

# Georgia

Capital: Tbilisi  
Population: 3.72 million  
GNI/capita, PPP: \$9,530

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50	5.50	5.50
Electoral Process	5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50
Civil Society	3.75	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	4.00	4.00	4.00	4.00	4.25
Local Democratic Governance	5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25	5.25	5.25
Judicial Framework and Independence	4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75	4.75	5.00
Corruption	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50	4.50	4.50
<b>Democracy Score</b>	<b>4.93</b>	<b>4.93</b>	<b>4.86</b>	<b>4.82</b>	<b>4.75</b>	<b>4.68</b>	<b>4.64</b>	<b>4.61</b>	<b>4.61</b>	<b>4.68</b>

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

The year 2017 was, overall, a period of slight setbacks for Georgia’s democratic development. Georgian authorities found it difficult to strike a balance between the contradictory goals of advancing democratization on the one hand and consolidating power on the other. The trend of half-hearted democratic reforms that started after the 2012 elections has stalled in recent years. Georgia’s democratic transformation will remain incomplete so long as the priorities of the country’s ruling elites are split between democratization and staying in power.

Since coming to office in 2012, the Georgian Dream (GD) government has aimed to capitalize on the negative public image of the main opposition party, the United National Movement (UNM). This strategy has been successful: It has helped mobilize the electorate, allowing GD to win every election since 2012 by a wide margin. The UNM’s unpopularity stems from its nine-year rule, between 2003 and 2012, during which the government relied on coercion to conduct state-building reforms and retain power, to the detriment of democratic development and human rights. As a result of the UNM’s “zero tolerance” policy toward criminal activity, Georgia became the country with the highest per capita prison population in Europe.<sup>1</sup> In addition, many private television channels faced government pressure, and authorities often employed selective justice to punish political opponents.

Public dissatisfaction with the UNM’s heavy-handed policies allowed GD to sweep to power in 2012. Founded by billionaire Bidzina Ivanishvili, GD has since presented itself as the polar opposite of the UNM, while benefitting from rifts within the former ruling party. Ivanishvili briefly served as prime minister in 2012–13 and continued to exert significant influence on the political process after stepping down, making informal governance one of the key features of GD’s rule. Since 2012, key ministerial portfolios have been held by Ivanishvili’s associates, and neither Ivanishvili himself nor the Georgian government have made a secret of the fact that Ivanishvili has played a “consulting” role.<sup>2</sup> Unlike the UNM, GD has rarely resorted to coercion, relying instead on various informal co-optation mechanisms that have made its image less threatening and bolstered its continuing popularity.<sup>3</sup> The weakness of the opposition and the deficiencies of Georgia’s electoral system contributed to GD’s overwhelming victory in the 2016 parliamentary elections, which advanced the ruling party’s monopolization of state power. President Giorgi Margvelashvili, once backed by GD but now a vocal critic of the government, has attempted to use his legislative veto to resist GD policies, but the ruling party’s supermajority in parliament allows it to overcome this obstacle.

In 2017, two important events took place: constitutional amendments in September and local elections in October. Under the revised constitution, starting from 2024, the president will be elected indirectly through an electoral college, and the parliament will use a fully proportional electoral system.<sup>4</sup> The Council of Europe’s European Commission for Democracy through Law (Venice Commission) assessed the changes as a positive step that would complete “the evolution of Georgia’s political system towards a parliamentary system.”<sup>5</sup> However, it also voiced some criticism, citing the absence of consensus among local stakeholders and provisions including the postponement of a fully proportional election system until 2024. The constitutional reforms also notably weakened the president’s position by abolishing the National Security Council.<sup>6</sup>

The ruling party achieved an overwhelming victory in the local elections. The balloting was praised as mostly free and in accordance with democratic standards, confirming the gains in this area over the last decade.<sup>7</sup> However, the final report of the Organization for Security and Co-operation in Europe (OSCE) monitoring mission also explicitly mentioned “the dominance of the ruling party” as a key factor that had a significant impact on the electoral process.<sup>8</sup> As with the 2016 parliamentary elections, political fragmentation in the opposition camp contributed to GD’s easy victory. The political pluralism that emerged after the 2012 transfer of power has gradually given way to the reemergence of a dominant-party system, with a marked disequilibrium between a strong ruling party and a weak and divided opposition.

Although Georgia's media landscape remains pluralistic and vibrant, the editorial freedom of key media outlets experienced setbacks in 2017. In January, Vasil Maghlaperidze, a former employee of one of Ivanishvili's television companies, was selected as the new director general of Georgian Public Broadcasting (GPB). Soon after Maghlaperidze's appointment, political talk shows were closed down and the GPB's editorial independence declined. The main opposition television broadcaster, Rustavi 2, escaped political censorship after the European Court of Human Rights (ECtHR) intervened and prevented the transfer of ownership rights to its previous owner by suspending a controversial Georgian Supreme Court ruling. Nevertheless, Rustavi 2 faced financial difficulties throughout the year, and a final ruling from the ECtHR was still pending.

Georgia's vibrant civil society continued to play a key role in raising public awareness about political and social responsibility and bringing more transparency and accountability into the political processes of the country. In 2017, aided by an increase in young volunteers, grassroots movements waged active campaigns for social and political rights, environmental protection, drug liberalization, and other goals.

While GD often put party interests ahead of the need for democratic reforms in 2017, the authorities never crossed any redlines and pulled back in most cases when they encountered strong domestic and international resistance. They complied with the ECtHR ruling on Rustavi 2 and scrapped the most controversial provisions from the draft constitutional amendments to comply with Venice Commission findings. However, in the future, GD will face the dilemma of conflicting interests that is characteristic of most semi-democratic regimes: Genuine consolidated democracy would ultimately endanger its grip on power.

#### **Score changes:**

- **Independent Media rating declined from 4.00 to 4.25** due to apparently politicized editorial policies at Georgian Public Broadcasting, continuing pressure on the critical television channel Rustavi 2, and ownership consolidation among pro-government private television stations.
- **Judicial Framework and Independence declined from 4.75 to 5.00** due to the illegal deportation of dissident Azerbaijani journalist Afgan Mukhtarli to Azerbaijan and a high-profile case in which a foreign company faced punitive fines after a deeply flawed judicial process.

**As a result, Georgia's Democracy Score declines from 4.61 to 4.68.**

**Outlook for 2018:** Georgia will not experience any political earthquakes in 2018. The year will be shaped by the upcoming presidential election, which will mark the last time a Georgian president is directly elected by the people. However, after the recent constitutional amendments, the president's powers have dwindled further, and the ruling party has the ability to overturn presidential vetoes through its parliamentary supermajority. Therefore, even in the rather unlikely event that an opposition candidate wins the presidency, the presidential election will not substantially change the political balance in the country.

It remains to be seen whether opposition parties can stem their trend of fragmentation and close ranks in preparation for parliamentary elections in 2020. For GD, which has mastered the craft of popular semi-democratic politics, the main challenge in 2018 will be tackling the economic and social hardship that feeds public dissatisfaction more than any political issue. The crumbling of the safety net that GD carefully established after 2012 may erode the party's public support and reduce its chances in the 2020 elections. Georgia's civil society will continue exerting its influence in political processes throughout 2018, but it is unclear whether Georgia's media landscape, which suffered from political interference in 2017, will recover in 2018.

# MAIN REPORT

## National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
6.00	6.00	5.75	5.75	5.50	5.50	5.50	5.50	5.50	5.50

- After Georgian Dream (GD) defeated the United National Movement (UNM) in the 2012 parliamentary elections, Georgia experienced a brief period of pluralist national governance, the first of its kind in Georgian history. Different state institutions were dominated either by GD or by the UNM, and the president remained an independent political figure. In 2016, however, GD finally succeeded in consolidating political power. It also became more monolithic following the departure of a few liberal parties from the ruling coalition,<sup>9</sup> and the significant decline of the UNM's influence.<sup>10</sup> Dominant party politics seem to have returned to Georgia, with the accompanying political risks.
- The most important political event of 2017 was the adoption of an amended constitution that will complete Georgia's transition to a parliamentary system and establish new dynamics among the different branches of power. The local elections in October further confirmed GD's dominant role and the fragmentation of the opposition.
- The negative side effects of the ruling party's consolidation of political power began to emerge in 2017. GD made the constitutional amendments its own private affair, consulting the international community but largely ignoring opposition parties, civil society, and the presidential office. Several attempts at an agreement between GD and opposition parties failed, and during the reform's final stages, GD's parliamentary majority withdrew from cross-party talks advocated by the Council of Europe's European Commission for Democracy through Law (Venice Commission).<sup>11</sup> GD also ignored suggestions jointly raised by the president and 20 opposition parties, which would in principle have been compatible with the GD draft, and overrode the president's veto without considering any of his objections.<sup>12</sup> Liberal and far-right opposition parties alike boycotted the adoption of the constitutional amendments in parliament, thereby denying them broad social and political backing.<sup>13</sup>
- The constitutional amendments weakened the presidency, stripping it of a number of important functions and introducing, from 2024, indirect elections for the office. The constitutional amendments also introduced a fully proportional electoral system for the parliament starting in 2024. Among other changes, the amended constitution defined marriage as "a union of a woman and a man," further alienating the LGBT community but preserving support for GD among conservative elements of the population.<sup>14</sup> In its final review of the constitutional reforms, the Venice Commission gave an overall positive assessment, but at the same time criticized the lack of dialogue among local stakeholders in the process.<sup>15</sup>
- GD's dominant position during the year was accompanied by opposition political parties' internal weaknesses and failure to pose a serious, unified challenge to the government. Still, the political landscape was enriched by the emergence of independent political figures without a partisan background and various splinter groups that left the UNM. The main splinter group, European Georgia–Movement for Liberty (EG), founded in January 2017, exceeded expectations by finishing third in the October local elections with 10 percent of the vote. The liberal EG also constituted the largest opposition faction in the parliament, since the majority of the UNM deputies who rebelled against former president Mikheil Saakashvili's continuing influence decided to leave the UNM and join the new party. Two other UNM splinter parties, the neoliberal Girchi and Giorgi Vashadze's New Georgia, have so far failed to make any significant impact.
- Political tensions continued in 2017 between President Giorgi Margvelashvili and the parliamentary majority. Margvelashvili vetoed a number of important legislative drafts proposed by the ruling party, including the third package of judicial reforms in January,<sup>16</sup> a new surveillance bill in March,<sup>17</sup> a local

government bill and a new electoral code in July,<sup>18</sup> and most importantly, the constitutional changes in October.<sup>19</sup> In most of these cases, the president’s vetoes were aimed at increasing the overall efficiency of the proposed laws, as well as the transparency, accountability, inclusiveness, and democratic quality of Georgia’s political reforms. Before employing his veto powers, the president often held consultations with civil society actors and important representatives of the international community, including the Venice Commission. However, the ruling party was able to overturn the president’s vetoes without much deliberation, showing its aversion to consensus-based politics.

- Informal governance remains one of the key impediments to Georgia’s democratic functioning. It is widely understood that the billionaire former prime minister and GD founder Bidzina Ivanishvili exerts informal influence on decision-making processes inside the government. According to a National Democratic Institute (NDI) survey conducted in June, 59 percent of population still considers Ivanishvili to be a “decision-maker in the actions of the government,” while 56 percent would prefer that this were not the case.<sup>20</sup> It should be noted that informal governance did not start with Ivanishvili; it has long been an integral part of Georgia’s political system. However, since Ivanishvili resigned from the premiership in 2013, the nature of decision-making within the existing framework of Georgian informal governance has gone entirely beyond the limits of the law.
- In the international arena, Georgia achieved a few major breakthroughs, most importantly a visa-free travel regime with the European Union (EU) that entered into force in March.<sup>21</sup> The situation in Russian-occupied Abkhazia and South Ossetia remained unchanged, and in some aspects deteriorated further. Russia continued the process of fencing off the de facto borders of the two territories, which limits people-to-people contacts and damages the likelihood of a resolution to the conflicts based on reconciliation and other confidence-building measures.<sup>22</sup> Skepticism among the majority of residents of the occupied territories toward the idea of reintegration, combined with Russia’s attempts to make reconciliation as difficult as possible, left the prospects for such a resolution looking rather bleak.

## Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.25	5.25	5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50

- Over the last decade, Georgia has significantly improved the quality of its electoral process, holding a number of competitive and free elections that were assessed by the international community as largely democratic. The revised constitution and electoral code adopted in 2017 introduced major changes that could have a substantial impact on the country’s electoral process in the future. Also during the year, the local elections held in October confirmed the recent trend of mostly free elections, albeit in the context of ruling party dominance.
- The parliament adopted the new election code in June. It introduced many positive regulations, but opposition parties and local watchdogs criticized some aspects of the legislation.<sup>23</sup> In particular, they argued that rules on the composition of electoral commissions would strengthen the position of the ruling party. The Organization for Security and Co-operation in Europe (OSCE) described the amendments as “mainly technical” changes that failed to address a number of previous recommendations from the group and the Council of Europe.<sup>24</sup>
- The constitutional amendments also targeted the electoral system. A positive development was the replacement, from 2024, of the seemingly problematic majoritarian system with a fully proportional election system for the parliament. However, the government did not provide adequate reasoning for the postponement of the change until the 2024 elections, leading to suspicion that GD sought to prolong the existing arrangement, which is considered to “promote disproportion between the received votes and mandates” in favor of the ruling party.<sup>25</sup> The Venice Commission, the EU, opposition parties, and civil society organizations unanimously condemned the postponement of fully proportional elections.<sup>26</sup>

- Under the constitutional amendments, in 2024 the direct election of the president will be replaced with a vote by a 300-member Electoral College, consisting of members of parliament and local and regional government representatives. While the Venice Commission did not explicitly criticize the change, many domestic watchdogs warned that it would eventually increase the ruling party’s influence, and hard-won political pluralism in the country would weaken.<sup>27</sup> Moreover, many analysts saw the abolition of the direct presidential election and weakening of the position of president as personal retribution by the GD against Margvelashvili.
- In the October local elections, GD achieved a landslide victory. Municipal council elections in Georgia are held under a mixed proportional-majoritarian system with different seat-allocation principles in Tbilisi, the other four self-governing cities, and the 59 self-governing municipalities. Overall, the ruling party managed to win 1,009 out of 1,088 majoritarian council seats and received 55.8 percent of the countrywide vote in the proportional balloting, resulting in a strong majority in almost all municipal councils. The UNM placed a distant second with 17.1 percent of the vote. Two other parties managed to pass the 4 percent threshold for seat allocation: EG received 10.4 percent, and the Alliance of Patriots of Georgia (APG) won 6.6 percent.<sup>28</sup>
- While noting the dominance of the ruling party, the international observation mission, comprising the OSCE and the Council of Europe, delivered an overall positive assessment of the elections, highlighting respect for “fundamental freedoms,” candidates’ ability to “campaign freely,” and the “efficient administration” and “accurate voter registration.”<sup>29</sup> In a similar vein, the NDI described the election process as “mostly transparent and calm.”<sup>30</sup> One novelty of the campaign was that all major parties tried to distinguish themselves through election programs, and, unlike their predecessors, the GD candidates did not hesitate to participate in televised debates.
- Despite overall progress, however, many substantial problems remain. The international and local observers registered a few instances of intimidation of voters and candidates, several violent incidents and cases of pressure on public employees, and examples of misuse of administrative resources. Local watchdogs also noted cases of public employees being dismissed on supposedly political grounds. Perhaps the main challenge identified by international community and local watchdogs was “the dominance of the ruling party,” which shaped “the entire context of the elections.” For instance, 91.1 percent of all election campaign donations went to the ruling party.<sup>31</sup> It should be noted that the one-party dominance is due in part to the fragmentation of the opposition and the inability of major opposition parties to offer a viable alternative to GD.

## Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75

- Georgia has an active and vibrant civil society, and nongovernmental organizations (NGOs) enjoy a strong degree of political freedom. Despite many problems, in recent decades civil society groups have established themselves as some of the most influential actors in the process of Georgia’s democratization. Civil society helped to bring about the 2003 Rose Revolution,<sup>32</sup> and played an important role in the transfer of power from the UNM to GD in the 2012 parliamentary elections. Throughout 2017, politically active NGOs continued to exert pressure on the government to comply with democratic norms. Grassroots movements driven by young volunteers—focused on social, environmental, and political topics—have also consolidated their ranks and are setting new standards for civic mobilization and political participation.
- The strongest element in Georgia’s civil society sector consists of politically active watchdogs, NGOs, and think tanks, which are involved in the country’s political processes, contribute to civic mobilization, and cooperate closely with the international community to keep the government in check. A key challenge for Georgia’s otherwise vibrant nongovernmental community in 2017 continued to be a lack

of funding. A large majority of civil society actors are financed by foreign grant-giving organizations. They rarely receive funding from individuals, businesses, or the government, and usually do not charge membership fees.<sup>33</sup> The lack of membership-based funding is also closely related to the lack of a deeply rooted participatory civic culture in Georgia. According to data from 2011, only 1–2 percent of the population actively participated in a socially or politically oriented civil society group.<sup>34</sup>

- Despite these problems, civil society organizations continued to play a key role in 2017. They jointly issued many critical statements, which often reached the international community and forced the government to comply. For instance, the decision of the European Court of Human Rights (ECtHR) to suspend the Georgian Supreme Court’s ruling on Rustavi 2’s ownership change (see Independent Media) was precipitated by a joint letter from 33 NGOs urging the European court to intervene.<sup>35</sup> NGOs and watchdogs criticized the new draft of the constitution,<sup>36</sup> found flaws in the new local self-government code,<sup>37</sup> and closely scrutinized the conduct of the local elections.<sup>38</sup> Compared with previous GD governments, the current prime minister and cabinet have a more tolerant approach to criticism from civil society, and rarely clash verbally with their critics. At the same time, the authorities tend to ignore civil society critiques unless they manage to spark the interest of the international community, as was the case with the constitutional changes.
- A second influential element in Georgia’s civil society consists of representatives of the cultural field and the old Soviet-era intelligentsia. However, they are often ambivalent toward democratic norms. Due to chronic underfinancing, parts of this group are susceptible to influence by political actors. Ivanishvili has managed to co-opt large parts of the older generation of cultural representatives by putting them on his payroll.<sup>39</sup>
- In recent years, a new type of movement, mostly composed of students and other young people, has emerged in Georgia’s civil society landscape. These youth groups are not donor driven, nor do they have political agendas; instead they are based on volunteerism and social mobilization. Their main focuses are ecology and environmental protection, women’s rights, and fighting against corruption and repressive drug policies. In 2017, youth mobilization played an important role in a debate surrounding the arrest of the “Birja Mafia” rapper duo, allegedly for drug possession. Many believe that their arrest was triggered by the controversial content of one of their music videos, which depicted a police officer as a dog.<sup>40</sup> The musicians were later released, but the mobilization of thousands of youths in protest sparked a new debate on the necessity of liberalizing the country’s drug policies. Various self-organized volunteer groups organized demonstrations and put pressure on state authorities throughout the year. Some of the most active were “White Noise” (for liberalization of drug policies); “Guerilla Gardening,” “Iare Pekhit,” and “Green Fist” (for environmental protection and against massive property developments); and “Auditorium 115” (against corruption in universities).
- The increased activity of youth groups also included a focus on labor rights and working conditions, which, despite the adoption of a new labor code in 2013, remain biased in favor of employers.<sup>41</sup> Trade and labor unions are generally weak in Georgia. High unemployment and the reliance of Georgia’s economic growth on foreign investments have made it difficult for the government to introduce effective mechanisms for labor protection.
- Separately, the year was marked by the increased activity of illiberal civil society actors. On July 14, ultranationalists organized the Georgian March, which represented itself as being “against illegal immigrants” and “uncontrolled migration.”<sup>42</sup> The march ended with a scandal, however, when a Facebook conversation between the organizers emerged; in the exchange, they threatened a young female activist who criticized the march with gang rape.<sup>43</sup> The incident largely discredited the Georgian March movement and sparked a counterprotest organized by women’s rights groups. Homophobic sentiment presents another challenge in Georgia. In October, the captain of the national football team became the subject of stigmatization and was called on to resign because he wore a rainbow-colored captain’s armband while playing for a Dutch team.<sup>44</sup>

## Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.25	4.25	4.25	4.25	4.25	4.00	4.00	4.00	4.00	4.25

- Georgia’s media landscape is largely pluralistic, critical, and vibrant, and the legal framework guarantees freedom of expression and the independence of editorial policy. There are currently 92 television channels, 51 radio stations, and about 300 print publications operating in the country.<sup>45</sup> In 2017, however, four negative developments raised concerns about media independence: an ongoing dispute over the ownership of the critical television outlet Rustavi 2, the merger of three privately owned pro-government television stations, a change in editorial policy at Georgian Public Broadcasting (GPB) under its new leadership, and the extrajudicial abduction of an Azerbaijani journalist (see Judicial Framework and Independence).
- The long-running dispute over ownership of Rustavi 2 has put financial and political strain on the opposition-oriented station. In March, a Supreme Court ruling transferred ownership rights to the outlet’s former owner, Kibar Khalvashi. The ECtHR suspended the decision to allow consideration of an appeal, however, and the Georgian authorities complied with its order. Prime Minister Giorgi Kvirikashvili declared that the government would “honor decisions, recommendations and ideas from European institutions” and even proposed establishing a media ombudsman’s office that would “continuously monitor the country’s media environment and development, including the processes involving Rustavi 2 [and] the Public Broadcaster.”<sup>46</sup> However, at year’s end Rustavi 2 continued to face financial difficulties. According to the company’s management, the uncertainty around its future has limited its access to banking and financial services.<sup>47</sup>
- In January, in a controversial move, Vasil Maghlaferidze was elected as the new director general of GPB. He previously worked for the television stations Channel Nine and GDS, both owned by Ivanishvili, which raised doubts about his political neutrality.<sup>48</sup> Soon after Maghlaferidze’s appointment, a number of programs that were critical of the government were closed down.
- Georgia’s media landscape experienced significant reshuffling in early 2017 as Imedi TV acquired two other outlets, Maestro TV and GDS. Maestro and Imedi had been critical of the UNM government, but after GD came to power in 2012 they moved their editorial policies closer to the government line. Following that election, and shortly before the UNM government left office, the UNM government returned ownership of Imedi TV to the family of deceased businessman Badri Patarkatsishvili, from whom it had been stripped in a controversial process by the UNM government. The third outlet, GDS, belonged to Bidzina Ivanishvili’s son, Bera Ivanishvili. As a result of the transactions, the controlling shares in Maestro and GDS were transferred to Imedi, and Patarkatsishvili’s family became a new owner of the media conglomerate. However, many observers speculated that Bidzina Ivanishvili was the key figure behind the transactions.<sup>49</sup>
- Despite these difficulties, the Georgian media sector on the whole provided balanced coverage of the October local elections. EU-supported media monitors delivered a positive assessment of how Georgian national and regional media covered the campaign, citing “more balanced and diverse reporting” and “an overall increase in the quality of election reporting.”<sup>50</sup>
- There have been a few instances in which public authorities criticized private media outlets for their supposedly biased reporting,<sup>51</sup> though there were no major cases of physical attacks, defamation litigation, or direct and visible pressure against journalists during the year. Government attempts to influence media content have, for the most part, come in the form of leadership changes at GPB and attempts to change private companies’ ownership.

## Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.50	5.50	5.50	5.50	5.50	5.50	5.25	5.25	5.25	5.25

- Georgia is subdivided into nine provincial regions, the two autonomous republics of Adjara and Abkhazia, and the capital Tbilisi, which has the status of a special administrative unit. Abkhazia and Samachablo (also known as South Ossetia, which comprises parts of several regions) are currently under Russian occupation and outside of Georgia’s de facto control. The regional administrative units are further divided into self-governing cities and municipalities; after a reform that took effect with the 2017 local elections, there were five self-governing cities and 59 other municipalities.<sup>52</sup>
- The first Organic Law on Local Self-Governance was adopted in 1997; however, the process of decentralization advanced slowly and was even reversed after the Rose Revolution, when President Mikheil Saakashvili’s government revised the legislation, leading to territorial consolidation and increased central control of local units. Under the GD government, a new local self-government code was adopted in February 2014, increasing the number of self-governing cities from five to 12 and introducing direct local elections for mayors for both self-governing cities and municipalities.<sup>53</sup> The reform could have been more far-reaching, but it faced fierce opposition due to the widespread fear in Georgian society—stemming from the traumatic experience of territorial conflicts in Abkhazia and Samachablo—that too much decentralization could weaken Georgia’s territorial integrity. Opposition parties and civil society groups also criticized the government for the hastiness of the reform and the lack of consultation, which left many issues unaddressed.<sup>54</sup>
- In June 2017, the parliament adopted a new local self-government code, which was criticized by the opposition and NGOs as a step back toward centralization and weak local governance. According to the new code, seven of the 12 self-governing cities were stripped of their status, reducing the total back to five. A number of municipalities were also merged. The ruling party cited the need to promote effective management and more efficient investment in the social and economic welfare of the population.<sup>55</sup> Despite a presidential veto, the ruling party was able to pass the legislation.<sup>56</sup>
- As part of GD’s massive victory in local elections in October, Kakha Kaladze, the GD candidate, became mayor of Tbilisi with 51 percent of the vote.<sup>57</sup> GD also won the mayoral races for all but one of the self-governing cities and municipalities.<sup>58</sup>
- One of the main problems of municipalities is their lack of independent financial resources. Even though they have full autonomy to plan their own budgets, local authorities are highly dependent on financial transfers from the central budget.<sup>59</sup>
- Another problem local authorities face is limited communication with their constituents, which undermines public trust. According to a 2017 survey, local governments are one of the least trusted institutions in Georgia, with only 37 percent of the population assessing their work “positively.” Local authorities also score very low in terms “transparency” and “openness.”<sup>60</sup> According to a survey commissioned by NDI, 58 percent of respondents associate local government with a “lack of professionalism,” 46 percent with “nepotism,” and 35 percent with “corruption.” More than 80 percent said they have had no interaction with either the municipality or the mayor’s office.<sup>61</sup>

### Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.75	4.75	5.00	5.00	5.00	5.00	5.00	4.75	4.75	5.00

- The judiciary has long been the Achilles’ heel of Georgia’s democratic transformation. Despite ongoing reforms, the judicial framework still suffers from public distrust and a high degree of politicization. Judicial independence experienced setbacks in 2017 as a result of the irregular processes surrounding

the illegal arrest and extradition of Azerbaijani journalist Afgan Mukhtarli and the small but growing number of politically influenced judicial rulings against foreign investors.

- The government continued the “third wave” of judicial reform in 2017. In February, the Law on Common Courts was amended and a new automated case distribution system was introduced. However, the parliament did not consider some of the important recommendations from the Venice Commission, such as the election of court chairs by their peers.<sup>62</sup> Need for further reform was expressed by both local watchdogs and the international community. The EU has urged the Georgian government many times to further improve the “independence, efficiency, impartiality and professionalism of the judiciary.”<sup>63</sup> In March, the EU commissioner for enlargement, Johannes Hahn, explicitly mentioned the importance of “independence of the judiciary” and of “avoiding any perception of ‘politicized justice’” in Georgia.<sup>64</sup>
- Local watchdogs, as usual, have been far bolder in their criticism. A coalition of Georgian legal rights NGOs, with support from the U.S. Agency for International Development (USAID), issued a report in March on judicial reforms, showcasing a lack of in-depth transformation since 2012. According to the report, despite positive formal changes in legislation, Georgian authorities have lacked the political will to depoliticize the judiciary and ensure independent and professional functioning of the justice system.<sup>65</sup> The continuing interconnectedness between the “influential group of judges” and “the ruling political force” has strengthened the practice of cronyism and undermined the consistency of justice reforms, according to the report. Another report by civil society organizations on the implementation of the EU-Georgia Association Agenda 2014–16, which lays out fundamental reforms, found that the majority of reforms in the area of the judiciary were only “partially implemented.”<sup>66</sup> The Georgian public shares a critical attitude toward the judiciary. According to a 2017 survey, the courts and the chief prosecutor’s office remain some of the least trusted public institutions in the country, with only 13 percent of respondents expressing a positive opinion of them.<sup>67</sup>
- In recent years, the GD government has mostly abandoned its policy of the so-called restoration of justice, which aimed to arrest and prosecute former officials for corruption and other crimes. However, authorities are still seeking to prosecute former president Saakashvili, who has been stripped of Ukrainian citizenship and was in Ukraine without legal status at the end of 2017. In August, the Georgian chief prosecutor’s office again requested the extradition of Saakashvili on charges of misappropriation of property and abuse of office.<sup>68</sup> Saakashvili’s possible detention would further complicate GD’s relations with Europe and the United States, which have been closely following the “restoration of justice” policy, particularly in light of the politicization of Georgia’s judiciary. GD has already earned a fair share of criticism from the international community for pursuing “selective justice” and a “political vendetta” against former government officials.
- On May 29, Afgan Mukhtarli, an investigative journalist from Azerbaijan, was abducted in Tbilisi and illegally transferred to Azerbaijan, where he was arrested by local authorities. Mukhtarli, who was in the process of applying for political asylum in Georgia, claimed he had been beaten unconscious by his abductors, who then planted \$10,000 in cash on his person while crossing the Azerbaijani frontier. Reporters Without Borders criticized the Georgian security services’ involvement, arguing that “Mukhtarli’s abduction and illegal deportation to his country while in process of applying for asylum in Georgia is a clear violation of international law,” and accused Georgia of shirking its obligation “not to expel, extradite or deport an individual to a state, where he or she faces a real risk of being subjected” to torture or degrading punishment.<sup>69</sup> In a similar vein, Giorgi Gogia, Human Rights Watch’s South Caucasus director, noted the lack of due process in Mukhtarli’s abduction, telling the British Broadcasting Corporation (BBC) that in such cases “there should be an extradition request and courts should make the decision.”<sup>70</sup> After an outcry from local watchdogs and the international community, the Georgian government dismissed high-ranking officials from the Ministry of Internal Affairs. While Mukhtarli had been investigating the assets of the Azerbaijani ruling family, the Aliyevs, in Georgia, his reporting did not seem to represent a threat to the Georgian authorities, leading to speculation that

his extrajudicial detention was a political gift from Georgian security services to their neighbor and strategic partner.<sup>71</sup>

- Perhaps the most controversial court case in 2017 was the Georgian Supreme Court’s decision in March to transfer the rights to ownership of Rustavi 2, the country’s leading opposition-oriented television outlet, to its former owner, Kibar Khalvashi. The decision was viewed by many as an attempt to silence the only remaining critical television station with a nationwide broadcasting capacity.<sup>72</sup> In a surprise move, however, the ECtHR intervened and ordered the indefinite suspension of the Georgian Supreme Court ruling, giving it time to consider an appeal. The Supreme Court reportedly issued its decision after a closed hearing that did not include oral arguments.
- In February, the Tbilisi City Court fined American tobacco manufacturer Philip Morris 93 million lari (\$38 million) for allegedly selling its Bond Street brand cigarettes below cost, to the detriment of a local competitor, JSC Tbilisi Tobacco. The trial was marred by a number of legal and procedural irregularities relating to its speed, the admission of evidence, the punitive nature of the fine, and the absence of laws regulating the low-price dumping that Philip Morris was accused of.<sup>73</sup> The presiding judge in the Philip Morris case, Vladimer Kakabadze, also fined another foreign tobacco manufacturer, British American Tobacco, 270 million lari (\$110 million), leading the Georgian chapter of the International Chamber of Commerce to accuse local manufacturers of manipulating the justice system, playing “a dirty game” using the “same corrupt judge.”<sup>74</sup> Transparency International Georgia assessed the Philip Morris trial as not fair and called the court’s decision “unjustified,” arguing that it “damages the investment environment and image of the country which ultimately damages the state budget and economy” and “reaffirms doubts in relation to the partiality of the Court.”<sup>75</sup> In early June, an appellate court overturned the Tbilisi City Court’s ruling.<sup>76</sup>
- In August, the Tbilisi City Court issued a fine against Beka Tsikarishvili, whose 2013 arrest for possession of 69 grams of cannabis set off an ongoing campaign for less severe drug laws.<sup>77</sup> He had faced up to 14 years in prison under the laws in place at the time, but subsequent Constitutional Court rulings in 2015 and 2016 had effectively barred any prison term for possession or use of cannabis. In November 2017, the Constitutional Court fully decriminalized personal use of cannabis, though administrative punishments including fines remained possible.<sup>78</sup>

## Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.00	5.00	4.75	4.50	4.50	4.50	4.50	4.50	4.50	4.50

- Georgia has strong anticorruption legislation, which is contained in the criminal code and offers a robust legal basis to fight corruption at all levels. However, as in previous years, enforcement of the legislation was often problematic in 2017, mostly due to a lack of independence and efficiency in the judiciary, the public prosecutor’s office, and law enforcement agencies.<sup>79</sup> Nevertheless, Georgia remained the least corrupt country in the post-Soviet world, excluding the Baltic states.
- In 2017, a number of controversial cases added to suspicions about Ivanishvili’s influence on state authorities. In October, the Tbilisi City Council transferred a 1,900-square-meter plot of land for the symbolic amount of 1 lari to a company affiliated with Ivanishvili; the deal was part of “Panomara Tbilisi,” Ivanishvili’s proposed real-estate development in the hills overlooking the capital.<sup>80</sup> The decision was harshly criticized by local watchdogs and the political opposition. The Georgian Young Lawyers’ Association (GYLA) described the symbolic price for the land as “unreasonable” and “contradicting the rational management of the property owned by the municipality,” while the opposition took the case to court.<sup>81</sup> Panorama Tbilisi is a sprawling, \$400 million plan that could adversely affect the old section of Tbilisi and has drawn numerous protests from environmental activists and civil society groups.

- Public confidence in anticorruption institutions declined slightly in 2017. A June NDI survey found that trust in the government’s fight against corruption fell by 6 percentage points compared with 2015.<sup>82</sup> The GD government has often been accused of various forms of corruption, including nepotism and favoritism. Several unsophisticated statements by public officials have strengthened the public’s perceptions of nepotism. For example, in October, GD lawmaker Zakaria Kutsnashvili said that he had helped a former member of parliament from the party, Tamaz Mechiauri, obtain his post because they were relatives.<sup>83</sup> Indeed, according to one survey from 2017, more people believe that corruption has “deteriorated” (20 percent) than “improved” (14 percent).<sup>84</sup>
- However, individual cases of perceived nepotism did not tarnish Georgia’s overall positive image as an anticorruption success story. According to the NDI survey, only 28 percent of respondents said the government’s handling of corruption is bad or very bad—an impressive result for a post-Soviet country.<sup>85</sup>

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