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[Home](#) > Abkhazia *

Abkhazia *

Country:

Abkhazia *

Year:

2018

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

5

Aggregate Score:

41

Freedom Rating:

4.5

Overview:

Abkhazia, a breakaway region of Georgia, has held de facto independence since the end of a civil conflict in 1993. The government is financially dependent on Russia, which maintains a military presence in Abkhazia and is one of a handful of states that recognizes Abkhazia's independence. The political system features significant opposition and civil society activity. Ongoing problems include a flawed criminal justice system, discrimination against ethnic Georgians, and a lack of economic opportunity.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 18 / 40

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Abkhazia's 1999 constitution established a presidential system, in which the president and vice president are elected for five-year terms.

A snap election was held in 2014 after President Aleksandr Ankvab resigned amid protests. While most established election observers do not monitor Abkhazia's elections due to the disputed nature of the territory, informal observations indicated that the election was largely peaceful and transparent. Among four candidates, Raul

Khajimba won with 51 percent of the vote, followed by former security head Aslan Bzhania, with 36 percent.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The parliament, or People's Assembly, comprises 35 members elected for five-year terms from single-seat constituencies. March 2017 parliamentary elections were marked by some instances of intimidation, with violent attacks on two candidates. The election was voided and rescheduled in one district due to ballot irregularities. The election saw victories by many independent deputies.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Although the 2017 elections were quite competitive, elections are predicated on the exclusion of ethnic Georgians, leaving elections dominated by ethnic Abkhaz.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

A large number of political parties participate in Abkhazia's fractious politics, and freedom of association with these movements is generally respected. However, corruption within parties hampers their democratic operation. In March 2017 parliamentary elections, 112 of 137 candidates ran as independents and the remainder represented political parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Because political parties tend to be weak, many opposition candidates prefer to register as independents. Consequently, these candidates are less able to draw on the sort of support or infrastructure associated with membership in a formal political party.

However, opposition and independent candidates run competitive campaigns in Abkhazia. The March 2017 elections saw victories for opposition candidates including Almas Japua, an opponent of Russian ownership of Abkhazian real estate. Outgoing government ministers lost seats. Despite initial fears that the Central Election Commission would refuse to register his candidacy, ousted president Aleksandr Ankvab returned to politics and gained a seat in parliament.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

While the citizenry's choices influence domestic politics, the functioning of Abkhazia's institutions are almost entirely dependent on economic and political support from Moscow. In 2017, 4.7 billion rubles (\$78 million) of the annual 5.4 billion ruble (\$90 million) budget was contributed by Moscow.

An EU report on human rights in Abkhazia, which EU authorities decided not to publish but whose authors released on their own accord, noted “a concern among some people that Abkhazia may be assimilated into the Russian space.”

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Under the constitution, only ethnic Abkhaz can be elected to the presidency. The ethnic Georgian population is routinely excluded from elections and political representation; in 2017, authorities argued that the majority of Gali’s residents were Georgian citizens and therefore not permitted to vote. The Armenian and Russian communities traditionally have an informal agreement whereby parties nominate ethnic minority candidates in districts where they predominate. A handful of cabinet-level positions are held by women. However, societal norms discourage women from running for office.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

While Abkhazia’s president sets the tone for most domestic policy, the ability of elected authorities to set and implement policies is limited by the economic and political influence of Moscow. In 2017, Russia had several thousand troops permanently stationed in the territory. However, there has been significant pushback against a 2014 Russian-Abkhaz treaty, provisions of which critics say threaten Abkhazian autonomy. Separately, analysts have reported that the high number of independents in parliament lead to a lack of substantive policy debates.

Abkhazia entered 2017 after a tense standoff between opposition protesters and the government. A December 2016 agreement to stabilize the situation said that Khajimba would remain in power but nominate opponents to key posts in the constitutional court and electoral commission. In May, opposition leaders accused him of not fulfilling the terms of the agreement and declared a renewed political crisis.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is believed to be extensive and is tolerated by the government, despite promises to combat it. In recent years, Russian officials have voiced concern at the large-scale embezzlement of funds provided by Moscow.

C3. Does the government operate with openness and transparency? 2 / 4

Legal amendments from 2015 allow citizens to request information about any government decisions not classified as state secrets, and to receive a response within a month. Nevertheless, the territory’s political culture is nontransparent, and social stigmas prevent citizens from requesting information. Government officials are not required to provide declarations of income.

In May 2017, the opposition sent an open letter demanding that Abkhazia’s parliament have access to all information on the activities and funding of a new Abkhazia-Russia joint law enforcement center.

CIVIL LIBERTIES: 41 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16

D1. Are there free and independent media? 2 / 4

Broadcast media are largely controlled by the government, which operates the Abkhaz State Television and Radio Company (AGTRK). Abkhaz journalists have criticized AGTRK for failing to air material that could be perceived as unflattering to the government. Two state-owned newspapers compete with privately owned papers. The internet and social media have become increasingly popular sources of information. Some legal restrictions apply to both traditional and online media, including criminal libel statutes.

Major Russian television stations broadcast into Abkhazia, and residents of the Gali district have access to 20 Georgian channels. Many local publications have difficulty competing with Russian media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Orthodox Christianity is the dominant religion in Abkhazia, but the Georgian Orthodox Church faces discrimination and limitations. Most practicing people adhere to one of the branches of the Abkhazian Orthodox Church.

Muslims are allowed to practice freely, but some community leaders have been attacked in the past. Jehovah's Witnesses are banned by a 1995 decree.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Russian- and Armenian-language schools generally operate without interference. However, Georgian-medium schools in Gali have been undergoing reorganization since 2015 in order to Russify them.

Universities in the capital have recently become more lenient about Gali Georgians without Abkhaz passports enrolling as students. Nevertheless, bureaucratic complications in obtaining a diploma still arise.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Social media has become a vibrant space for discussion on political and other topics. However, a number of taboos prompt self-censorship, especially relating to Georgians in Abkhazia and relations with Tbilisi.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is largely respected, and opposition and civil society groups mount regular protests. In 2017, protests connected to the parliamentary elections took place without incident. In a sensitive case involving human rights in Russia, around

300 protesters demonstrated in September, demanding that Moscow respect the rights of ethnic Circassian activist Ruslan Gvashev. Violent confrontations between protesters and police have occurred in the past, however.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Civil society, particularly groups representing Abkhazia's veterans, exerts influence on government policies. Several hundred nongovernmental organizations (NGOs) are registered, though few are active. Many groups struggle to secure sustainable funding, in part because partnerships with foreign or international NGOs are complicated by Abkhazia's territorial status. NGOs that receive funding from governments or entities that do not recognize Abkhazia face criticism from journalists and authorities.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions exist, but unions and labor activists have struggled to effectively defend the rights of workers.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Nepotism and corruption, often based on clan and ethnic ties, reportedly have a significant impact on Abkhazia's judiciary. Implementation of judicial decisions remains inconsistent.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The criminal justice system is undermined by limited defendant access to qualified legal counsel, violations of due process, and lengthy pretrial detentions.

In 2016, Abkhazian border guard Rashid Kandzhi-Ogly killed a Georgian internally displaced person, Giga Otkhozoria. A Georgian court sentenced Kandzhi-Ogly for murder in absentia. However, a Sukhumi court dismissed evidence provided by Tbilisi, and dropped all charges against Kandzhi-Ogly in June 2017.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Isolated acts of criminal and political violence occurred across Abkhazia in 2017, and many observers concur that crime is increasing. In December, businessman Pavel Ardzinba was assassinated; Ardzinba had been implicated in one of several attempts on the life Aleksandr Ankvab. At least three Russian tourists were killed and several more were injured in attacks during the year. Prison facilities are insufficient.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Ethnic Georgian residents of the Gali region continue to face discrimination. In April, Sukhumi began issuing residence permits to Gali Georgians for five-year renewable terms. Permit holders may retain Georgian citizenship, reside in Gali, and cross the border into Georgia proper. However, in July, the separatist authorities stated that they

would grant Abkhazian citizenship to any Georgian willing to “rediscover their Abkhaz ethnic heritage.” Local officials warned Gali Georgians against attempting to hold both passports amidst complaints of bureaucratic hurdles in obtaining the residency permits.

LGBT (lesbian, gay, bisexual, and transgender) people do not enjoy comprehensive legal protections.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Travel and choice of residence are limited by the ongoing separatist dispute. Travel permits remain expensive and burdensome to obtain. About 90 percent of Abkhazia’s residents hold Russian passports, as Abkhaz travel documents are not internationally recognized.

In March 2017, separatist authorities closed two pedestrian crossing points over the Inguri River into territory controlled by the Georgian government, leaving just two such crossing points. This has created a burden on residents in border villages.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The rise in criminal activity across Abkhazia has raised concerns among owners of small- and medium-sized businesses. Foreigners, including Russians, are barred from buying property in Abkhazia. Uncertainty continues over property rights for ethnic Georgians in Gali, whose residency permits do not allow them to officially own or inherit property. The legal status of properties of those expelled from Abkhazia during the 1990s continues to be fraught, as internally displaced persons cannot return to claim them.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Social mores in Abkhazia are conservative; taboos remain against “nontraditional” lifestyles, including homosexuality and gender nonconformity. A 2016 law banned abortions in all circumstances apart from prior fetal death.

NGOs have expressed concern about honor killings of young women. Domestic violence and rape are serious problems, and victims have few avenues for recourse.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Equality of opportunity is limited by corruption, crime, and economic reliance on Russia. The EU human rights report on Abkhazia leaked in 2017 noted that complications arising from Abkhazia’s unresolved status were viewed as a significantly harming economic opportunity.

In January, Abkhazia introduced a new labor code that makes employment contracts compulsory and fines employers who violate workers’ rights. However, observers

reported that in late 2017, not all workers were aware of their new rights, and implementation of the code was incomplete.

NGOs have expressed concern about human trafficking in Abkhazia.

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