

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

NIT Edition	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Electoral Process	4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50	4.50
Civil Society	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Independent Media	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00	4.00	4.00
National Democratic Governance	5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50	5.50
Local Democratic Governance	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25	5.25
Judicial Framework and Independence	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75	4.75
Corruption	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50	4.50
Democracy Score	4.79	4.93	4.93	4.86	4.82	4.75	4.68	4.64	4.61	4.61

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). 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.

EXECUTIVE SUMMARY

Throughout 2016, Georgia's democratic development continued its recent positive trajectory, although progress stalled or even regressed along certain lines. The parliamentary elections in October 2016 demonstrated improved administration and regulation of the electoral process, and hard-won gains countering both petty and elite-level corruption appear increasingly institutionalized. Yet while monitors described the elections as mostly free and fair, instances of pre-election and election day violence cast a pall over the process. More problematically, politically charged legal battles over the fate of the primary opposition television channel, Rustavi2, and a running conflict over the independence of the judiciary, threatened the country's pluralistic and open environment.

The last four years in Georgia have been defined by the conflict between the United National Movement (UNM) and the Georgian Dream (GD). In 2003, UNM was in the vanguard of peaceful protests that forced out Georgia's president Eduard Shevardnadze, and its leader Mikheil Saakashvili replaced him as president in early 2004. Under Saakashvili's leadership, the party governed until 2012, during which time it rapidly strengthened its state institutions, forced organized crime into hiding, and virtually exterminated petty corruption. However, in pursuing its reforms, UNM rule often acted in contradiction to the rule of law, and power became concentrated in the hands of Saakashvili and a small circle of his closest advisers.

UNM excesses fed popular dissatisfaction, which led to a surprise victory by the opposition Georgian Dream coalition in the 2012 parliamentary elections. Georgian billionaire Bidzina Ivanishvili, the founder of the Georgian Dream (GD) party that led the coalition, assumed the office of the premiership, and went into an acrimonious cohabitation with Saakashvili as president. Following the end of Saakashvili's term and GD-backed Giorgi Margvelashvili's presidential victory in 2013, Ivanishvili stepped down as prime minister. Ivanishvili's longtime business associate, Irakli Gharibashvili, assumed the post. Despite presiding over several key reforms, Gharibashvili's acerbic style and combative stance towards the UNM made him unpopular, and he resigned at the end of 2015 ahead of the 2016 parliamentary elections. Current prime minister Giorgi Kvirikashvili, also a former Ivanishvili business associate, took up the premiership in a move that lowered the political temperature. Despite Ivanishvili's departure from government office, he remains active in Georgia's political life, which has prompted accusations that his wealth and influence over GD make him an unaccountable, informal power. Saakashvili, too, retained significant power over the UNM until the aftermath of the 2016 parliamentary elections, even after he left the country under threat of prosecution and effectively gave up his Georgian citizenship to join the Ukrainian government.

After coming to power in 2012, GD embarked on a campaign of "restorative justice," prosecuting former officials from the UNM for various acts of corruption and abuse of office. While a number of UNM officials did engage in abuses and had erected a system that put UNM allies in control of broad swathes of the economy, GD's campaign was regarded by many as politically motivated. GD's singular emphasis on prosecuting former officials, as opposed to redressing thousands of outstanding complaints of forcible state property appropriation, for example, contributed to doubts over GD's interest in pursuing justice. New cases against UNM ex-officials largely ceased in 2015, and disappeared almost entirely in 2016.

The October parliamentary elections were the most significant event of 2016. Domestic and international organizations broadly assessed them as well administered and a generally accurate representation of voters' preferences. However, there were some administrative irregularities, voter intimidation, and violent incidents pre-election and on election day, most notably the bombing of the car of a senior UNM official only two days before the election. These incidents did not appear to have a direct effect on the election's integrity, however. GD—running as a party and without the coalition partners with which it had won in 2012 and governed in parliament—won 114 out of 150 seats, giving it a "super-majority" with which it has the ability to pass constitutional amendments at will. The UNM, still the largest opposition party in Georgia, saw its representation in parliament fall by more than 50 percent,

prompting a split within the party over the role of Saakashvili and the radical tactics he advocated from abroad during and after the campaign.

The areas of greatest concern for Georgia's democratic consolidation in 2016 were the independence of its media and judiciary. While the Georgian media landscape is broadly pluralistic and transparent, ongoing legal issues surrounding ownership of the most watched TV channel in the country, the pro-UNM Rustavi2, have cast the integrity of the entire sector into doubt. In late 2015, a Georgian court ruled in favor of a plaintiff who claims ownership of the station, despite his relatively brief claim to the station and a battery of legal inconsistencies noted by Georgian watchdog organizations. In 2016, an appeals court upheld the decision, and the Georgian Supreme Court had accepted the case for review by the end of 2016. Similarly, guilty verdicts in the so-called "cable case" for seven defendants charged in 2014 on corruption charges were strongly criticized by independent judicial observers as lacking in any reasonable legal basis. Both cases raise serious questions over the continued independence of the judiciary and media sector, which have otherwise seen some genuine improvements in recent years.

No score changes.

Outlook for 2017:

Debates over proposed constitutional changes will feature prominently in 2017. Presidential elections are tentatively scheduled for 2018, but there is increasing uncertainty over whether or not they will take place. Proposed constitutional amendments have raised the possibility of GD using the party's supermajority to change the presidential selection process to an indirect system using a college of electors from the current direct elections. Current President Margvelashvili has used his veto willingly and exercised independence in other ways, at times to the frustration of the GD. There are also concerns the ruling party will use its power to push forward illiberal measures, such as banning electoral blocs and constitutionally enshrining marriage as a heterosexual union (even though it is already forbidden by existing Georgian law). These proposals suggest willingness by some elements of GD to use its constitutional supermajority as a political cudgel. Democratization's momentum could be further challenged by the weakening of the opposition in the wake of GD's overwhelming victory, as several smaller, vibrant liberal parties are out of parliament and the main opposition UNM has split. The court-approved takeover of the opposition-aligned Rustavi2 TV channel is another major issue for 2017, as its case now stands before the European Court of Human Rights (ECtHR). It remains to be seen if Rustavi2's problems will be isolated amid an otherwise relatively healthy media environment, or if it only represents the first in a wider attack on the country's independent media.

MAIN REPORT

National Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50	5.50

- Despite parliamentary elections in October, much of 2016 in Georgia was politically calm relative to recent years. The governing Georgian Dream (GD) coalition and the main opposition party, the United National Movement (UNM), continued to be at odds, but the acrimony between the two sides was relatively less bitter than it has been since GD defeated UNM in the 2012 parliamentary elections.
- The most significant political event of the year was the October parliamentary elections. Most independent domestic and international observers described the elections as free and fair, although there were incidents of violence and some administrative irregularities (see Electoral Process). The result of the elections was a major shift in the political landscape. Running as a party instead of a coalition, GD won a super-majority of 114 out of 150 seats, with which two independent MPs will also align.¹ GD's former coalition partners—from the liberally-inclined Republicans and ex-partners turned opposition Free Democrats, to conservative and nationalist factions like the Industrialists and National Forum—ran on their own and failed to clear the five percent threshold to enter parliament. The UNM remained the largest opposition party in Georgia, but its representation in the new parliament decreased by more than half compared to 2012. The Alliance of Patriots, a populist, socially conservative party with anti-Western leanings, just barely met the threshold and became the third party in parliament.
- Having won without the coalition partners with which it gained power in 2012 and governed through 2016, GD will now be able to pass legislation, or even change the constitution, without the input or parliamentary backing of other parties. While GD's dominant position is not itself evidence of democratic decline, Georgia's post-independence history of autocratic swings toward single-party rule raises fears that GD could succumb to similar temptations.
- The first two years of GD rule saw numerous prosecutions of former officials who had served in the UNM governments 2004-2012. These cases were mostly ended in 2016, continuing the pattern from 2015, during which new prosecutions slowed and outstanding cases were brought to their judicial conclusions. The exception was new charges for exceeding official powers with use of violence against former deputy interior minister Giorgi Lortkipanidze, who had left Georgia to serve as the Chief of Police in Odesa, Ukraine.²
- The slowdown in prosecutions may be attributable to the administration of Prime Minister Giorgi Kvirikashvili, who pursued a more conciliatory and policy-oriented agenda in 2016 after replacing Irakli Gharibashvili at the end of 2015.³ Kvirikashvili also brought a newfound stability to relations between the prime ministry and President Giorgi Margvelashvili. Margvelashvili took office with GD support in 2013 but frequently feuded with Gharibashvili,⁴ due in part to ambiguity over the division of powers between the presidency and prime ministry after constitutional amendments that came into force in 2012.⁵
- Improved coordination between the head of state and head of government did not appear to upset the independence of the presidency, however, as President Margvelashvili periodically used his constitutional authority to check the GD coalition's parliamentary majority in 2016.⁶ However, unlike in previous years, Margvelashvili's perceived policy heterodoxy did not lead to harsh statements from the prime ministry, or from GD founder Bidzina Ivanishvili, the country's wealthiest individual and prime minister between 2012 and 2013.
- Ivanishvili stepped down from the premiership in November 2013 following Margvelashvili's victory in the presidential elections, but he continues to play a role in Georgian politics. The full extent of

Ivanishvili’s involvement in governing is hard to assess now that he has no official position, but in 2016 he was less publicly visible compared to previous years. Kvirikashvili may exercise more independence compared to his predecessor, particularly given his pursuit of more constructive ties with both the presidency and the UNM. At the same time, according to polling in 2016,⁷ Ivanishvili is still seen as the ultimate authority in GD, even if he is increasingly disengaged from everyday policy and political decision-making.

- On the other side of the political divide, former president Mikheil Saakashvili struggled in 2016 to retain control of the UNM, which he founded in 2001 and through which he served as president from 2004-2012. After his party lost the presidential election in 2013 and with criminal charges looming, Saakashvili moved abroad and took the post of Governor of Odesa region in Ukraine in 2014. After taking Ukrainian citizenship, Saakashvili’s Georgian citizenship was automatically terminated.⁸ However, Saakashvili continued to exercise authority over the UNM during 2016, joining UNM campaign rallies remotely,⁹ and seeing his wife Sandra Roelofs installed as second on the UNM parliamentary election party list.¹⁰ In late September, statements by some UNM-affiliated youth activists¹¹ and a leaked recording of Saakashvili talking with UNM officials¹² indicated that certain UNM cadres were discussing taking to the streets to topple the government after the elections if UNM did not get the results it wanted.
- Saakashvili’s influence diminished following the UNM’s collapse in the parliamentary elections. The UNM’s huge losses during the first round of voting precipitated in-fighting when Saakashvili called on the party to boycott the second round runoff elections and the parliament itself. Ultimately, in the face of domestic and international criticism, the UNM’s political council rejected the boycott¹³ over Saakashvili’s protests.¹⁴ Despite foregoing a boycott, some UNM leaders described the elections as invalid or manipulated,¹⁵ contrary to the conclusions of domestic and international election monitoring groups and civil society organizations.
- The UNM’s loss effectively ceded the bulk of Georgia’s political space to GD. In particular, the UNM’s fixation on Saakashvili’s potential return to Georgia likely did little to improve the party’s electoral prospects, and left the party internally divided before and even more so after the elections.¹⁶ Even in its weakened and divided state after the October elections, the UNM is the strongest and best organized opposition party in Georgia, which makes the quality of its opposition crucial to Georgia’s democratic future.
- The separatist, Russia-backed regions of South Ossetia and Abkhazia continue to subsist outside of Tbilisi’s control or direct influence. In 2016, there was little evidence that Tbilisi had made any significant progress towards reintegration, or in building ties to separatist authorities or local populations. On the contrary, Russian control over Abkhazia formally deepened with the ratification of a de facto Abkhazian-Russian military agreement that establishes a joint military force and places Abkhazian troops under direct Russian control in wartime.¹⁷ The 2016 agreement with Russia implements the type of provisions that had previously been abandoned in Abkhazia’s own 2015 integration treaty in the face of domestic criticism.¹⁸ Russia already has a more comprehensive agreement in place with the separatist South Ossetian authorities, which effectively ceded its minor military capabilities to Russian control in a 2015 integration “treaty.”¹⁹ Georgia’s limited options regarding the separatist territories were highlighted in May, when an ethnic Georgian was killed by Abkhazian border guards along the de facto border.²⁰

Electoral Process

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50	4.50

- The October 2016 parliamentary elections were the most high profile and consequential political events of the year. The Georgian parliament is chosen through a mixed system, where 73 members of parliament (MPs) are elected in single-mandate (“majoritarian”) constituencies and 77 MPs are proportionally elected through party lists. GD had previously promised to do away with the majoritarian constituencies, which the Constitutional Court ruled in 2015 violated the equality of votes due to large discrepancies in their size.²¹ Instead, however, GD pursued less radical measures by redrawing electoral boundaries and raising the threshold for first-round victories in the majoritarian districts from 30 to 50 percent.²² Following the October elections, Prime Minister Kvirikashvili announced his support for abolishing the majoritarian system in favor of multi-mandate constituencies, though he did not offer a specific timetable for doing so.²³
- The re-drawn electoral boundaries were not without controversy. The opposition claimed it had not been adequately included in the process of redrawing the electoral boundaries, resulting in skewed electoral districts. The Georgian Constitutional Court reviewed these complaints in July 2016, which rejected the claims of gerrymandered boundaries and split on the issue of whether the lack of clear criteria risked future gerrymandering, resulting in the complaint on those grounds also failing.²⁴ The Venice Commission, weighing in on the electoral reforms, also highlighted problems with the process and methods of redistricting, stating that the amendments lacked specific, regular mechanisms for future consideration of modifications or review. Nonetheless, the Venice Commission described the reforms as an “important step forward,” noting that “deviations among the number of voters in constituencies that previously undermined the principle of equal suffrage have largely been addressed.”²⁵
- The mixed system delivered a landslide GD victory. In the proportional voting, the ruling party won 48.68 percent of nationwide votes, translating to 44 of 77 possible seats in the new parliament; the UNM won 27.11 percent and 27 seats; and the Alliance of Patriots (PA) 5.01 percent (6 seats).²⁶ No other party cleared the five percent threshold. GD then virtually swept the majoritarian constituencies: it won 71 of 73 possible seats, and GD-aligned independent candidates won two, while UNM won none. The result is a supermajority of 114 deputies for GD as a party—in contrast to the broad coalition with which it won the 2012 elections—and two aligned independents.
- In line with the previous elections in 2012,²⁷ local and international observers described the 2016 parliamentary elections as broadly free and fair.²⁸ The elections showed a number of improvements over elections in 2014, 2013, and especially 2012, among them the redistricting and higher threshold for the majoritarian seats. Procedurally, 97 percent of election day processes were observed as “good” or “very good” by Organisation for Security and Co-operation in Europe (OSCE) election monitors, compared to 97 percent in the 2013 presidential elections²⁹ and 89 percent in the 2012 parliamentary elections.³⁰ However, there were concerns among several monitoring groups over the speed of vote tabulation, which in a politically polarized atmosphere fed fears of manipulation.³¹ Parallel vote tabulation of the proportional voting by Georgian election monitoring group International Society for Fair Elections and Democracy (ISFED), however, essentially mirrored official election results.³²
- Nevertheless, several violent incidents occurred during the election period, including some that triggered result annulments by the Central Election Commission. On October 2, two individuals were shot in the town of Gori during a campaign meeting with independent opposition candidate Irakli Okruashvili.³³ Police apprehended a suspect with a long criminal history, but his motive remained unclear.³⁴ Most disturbingly, on October 6, days before the first round of parliamentary elections, senior UNM leader Giorgi Targamadze survived a car bombing in an apparent assassination attempt.³⁵ While GD government officials quickly denounced the bombing, some UNM leaders blamed the government for the attack. State security forces arrested an individual in connection with the bombing, but did not provide information on motive by the end of the year.³⁶
- In Zugdidi municipality, pro-GD activists raided two polling stations in the village of Jikhashkari during the vote tabulation process,³⁷ and in the village of Kizilajlo in Marneuli municipality, a polling station was attacked by pro-UNM activists.³⁸ GD had proposed in September a kind of “code of

conduct” to combat election-related violence for all political parties to sign,³⁹ but the agreement attracted little attention, as opposition parties were skeptical of signing onto a set of guidelines crafted by the ruling party.

- Pre-election evaluations were also generally positive, although local and international assessments were not so uniform. IRI stated that the pre-election period was characterized by instances of abuse of administrative resources by the ruling GD, intermittent violence between supporters of rival parties, and poor transparency over election administration.⁴⁰ By contrast, an OSCE report suggests that these issues, while present to varying degrees, ultimately played a more minor role in the pre-election environment.⁴¹ The pre-election assessment by Transparency International-Georgia mentioned incidents of violence, vote-buying, and alleged political intimidation, but concluded “the pre-election process was characterized by a pluralistic media environment and low levels of political harassment and use of administrative resources.”⁴² A pre-election assessment from a Parliamentary Assembly of the Council of Europe (PACE) described isolated incidents of intimidation and violence, but noted that the “climate was clearly less tense than it was during past elections” and that “there was an environment for democratic elections.”⁴³
- Outside the general elections, local by-elections in May 2016 saw a serious violent incident in the village of Kortskheli in Zugdidi municipality, when several UNM opposition leaders were attacked and beaten by pro-GD activists.⁴⁴ The UNM blamed Energy Minister Kakha Kaladze, a former soccer star, for organizing the attack, which appeared to be led by a group of sportsmen. The incident prompted expressions of concern from both international diplomats and local civil society,⁴⁵ and six men were charged for the violence.⁴⁶
- The October elections increased representation of women and ethnic minorities in parliament. Female candidates won 24 of the 150 parliamentary seats, which translates to some 16 percent, compared to the 2012 proportion of 11.3 percent.⁴⁷ This is below the global average of 21.8 percent (2015), and well below the UN target of 30 percent,⁴⁸ but it represents a high for Georgia. Meanwhile ethnic minorities won 11 seats in the 2016 parliamentary elections,⁴⁹ which is the highest number in over a decade.⁵⁰ Though positive, the results also underscore Georgia’s extended underachievement in minority parliamentary representation.

Civil Society

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75

- The civil society sector in Georgia is strong and active. Georgian nongovernmental organizations (NGOs) play a major role in policy research, advocacy, and opinion leadership. NGOs are frequently referenced in Georgian media, and NGO leaders are regularly sought out for their commentary and analysis. NGOs are generally free to operate without harassment or intimidation. The Georgian legal code offers sufficient protections for NGOs to operate normally, and the autonomy of organizations is broadly observed. Registering and legally operating 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. Among many examples, functional NGOs exist that advocate for Euro-Atlantic integration,⁵¹ promote closer political ties and social relations between Georgia and Russia;⁵² or campaign for Georgian Muslim minority rights.⁵³
- Georgian NGOs are vocal and active in the public sphere, and make open declarations on a variety of political and policy positions. While direct, public cooperation between the government and individual NGOs has declined since 2013-2014, Georgian civil society organizations continue to be proactive in raising concerns⁵⁴ and airing various recommendations.⁵⁵

- Georgia also contains numerous non-governmental groups with agendas that sometimes border, or breach, normal standards for civil society activism, such as advocating for policies that limit the rights of ethnic, religious, or sexual minorities. One area of concern is increasing activism by Orthodox religious nationalists, which have operated more openly and freely since 2012, leading to regular reports of harassment, intimidation, and even violence against religious minority groups, particularly Jehovah’s Witnesses and Muslims.⁵⁶ Local research has found that a certain amount of this activism is backed by groups that receive support from Russia and Russian propaganda outlets.⁵⁷ Other minorities, particularly sexual minorities, have also been targeted by religious nationalists, though 2016 did not have the large anti-LGBT demonstrations and violence seen in previous years.
- The breadth and diversity of Georgian civil society also feeds into the atmosphere of political polarization. There are NGOs led by former GD government officials and those led by former UNM government officials.⁵⁸ NGOs with reputations for non-partisan orientations and politically objective activities are rare, and even those may be attacked for partisanship. For example, in mid-2015, GD founder Ivanishvili spoke out against the leader of Transparency International-Georgia and the former head of the Georgian Young Lawyers Association (GYLA)—high-functioning, nonaligned organizations—claiming that they were allied with the UNM.⁵⁹ Signs of government hostility were less noticeable in 2016 under Prime Minister Kvirikashvili’s administration, however.
- The ambiguous roles of some NGOs, the charged political climate, and the international community’s reliance on local civil society groups for information contributes to current and past government sensitivity over NGO politicization, which has a self-fulfilling effect of contributing to further perceived politicization. For example, prior to the second round of elections in October, some individual NGO leaders circulated a letter calling on Georgian voters to support opposition candidates to prevent a GD constitutional majority.⁶⁰
- Funding continues to be a weakness in Georgia’s otherwise robust civil society sector. NGOs in Georgia rely heavily on grants from large international agencies and private foundations based in the US and Europe or, alternately, on a small cadre of wealthy Georgians. This raises potential issues of sustainability as well as the sector’s long-term independence should international organizations depart or scale back. Conversely, funding from illiberal donors—whether Russia or others⁶¹—also poses a potential threat without more organic, long-term means of civil society funding.

Independent Media

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00	4.00	4.00

- The Georgian media is generally vibrant, pluralistic, and free. International organizations describe media freedom in Georgia as mostly strong,⁶² and the media sector benefits from a reasonably robust legal framework and significant pluralism. In many respects, the media sector in Georgia has improved in terms of administration and editorial independence, but the ongoing legal dispute over Rustavi2, the most viewed television station in Georgia, and a brewing ownership dispute at the third-most-watched channel Maestro TV, are holding back further progress.
- Polling in 2015 confirmed the longstanding dominance of television as the most popular information medium, but noted major increases in Internet usage in the country.⁶³ *Freedom on the Net 2016* rates Georgia as “Free.”⁶⁴ According to the local Institute for Development of Freedom of Information (IDFI), Georgian online media is active, diverse, and generally unimpeded, although there are concerns over self-censorship and the proliferation of politically polarized and low-quality information portals.⁶⁵
- The pluralism of the television media landscape has improved in recent years. Transparency International-Georgia argued in a 2016 report that growth in the breadth and diversity of the Georgian

media landscape since 2012 has contributed to a genuine expansion of pluralism and overall media integrity.⁶⁶ In a report by the European Commission evaluating the implementation of the EU-Georgia Association Agreement, press freedom was assessed as “dynamic and pluralistic,” yet polarized.⁶⁷ The US State Department’s annual human rights report also noted positive trends in pluralism as well as in the transparency of media ownership and financing.⁶⁸

- Nonetheless, the ongoing legal battle over the fate of Rustavi2, a popular, UNM-aligned television channel, has cast a pall over improvements in the overall environment. In mid-2015, onetime Rustavi2 owner Kibar Khalvashi filed a lawsuit against the company in a bid to regain ownership, claiming that his shares of the company had been illegally liquidated by the then-UNM government in 2005 and 2006.⁶⁹ The Tbilisi City Court ruled in favor of Khalvashi in November 2015 and held that new managers could be appointed immediately at Rustavi2,⁷⁰ in a decision that disregarded a previous Constitutional Court ruling saying that any enforcement of a ruling must await the conclusion of the appeals process. The existing management was preserved following intense international and domestic outcry,⁷¹ and another Constitutional Court ruling.⁷² However, an appellate court upheld the Tbilisi City Court decision in June 2016,⁷³ and the case was elevated to the Georgian Supreme Court, which admitted the case for review in early September.⁷⁴
- The Rustavi2 case bears the hallmarks of state interference in media freedom. A joint statement in 2015 by several prominent Georgian NGOs described a litany of judicial inconsistencies in the establishment and conduct of the lawsuit, which suggested the case was an attack on the channel’s pro-UNM editorial position.⁷⁵ Documents released in September contesting Khalvashi’s original ownership of Rustavi2 raised additional questions over the viability of the case.⁷⁶ According to the documents, Khalvashi held his stake in Rustavi2 on behalf of current opposition leader Irakli Okruashvili, who once served as Defense Minister under the former UNM government, and thus Khalvashi had no standing to pursue judicial remedy.
- Although the Rustavi2 case is the highest-profile media freedom issue, it is not the only one. An ownership dispute over the television company Maestro, the third-most-watched channel in Georgia, also raised concerns over media independence in the run-up to the election.⁷⁷ While the case for government interference is not as clear-cut as with Rustavi2, the friendly relationship between Maestro majority owner Giorgi Gachechiladze and Prime Minister Kvirikashvili has become an item of interest.⁷⁸ Leadership issues at the Georgian Public Broadcaster (GPB) have also raised their own questions,⁷⁹ although independent assessments suggest that GPB’s administration and editorial independence have improved in the last several years.⁸⁰
- Another ongoing issue affecting Georgia’s media environment is the use and release of illegally recorded video footage to blackmail politicians and public figures, a political tactic that continued in 2016.⁸¹ Even though the authorities publicly destroyed large caches of *kompromat* after the UNM was ousted in 2013⁸² and some alleged perpetrators have been arrested,⁸³ new tapes continue to surface. The Constitutional Court in April ruled that existing legislation lacked adequate protections of the rights of citizens from surveillance by the security services.⁸⁴

Local Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25	5.25

- Georgia is divided into 12 provincial regions, including the capital Tbilisi, which is a special administrative unit, and two autonomous republics, Adjara and Abkhazia. However, local governance is executed through 69 local municipal units, of which 12 are legally defined as “self-governing cities.” A package of legislation enacted in 2014 reversed years of trends towards centralization under the UNM and transferred new powers to the provincial and local levels.⁸⁵ However, the 2014 decentralization initiatives faced fierce domestic opposition due to fears of “federalization”⁸⁶ and left

more ambitious reforms on the shelf. GD pledges to empower province-level administration and restore a greater fiduciary role for local and municipal authorities were essentially abandoned and have yet to be revisited in any substantial way. The most important outcome of the 2014 reforms were to expand the number of self-governing cities to include all provincial capitals, and to ensure that all mayors and district executives were directly elected along with local legislatures.⁸⁷

- There is widespread popular discontent, and confusion, with the activities and responsiveness of local governments. Polling in October 2015 indicated that many Georgians saw local government as largely absent or ineffective.⁸⁸ In late 2015, Transparency International-Georgia’s Local Integrity Systems Assessment, which studied local governance in the self-governing cities of Tbilisi, Kutaisi, and Zugdidi, found that insufficient public administration, weak local leadership, and poor constituent outreach were the chief shortcomings in local governments.⁸⁹
- In Tbilisi, which is home to almost one-third of the national population and has had the longest uninterrupted experience with self-rule, unhappiness with the policies and style of city authorities is a frequent source of protest. In August 2016, UNM members of the Tbilisi City Council launched no-confidence proceedings against Mayor Davit Narmania⁹⁰ following protests over shrinking green spaces as a result of rapid urban development.⁹¹
- Tensions between demands for rapid urban development and ecological considerations pose major issues for local democratic governance in Georgia. Increasing urbanization, especially in Tbilisi, has made infrastructure development a key priority for local authorities. Yet lax regulations on car ownership and parking have negatively impacted the rights of pedestrians.⁹² Past attempts to impose relatively modest regulations over car ownership were met with fierce resistance.⁹³ While perhaps understandable, development-first policies have almost certainly contributed to severe ecological and public health risks, for instance from air pollution,⁹⁴ suggesting that local authorities have fallen short in striking an optimal balance between development and the well-being of residents.
- Perhaps no issue better encapsulates the problem of local governance when faced with pressure for rapid development as the controversial “Panorama” project in Tbilisi. A large-scale mixed-used development that would reach from central Tbilisi up through terraced improvements into the Sololaki hillsides overlooking the historic city center, Panorama was first proposed in May 2014 as part of the Georgian Co-Investment Fund’s flagship project.⁹⁵ Backed by former Prime Minister Ivanishvili, some have raised concerns that Panorama will damage Tbilisi’s architectural and cultural integrity, or even endanger Old Tbilisi’s candidacy for UNESCO World Heritage status.⁹⁶ Limited public input on the project’s approval in spite of spirited grassroots protests⁹⁷ amid opposition allegations that Panorama is a white elephant that primarily benefits Ivanishvili⁹⁸ highlight the lack of accountability in local government.

Judicial Framework and Independence

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75	4.75

- The functioning of the judiciary has improved since the transfer of power following the 2012 parliamentary elections, but there remain widespread concerns over judicial independence and the operation of the judiciary. A November 2016 European Commission assessment on implementation of the EU-Georgia Association Agreement noted that recent judicial reforms have “promoted judicial independence, professionalism, accountability and effectiveness,” while also stressing considerable work to be done in transparency of judicial management, case allocation, and staffing.⁹⁹ The US State Department’s 2015 human rights report on Georgia, released in 2016, also noted continued “progress on judicial reforms,” but raised the problem of judicial independence.¹⁰⁰ Nils Muiznieks, the Council of Europe Commissioner for Human Rights, also pointed out that “positive trends continued” of judicial reforms progressing at a “dynamic pace,” even as he flagged problems with

judicial appointments, case allocation, and political interference.¹⁰¹ Some of these issues, notably a system for randomly assigning cases to judges, were supposed to be resolved in legislation in 2016. However, the package failed to receive a parliamentary vote due to a lack of a quorum.¹⁰²

- High-profile court cases continue to raise serious questions about the independence and politicization of the judiciary. In June, the European Court of Human Rights (ECtHR) ruled in a case concerning former minister of interior, prime minister, and UNM Secretary General Vano Merabishvili, who was arrested in 2013 and convicted of embezzlement and abuse of authority. The court found that an attempt by prison authorities to force him to give evidence in unrelated cases against other UNM leaders, including Saakashvili, was an improper use of detention for other means.¹⁰³ The ruling did not address Merabishvili’s guilt or innocence of the charges against him, but it did give substance to claims by the opposition that after coming to power, GD had used the judicial system to accomplish political ends.¹⁰⁴
- The ongoing Rustavi2 court cases also appear to suggest state involvement in the judiciary in an attempt to suppress an independent media outlet (see Independent Media). At the same time, the Rustavi2 saga shows the judiciary was not completely dominated by the government in 2016, as the Constitutional Court has overruled lower court decisions, and, despite widespread speculation that the Supreme Court would dismiss Rustavi2’s judicial appeal, it admitted the case for review.¹⁰⁵
- The functioning and independence of the Constitutional Court itself was again a source of conflict between the UNM and GD in 2016. Much of the controversy centered on Giorgi Papuashvili, the President of the Constitutional Court and a former minister in the UNM government who was appointed in 2006. Early in the year, Papuashvili repeated his concerns that members of the court were being threatened for their handling of sensitive political cases, including through protests staged in front of their homes.¹⁰⁶ He later alleged judges were targeted with surveillance and blackmail, triggering a probe by the Prosecutor’s Office.¹⁰⁷ Five of his colleagues on the court publicly rejected Papuashvili’s allegations and accused him of privileging politically sensitive cases involving UNM officials and Rustavi2, while three other justices defended Papuashvili’s handling of the cases.¹⁰⁸ Papuashvili stepped down from the court in September, when his ten-year term ended.
- Amid these controversies, parliament passed a bill on the Constitutional Court in May 2016 that among other things would have increased the court’s quorum and majority rules for deciding cases.¹⁰⁹ While welcoming some of the bill’s changes, the Council of Europe’s Venice Commission criticized the new quorum and majority requirements and called for their removal.¹¹⁰ After President Margvelashvili vetoed the bill, a revised bill passed in June that still increased the requirements for a quorum.¹¹¹ Local experts criticized the changes for making it harder for the court to hear cases in a timely fashion.¹¹²
- Another court case in 2016 raised concerns over political interference in the judiciary. In May 2016, defendants in the so-called “cable case” were found guilty by the Tbilisi City Court on corruption charges and sentenced to seven years in prison.¹¹³ The defendants, former Defense Ministry employees, had been arrested in late 2014 over alleged embezzlement by using a fabricated tender ostensibly for fiber optic cabling in 2013. The incident led to the resignation of former defense minister Irakli Alasania, who argued that the charges were politically motivated. Prominent NGOs, including Transparency International-Georgia¹¹⁴ and the Georgian Young Lawyers Association,¹¹⁵ issued statements linking the case to a political confrontation between Alasania and Ivanishvili and calling into question the quality of the evidence. For example, the civil society groups pointed out that the officials convicted did not hold sufficient rank to be able to make the kind of decisions required for their alleged crime.

Corruption

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50	4.50

- Georgia has become known as a leader in the non-Baltic former Soviet Union in combatting corruption. Intensive reforms and anti-graft efforts during the UNM's time in power from 2004 to 2012 resulted in major gains against petty corruption and organized crime. However, UNM efforts to fight corruption and strengthen state institutions also led to circumvention or sometimes outright contravention of the rule of law. By the end of its period in power, the UNM had erected a semi-corporatist apparatus of "elite corruption," in which small circles of state-connected elites controlled vast swathes of the Georgian economy and acted as de facto gatekeepers for market access and success.¹¹⁶
- After the transfer of power in 2012, the GD coalition government sought to preserve the UNM's impressive gains in petty corruption while also rolling back elite corruption. In both endeavors, the GD government has been largely successful. Several elite-driven patronage networks under the UNM government were disrupted through the government's "restorative justice" campaign, which peaked in 2013-2014, where ex-UNM government officials were investigated and sometimes tried on corruption charges. While effective, the government's drive also attracted domestic and international criticism for arbitrary application of the rule of law, and efforts countering elite corruption appeared to be primarily, though not exclusively, targeted against former government officials from the UNM (see Judicial Framework and Independence).
- There have been fears of improper influence under GD, in part because dozens of GD government officials, including prime ministers Gharibashvili and Kvirikashvili, previously worked in companies owned by Ivanishvili.¹¹⁷¹¹⁸ Nonetheless, perceptions of elite corruption as an issue have noticeably declined compared to the latter period of UNM rule.
- Petty corruption remains very rare by post-Soviet standards in Georgia. Georgia's score continued to improve in the Corruption Perceptions Index 2016 by Transparency International, and the country now ranks 44th in the world, making it a regional leader and even ahead of a number of states with more consolidated democracies.¹¹⁹ Similarly, Transparency International's 2016 Global Corruption Barometer showed that petty corruption in Georgia remained extremely low, with corruption named as one of the top three problems facing the country by only 12 percent of the population, the fourth-lowest number of the 42 countries of Europe and Central Asia assessed.¹²⁰ To consolidate these trends, local civil society urged the formation of an independent anti-corruption bureau and more assurances for judicial independence.
- Georgia's rating also markedly improved in Transparency International's 2015 Government Defence Anti-Corruption Index, which was released in late 2015. Georgia improved to a "Band C" (moderate) position from a D- (high risk) in 2013, although the report also raised concerns about flagging momentum for reforms.¹²¹ In addition, a survey commissioned by the International Finance Corporation, a member organization of the World Bank Group, found virtually zero instances of corruption in Georgia, according to business representatives.¹²² The survey found that only 0.03 percent of respondents reported that their business had encountered government corruption in the last year, and only 0.75 percent reported hearing about corrupt practices experienced by others.
- In spite of these positive assessments, isolated incidents of corruption continued to surface in 2016. For example, anticorruption authorities in the State Security Service arrested an employee of the Ministry of Internally Displaced Persons on bribery charges in June 2016.¹²³ In July, the Deputy Chief of Tbilisi City Hall's Security Service was arrested for soliciting a large bribe from a foreign business in exchange for accelerating auction procedures for a large parcel of land.¹²⁴ While these incidents raise concerns over the persistence of corruption, they also suggest that authorities investigate and prosecute it.
- Nepotism remains an area of potential concern. A 2015 poll by Transparency International-Georgia found that public perceptions of nepotism in government roughly doubled from 12 percent in 2013 to 25 percent in 2015.¹²⁵ The same poll showed that approximately 44 percent of Georgians reported hearing of nepotism in public service employment. In July, two Defense Ministry employees made public allegations of cronyism and nepotism in the hiring and promotion of ministry officials,¹²⁶

which other ministry employees familiar with the case described as an accurate representation of events. A November Transparency International-Georgia analysis of asset declarations filed by Georgian officials found some 70 cases where family members were hired in government positions after officials' appointments.¹²⁷ Such analysis highlights shortcomings in existing legislation and regulations to increase public confidence that the risks of nepotism are being sufficiently mitigated. Legislation to criminalize nepotism in the civil service proposed in 2015 has not moved forward.¹²⁸

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