minister Irakli Alasania reignited accusations of Ivanishvili's involvement in his abrupt dismissal in November 2014. Alasania claimed that Ivanishvili precipitated the 2014 political crisis, which saw two additional cabinet members resign in protest, by trying to pressure him into canceling an arms deal with France, presumably in favor of Russia.¹¹ GD dismissed the allegations, and Khidasheli signed two arms agreements with French

firms in June 2015.¹² Compared to previous years, prosecutions of high-level UNM officials slowed considerably. The only significant case in 2015 was the drawn-out trial and detention of UNM official and ex-Tbilisi mayor, Gigi Ugulava (see Judicial Framework and Independence). Additionally, seemingly prejudiced comments by government officials in another high-level case over the disputed ownership of Rustavi2 TV, Georgia’s most popular broadcaster, also highlighted problems related to politicization (see Independent Media).¹³

- Related to the Rustavi2 case, in October, a Russian website called Ukrainian Wikileaks published wiretapped recordings of phone calls between Saakashvili, UNM’s International Secretary Giga Bokeria, and Rustavi2 Director Nika Gvaramia.¹⁴ The intercepts, which Bokeria and Gvaramia acknowledged as authentic, feature Saakashvili and Bokeria discussing with Gvaramia the Rustavi2 controversy as a means of fomenting violence and mass protests in a bid to overthrow the GD government. While the UNM has accused GD of obtaining the wiretaps illegally, Russian intelligence services are the likelier culprit—in a bid to discredit the two major political parties and destabilize Georgia ahead of 2016 parliamentary elections.¹⁵ Yet, regardless of how the calls were intercepted and leaked, the episode reveals a potential willingness on UNM’s part to subvert constitutional mechanisms and embrace violence as a means to regain power.
- Recent polls indicate that some segments of the Georgian public increasingly embrace pro-Russian and anti-Western policies,¹⁶ though they continue to represent the minority and their support significantly lags behind that of Euro-Atlantic integration. Pro-Russian political parties in Georgia are widely seen as being funded by Moscow and part of Russia’s efforts to extend its influence over Georgia and destabilize the country.¹⁷

Electoral Process

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4.50	4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50

- The year 2015 was the only year without major elections since the ruling GD coalition came to power in 2012. However, two by-elections were held on October 31 in the Martvili and Sagarejo single-mandate constituencies to fill vacancies left by the death of UNM deputy Nauli Janashia in March 2014 and the appointment of Tinatin Khidasheli as defense minister in May 2015, respectively.¹⁸ GD candidates won both elections, although UNM and FD boycotted them due to unmet demands for early elections.¹⁹ GD won a dominant majority in Martvili, but only narrowly in Sagarejo, in a close race with Irma Inashvili, the head of the populist Alliance of Patriots party.²⁰ Though Inashvili accused the winner, Tamar Khidasheli, of manipulating the results, an independent assessment of the by-elections found no major violations.²¹
- The by-elections highlighted the growing demand from some political parties for electoral reform. Georgia currently has a mixed system with 73 members of parliament (MPs) elected in single-mandate (“majoritarian”) constituencies and 77 MPs elected on party lists. In late May, the Georgian Constitutional Court ruled that large discrepancies in the size of majoritarian constituencies violate the equality of votes.²² The current system uses electoral districts based on current municipal boundaries, which means that the biggest district is 25-times the size of the smallest. The Council of Europe’s Venice Commission, the advisory body for legal matters, suggests that variations between the size of electoral districts be no more than 15 percent.²³
- Fourteen political parties and eight civil society organizations signed a petition in late May that called on authorities replace the current mixed system with a “regional-proportional” one.²⁴ The regional-proportional alternative would see half of parliament’s 150 MPs elected from nationwide proportional, party-list votes, and the other half in multi-mandate constituencies at the regional level.²⁵ The ruling GD coalition’s proposed reforms, offered in June,²⁶ would largely maintain the

current system through the 2016 parliamentary elections and do away with the majoritarian component thereafter. In the interim, GD offered to make several reforms ahead of the 2016 elections, including: raising the threshold for first round victories in single-mandate districts from 30 percent to 50 percent; and redistricting to provide greater equality.²⁷

- Virtually all opposition parties opposed GD’s proposal, claiming that the majoritarian component favors the incumbents. FD and the UNM, which strongly backed the majoritarian system during its period in power, joined extraparliamentary opposition parties and argued in favor of doing away with the majoritarian process altogether.²⁸ The final bills, which passed parliamentary reading at the end of December and were awaiting the president’s signature at year’s end, increased the threshold required for first-round victories to 50 percent and significantly redrew electoral districts. Opposition MPs criticized the redistricting, arguing it is artificial and will confuse voters.²⁹
- Previous elections since 2012 were broadly free and fair.³⁰ While incidents of voter intimidation occurred, international observers noted these events were largely isolated and unlikely to have appreciably impacted electoral outcomes. Yet, lopsided victories by the ruling GD coalition in recent major elections, particularly the 2013 presidential and 2014 local elections, raised questions about a “winner-take-all” tendency in Georgian political culture.
- New parliamentary elections are scheduled for late 2016. As the 2016 elections near, the issue of electoral reforms as well as broader partisan rancor is likely to become more pronounced. Polls in late 2015 also suggest that the 2016 elections will be particularly competitive,³¹ with no one party poised for domination and amid high levels of voter uncertainty. This also coincides with evidence of growing anti-West sentiments—and concomitant growing support for anti-West policies in the polls—that is likely to make the 2016 elections especially hotly contested.³²

Civil Society

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75

- The civil society sector in Georgia is robust and active. Nongovernmental organizations (NGOs) play a prominent role in policy research, advocacy, and opinion leadership. NGOs are frequently referenced in the media, and NGO leaders are regularly sought after for their commentary and analysis. For the most part, Georgian NGOs also express a wide spectrum of ideological views and have a history of consulting with the government on policies or proposals. For example, local NGOs closely collaborated with the parliament on open government initiatives in 2015.³³ However, cooperation with the government appeared closer and more consistent in 2014 and especially in 2013 compared to 2015.
- Overall, NGOs in Georgia are able to work without harassment or intimidation. The Georgian legal code offers sufficient protections for NGOs to operate freely, and the autonomy of organizations is customarily observed. In practice, registering and maintaining legal requirements for NGOs is simple, straightforward, and can often be accomplished in short order. The overall strength of the civil society sector is evidenced by a large number of NGOs representing a multitude of ideologies and groups.
- However, while Georgia’s civil society is diverse, it is also polarized. There is a broad sense in the civil society sector that individual NGOs “belong” to a particular party, movement, or personality.³⁴ In addition, it is not uncommon for NGOs representing divergent views to come into open, in some cases even physical, confrontation with one another. For example, in March 2015, activists from the pro-UNM Free Zone clashed with activists from the pro-GD Free Generation after the demonstration against the government’s economic policy.³⁵ Similarly, in September, Free Zone members got into a fight with activists from the Erekle II Society in opposition to the latter’s largely pro-Russia advocacy.³⁶

- The polarization of the civil society sector is exacerbated by periodic comments from former prime minister and GD founder Bidzina Ivanishvili. In April, Ivanishvili spoke out against the leaders of Transparency International (TI) Georgia and the Georgian Young Lawyers Association (GYLA) during a television talk show on GDS TV, a channel owned by his son. Ivanishvili claimed that TI and GYLA—broadly regarded as high-functioning, nonaligned organizations—were allied with the UNM.³⁷ In February, in response to similar previous attacks, 46 Georgian NGOs released a statement calling Ivanishvili a “threat” to the sector.³⁸ Ivanishvili’s accusations highlight the tendency by many to conflate criticism with sympathies for the “other side,” in this case the political opposition. Such tensions are further complicated by Ivanishvili’s unparalleled wealth and, relatedly, his role as founder and head of his own NGO, Citizen.
- The role of Ivanishvili’s wealth also highlights other problematic aspects of the civil society sector. For the most part, NGOs are funded either by a small number of wealthy Georgians—such as Ivanishvili or, previously, by the late UNM financier Kakha Bendukidze³⁹—or by foreign organizations. Foreign funding is largely made up of grants from large international agencies and private foundations mostly based in the US or Europe. However, there is also growing evidence that Russian state-linked groups are increasingly funding pro-Moscow “Eurasianist” NGOs in Georgia.⁴⁰ In addition, pro-Russia political groups, Eurasianist NGOs, and elements of the powerful Georgian Orthodox Church—which nominally favors Euro-Atlantic integration but is deeply socially conservative—appear to be increasingly aligned in an anti-Western agenda and coordinate their activities through joint events, rallies, and the use of common rhetoric.⁴¹

Independent Media

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00	4.00

- The Georgian media landscape is generally vibrant and pluralistic. Media freedom rates strongly in the region,⁴² with a generally robust legal framework and relatively diverse media outlets. Television remains the most dominant medium, but 2015 polling by the Caucasus Research Resource Centers reported for the first time that most Georgians access the internet on at least a weekly basis.⁴³ Radio and newspapers are less influential, but are frequently connected to other forms of media, especially online outlets. However, the media landscape is also highly polarized and still largely perceived to be tied to partisan interests. In 2015, a number of developments suggested some degree of regression in media freedom.
- According to an October 2015 report by Transparency International Georgia, there were no significant changes in the ownership of major outlets in the previous year and media ownership is relatively transparent.⁴⁴ This has not always been the case—media freedom was significantly curtailed under the UNM, particularly in the latter period of their tenure in power. While TI reported that political parties do not own any major media outlets directly, most television channels and online outlets are seen as being aligned with one political force or another. This is not only true of the ruling GD coalition and the UNM, but also of extraparliamentary opposition groups, including pro-Russian and anti-Western NGOs and political movements. However, outlets in the latter category have shown little advertising revenue, raising questions over their sources of funding.⁴⁵
- At the same time, partisanship among major media networks appears to be decreasing over time. The major exception is Rustavi2, the country’s most popular television channel, which has frequently criticized the current government. Rustavi2’s legal case is apparently intertwined political motivations, which represents a worrying turn from GD’s periodically acerbic but mostly liberal approach towards the media sector following its accession to power in late 2012.

- Rustavi2’s legal quandary is rooted in one of several ongoing disputes over the channel’s ownership. The television company, which has close ties to the UNM, changed ownership frequently during the UNM’s tenure and some of these changes took place under unclear circumstances.⁴⁶ In August 2015, a previous owner, Kibar Khalvashi, filed a lawsuit against the company, claiming that his shares had been improperly liquidated in 2005 and 2006.⁴⁷ A few days later, a Tbilisi court ordered a freeze on Rustavi2’s assets, in line with Khalvashvi’s request, though not on its bank accounts.⁴⁸ While it is not unusual for courts to order certain injunctions and even asset freezes in similar situations, seven prominent NGOs issued a statement that noted a number of inconsistencies in the court’s ruling, including the fact that Khalvashvi’s shares had changed hands several times since their sale.⁴⁹ These inconsistencies made it likely that the Rustavi2 lawsuit is at least partially politically motivated.⁵⁰
- In early November, the Tbilisi City Court ruled in favor of Khalvashi.⁵¹ Shortly before the ruling, the Constitutional Court suspended a legal clause in Georgia’s civil code which allows for immediate enforcement if a case is under appeal. Rustavi2’s legal representation requested the suspension.⁵² However, two days after the ruling, Khalvashi’s lawyers filed a motion for remedy and the Tbilisi City Court judge issued an interim injunction, appointing temporary administrators to the channel.⁵³ Following international and domestic criticism, including from Marvelashvili and Ivanishvili,⁵⁴ the Tbilisi City Court reversed its earlier decision and reinstated the previous Rustavi2 management on November 12.⁵⁵ Shortly thereafter, the Constitutional Court suspended legal clauses that allowed the Tbilisi City Court to temporarily transfer Rustavi2’s management.⁵⁶
- There were other signs of increasing government pressure on the Georgian media. Throughout the summer, a number of Georgian channels unexpectedly canceled several popular television talk shows. This led to broad speculations that GD elements, and Ivanishvili in particular, were behind the sudden shake up as a measure to better prepare for upcoming parliamentary elections in 2016.⁵⁷ One of the talk shows taken off the air in this period included *20/30*, a show on the Ivanishvili family-owned GDS channel (where Ivanishvili earlier appeared regularly), which lends greater credence to the idea that the cancelations were interrelated and likely politically motivated.

Local Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25

- Georgia is divided into 12 main regions, including Tbilisi, a special administrative unit, and two autonomous republics, Adjara and Abkhazia. Beneath the provincial level are 69 local municipal units, of which 12 are legally defined as “self-governing cities.” Prior to 2014 reforms, only the cities of Tbilisi, Batumi, Kutaisi, Poti, and Rustavi held self-governing status, and mayors were only directly elected in Tbilisi. Local government reforms in 2014 not only expanded the number of self-governing cities to include all provincial capitals, but also ensured that all mayors and district executives were directly elected along with local legislatures.⁵⁸
- Local government was significantly expanded in early 2014, transferring substantial powers to the provincial and local levels.⁵⁹ The 2014 laws also reversed long-term trends favoring the centralization of power under the UNM, and local elections that year marked the first direct elections that took place outside Tbilisi. While the reforms were relatively far reaching and reversed a highly centralized model of governance, the final slate passed in 2014 was significantly less robust than provisions originally proposed in 2013. The strongest criticism of decentralization came from extraparliamentary opposition groups and the Georgian Orthodox Church, which warned that such reforms would bring about national “disintegration.”⁶⁰ The church’s opposition may be tied to fears that greater local control would empower regionally clustered non-Orthodox minorities—such as Shi’a Muslims in Kvemo Kartli, Sunni Muslims in Adjara, or Armenian Christians in Javakheti—and thus undermine

its national power. Facing such criticism, GD loosened several proposals, including a concept to make provincial governors accountable to regional councils made up of municipal leaders. However, GD officials implied that such reforms could be revisited in the future.

- Despite these pledges, there were no further changes or expansion of local government laws in 2015. In particular, the 2014 reforms called for the restoration of some form of fiscal autonomy, including the provision of revenue-sharing agreements with the central government, by September 2014. However, the central government failed to meet this target and there was no evidence of progress in this direction in 2015. Yet, without the added incentive of revenue sharing and expanded fiscal decentralization, local governments lack the authority and wherewithal to respond to local voters' needs.
- It is likely not coincidental that polling in October 2015 revealed that many ordinary citizens regarded their local officials as unresponsive and largely out of touch.⁶¹ Fifty-seven percent reported they did not know anything about the work of local government bodies; only 6 percent reported having ever been contacted by district council officials, and even fewer from mayoral offices or provincial governors. Nonetheless, further local reforms appear unlikely in the near future due to the unexpectedly strong opposition from key segments in society, such as the Georgian Orthodox Church.

Judicial Framework and Independence

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4.75	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75

- The Georgian constitution provides a robust framework for a strong, independent judiciary, guaranteeing high levels of political rights and civil liberties. However, these guarantees are not necessarily observed in practice. Before 2012, the judiciary was characterized by high levels of politicization and, concomitantly, low popular trust. The acquittal rate was a fraction of 1 percent, and the plea bargaining system was widely regarded as a mechanism of extortion.⁶² After the 2012 change in power, GD started extensive reforms, which resulted in an increased acquittal rate,⁶³ significant changes to the plea bargaining system, and a general improvement in the independence of the judiciary.⁶⁴ The US State Department's 2014 Human Rights Report for Georgia, released in 2015, noted that "changes in the plea bargaining provisions of the criminal code established more safeguards for due process."⁶⁵
- While popular attitudes toward the judiciary are unlikely to change quickly, polls released in late 2014 show a growing trust as a result of these improvements.⁶⁶ A strong plurality (37 percent) claimed to trust the court system, compared to 21 percent reporting distrust; while a larger plurality (46 percent) agreed that the judiciary had improved since the 2012 change in power, compared to 6 percent saying it had worsened.
- High-profile court cases against a number of UNM ex-officials on various corruption charges have marred these improvements. Although repairing the rule of law required addressing genuine cases of criminality under the previous government, UNM members and their supporters claimed that the process of charging high-level former officials was arbitrary and politicized.⁶⁷ In an effort to address growing concerns, the government assembled a panel of international legal experts in mid-2014 to advise the Georgian Chief Prosecutor's Office on the review and handling of high-profile cases.⁶⁸ The group's activities were sparsely reported, however, and it was quietly disbanded in 2015.⁶⁹ A July 2014 Transparency International report assessing high-profile cases did not reveal significant irregularities.⁷⁰
- While new judicial action against UNM officials had largely ceased, ongoing high-profile cases continued to be an issue in 2015. In particular, circumstances surrounding the trial of former Tbilisi Mayor Gigi Ugulava reinforced concerns about politicization. Ugulava, on trial on a slate of

corruption charges, was remanded into pretrial detention in July 2014. When the detention period expired in March 2015, prosecutors used a loophole created in 2010 by the then-ruling UNM, and filed new charges against Ugulava, extending his detention.⁷¹ State prosecutors had used similar tactics during the trial against UNM official and former Defense Minister Bacho Akhalaia in 2013-14.⁷² In September 2015, the Georgian Constitutional Court ruled this practice unconstitutional, which was met with protests and apparent threats by pro-GD groups,⁷³ suggesting at least indirect government interference. Only some 24 hours later, the Tbilisi City Court found Ugulava guilty on misappropriation charges and the former mayor was taken into custody again to serve a four-and-a-half year sentence. Another UNM official, former Defense Minister Davit Kezerashvili, also under trial on corruption charges, was acquitted in September.⁷⁴ While Ugulava’s prominent party role makes it likely he was involved in government abuses under the UNM, GD pressure and periodic prejudicial statements raised questions about the integrity of the trial process.⁷⁵

- In October, a graphic video was leaked showing sexual abuse committed by law enforcement officers under the previous UNM government in 2011.⁷⁶ The leak led to problematic statements by Gharibashvili, who called the UNM a “criminal organization” and claimed aggression against the party was “natural” after the leaks.⁷⁷ Progovernment groups held rallies in front of UNM offices and up to 20 locations were vandalized. Gharibashvili appealed to the public to remain calm following the events.
- Despite credible claims that high-level prosecutions were politicized, the Ugulava and the Rustavi2 cases underscored Georgian courts’ increased willingness to contradict prosecutors—and even other courts—demonstrating a sustained, higher level of judicial independence compared to previous years. However, there is a growing danger that judicial pluralism could translate to judicial partisanship, in which certain courts and judges are seen as affiliated with a particular party or ideology and are actively in competition with one another. Apparently contradictory rulings from the Tbilisi City Court and the Constitutional Court during the Rustavi2 case lent the appearance of dueling chambers, in which the courts are judicial proxies of GD and the UNM, respectively. While this would be a simplistic interpretation of events, the perception of a judiciary fragmented by partisanship will likely grow if these circumstances remain. At the same time, it is notable that the Constitutional Court’s decisions were largely adhered to despite an atmosphere of political polarization.

Corruption

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
5.00	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50

- The GD government inherited a system that had been largely freed from petty corruption under the UNM. The UNM government also succeeded in diminishing the power of organized crime. However, this anticorruption drive often bypassed, or contravened entirely, the rule of law, while a number of UNM officials used the levers of power to amass wealth and take ever-greater control over swaths of the economy.⁷⁸
- Many of the gains from the UNM era remain intact. Despite worries in the immediate aftermath of the 2012 elections, petty corruption continues to be rare. Under GD’s administration since 2012, anticorruption efforts have been largely split between “restorative justice,” in which senior UNM figures were investigated and in many cases tried over corruption or abuse of power charges; and detecting cases of malfeasance within government. In the latter category, anticorruption efforts have identified a number of offenders within GD’s administration, including several cases in 2015.⁷⁹
- However, evidence of politicization has marred anticorruption efforts. In late 2014, several high-ranking officials within the Ministry of Defense were detained and charged with corruption, which coincided with the firing of FD Defense Minister Irakli Alasania. Alasania claimed the charges

against ministry staff were largely politically motivated, arguing that GD officials, and Ivanishvili in particular, were behind them. The probe triggered a major domestic political crisis that led to the departure of FD from the governing coalition. In June 2015, two of the accused defense ministry staffers were released from pretrial detention and were reinstated in the ministry several weeks later—though their trials had yet to conclude at year’s end.⁸⁰ This appears to support Alasania’s insistence that the charges were unsubstantiated and politically motivated. This was not the only case of alleged political corruption. There were also allegations that pardons were effectively being sold by some members of parliament.⁸¹

- There is also a growing perception that nepotism is an increasing problem in Georgian society. According to a poll commissioned by Transparency International Georgia, those believing that senior officials using their positions for personal purposes more than doubled in 2015—from 12 percent in 2013 to 25 percent in 2015.⁸² Approximately 44 percent of Georgians reported hearing of nepotism in public service employment. To counter this trend, TI proposed new laws in March to criminalize nepotism in the civil service,⁸³ which is regarded as lacking transparency in recruitment and hiring practices. The same 2015 TI poll also found that bribery continued to be a rarity. More than 99 percent reported that neither they nor their families had been asked to pay a bribe for public service.

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