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Freedom House

Freedom in the World 2019 - Georgia

Partly Free

63 /100

Overview:

Georgia holds regular and competitive elections, and its democratic trajectory showed signs of improvement during the period surrounding a change in government in 2012–13. However, progress has stagnated in recent years. Oligarchic actors hold outsized influence over policy and political choices, and the rule of law continues to be stymied by political interests.

Key Developments:

Key Developments in 2018:

- Giorgi Kvirikashvili stepped down as prime minister in June and was replaced by Mamuka Bakhtadze, previously the finance minister. Kvirikashvili said his resignation resulted from disagreements over economic policy with Bidzina Ivanishvili—a former prime minister, founder of the ruling Georgian Dream party, and the richest man in the country. Ivanishvili currently holds no elected office, though he did return to his former position as chairman of Georgian Dream at a party congress in May.
- There were a series of large demonstrations in Tbilisi during the year. Protests erupted in May in response to raids on two popular nightclubs where police said illegal drugs were being sold. Far-right groups then mounted counterdemonstrations. In June, fresh protests were prompted by the partial acquittal of a defendant in a prominent 2017 murder case; protest leaders and more than a dozen participants were arrested.
- A two-round presidential election was held in October and November. Salome Zourabichvili, an independent supported by Georgian Dream, took a narrow lead in the first round and ultimately defeated the opposition United National Movement (UNM) candidate in the runoff, becoming the first elected female president of Georgia. While the election took place in a generally peaceful environment, it was marred by allegations of vote buying, voter intimidation, and ballot-box stuffing.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 25 / 40 (-1)

A. ELECTORAL PROCESS: 8 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4 (-1)

Georgia has a dual executive, with the prime minister serving as head of government and the president as head of state. The president had been directly elected for up to two five-year terms, but under constitutional changes approved in 2017, the president elected in 2018 is to serve a six-year term, after which presidents will be chosen by a 300-member electoral college comprising national lawmakers and regional and local officials. The president formally appoints the prime minister, who is nominated by Parliament.

In the October first round of the 2018 presidential election, Zourabichvili, an independent former foreign minister supported by Georgian Dream, won 39 percent of the vote, followed by Grigol Vashadze, a former foreign minister running for the UNM, with 38 percent. Observers reported that the balloting took place in a largely peaceful environment, but there were allegations of vote buying, predominantly by the ruling party, as well as reports of illegal campaign donations from the ruling party to Zourabichvili and of voter intimidation.

Zourabichvili won about 60 percent of the vote in the second round in November. While the electoral environment was again largely peaceful, significant problems in the preelectoral period and voter intimidation on election day marred the quality of the runoff. Abuse of administrative resources and limited instances of vote buying and ballot-box stuffing were reported. Outside a significant share of voting stations, the presence of Georgian Dream party activists with lists of local voters created an intimidating atmosphere. Just days before the runoff, a charitable foundation controlled by Ivanishvili promised to write off the debts of over 600,000 Georgians, or about one in six eligible voters.

Mamuka Bakhtadze, formerly the finance minister, replaced Giorgi Kvirikashvili as prime minister in June after the latter resigned over policy disagreements with Ivanishvili. Kvirikashvili had served as prime minister since late 2015.

Score Change: The score declined from 3 to 2 due to irregularities during the 2018 presidential election, including credible allegations of vote buying, abuse of administrative resources, and voter intimidation.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Georgia's unicameral Parliament is composed of 150 members, with 77 selected through nationwide proportional representation and 73 in single-member districts. Members serve four-year terms.

In the 2016 parliamentary elections, Georgian Dream won a total of 115 seats, including 71 of the majoritarian contests. The UNM garnered 27 seats through the proportional vote but did not win any majoritarian districts. Smaller parties and an independent took the remainder. An observer mission from the Organization for Security and Co-operation in Europe (OSCE) found the elections competitive and largely fair, but noted that administrative funds were used for campaign purposes and that changes to rules governing party registration were made too close to the elections. A small number of violent incidents were reported during the campaign period and the first round of polling.

Under the constitutional amendments approved in 2017, the parliament will be elected entirely by proportional representation beginning in 2024.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The country's electoral laws are generally fair, and the bodies that implement them have typically done so impartially. However, following the 2016 legislative elections, OSCE monitors noted a lack of transparency in the adjudication of election-related complaints by the courts and the electoral commission. After the 2017 mayoral and municipal polls, an OSCE monitoring mission noted that the parliament's approval of a new head of the State Audit Office two weeks before the elections had prompted concerns about the office's impartiality; it is charged with regulating and overseeing campaign financing.

The Venice Commission expressed concern that the 2017 constitutional amendments would not be fully implemented until 2024. The delay was approved over the objections of opposition parties and civil society groups, which argued that it would benefit Georgian Dream in the 2020 parliamentary elections by maintaining the current mixed voting system for another cycle.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 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? 3 / 4

Georgian political life is vibrant, and people are generally able to form political parties and assert their own candidacies with little interference. However, a pattern of single-party dominance since the 2000s has inhibited the development and stability of competing groups.

In the 2017 mayoral elections, independent candidates had significantly less time to collect signatures to register for ballot placement than candidates who belonged to a party.

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

Georgia underwent a peaceful transfer of power between rival groups in 2012–13, when Georgian Dream defeated the UNM in parliamentary and presidential elections. The UNM splintered in 2017, leaving behind two smaller parties that were less capable of mounting a credible opposition. The weakened UNM and the new offshoot, European Georgia, failed to secure extensive representation in that year's municipal elections. Georgian Dream won most mayoral and gubernatorial seats, including the Tbilisi mayoralty. In the 2018 presidential vote, European Georgia's candidate ran a distant third in the first round and endorsed the UNM's Vashadze in the runoff.

Constitutional changes approved in 2017 prohibited multiple small parties from forming electoral blocs to overcome a 5 percent voting threshold needed to enter the parliament via proportional representation beginning in 2024. The ban on party blocs could further diminish the electoral prospects of the fragmented parliamentary opposition. (The 2020 legislative elections will feature a lower threshold of 3 percent.)

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

Ivanishvili, the wealthy businessman who founded Georgian Dream in 2011, resigned as prime minister and as the ruling party's chairman in 2013, but he remained its primary financial backer and continued to control it informally. His successors as prime minister and party chairman have been close confidants and former employees of institutions he controls, suggesting that he plays a large role in determining the country's leadership. Ivanishvili was reelected as chairman of Georgian Dream at a party congress in May 2018.

Recent elections have featured allegations of various forms of vote buying and intimidation, including pressure on public employees and recipients of social benefits to support the ruling party.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

No laws prevent women or members of minority groups from participating in the political process, but in practice these groups and their interests are underrepresented at all levels of government. A woman was elected president in 2018, but women hold just 24 seats in the 150-seat Parliament.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The ability of elected officials to determine and implement government policy is impaired by the informal role of Ivanishvili, who holds no public office but exerts significant influence over executive and legislative decision-making. His de facto authority was demonstrated in June 2018, when Prime Minister Kvirikashvili resigned due to disagreements with Ivanishvili over economic policy.

Ivanishvili's policy influence is also visible in connection with his financial and business interests, and in particular the multibillion-dollar Georgian Co-Investment Fund (GCF), which was unveiled in 2013 and is active in large real-estate development projects in Tbilisi. In 2017, observers raised suspicions that a major development project opposed by many civil society actors but backed by GCF was receiving favorable treatment from the authorities in large part due to Ivanishvili's political connections.

C2. Are safeguards against official corruption strong and effective? 2 / 4

While the country has made significant progress in combating petty corruption, corruption within the government remains a problem. In some cases it has allegedly taken the form of nepotism or cronyism in government hiring. Effective application of anticorruption laws and regulations is impaired by a lack of independence among law enforcement bodies and the judiciary, and successful cases against high-ranking officials who are on good terms with the Georgian Dream leadership remain rare.

C3. Does the government operate with openness and transparency? 3 / 4

Government operations are generally subject to scrutiny by auditing bodies, the media, civil society organizations, and the public. However, the Institute for the Development of Freedom of Information (IDFI), a Georgian advocacy group, reports that access to public information has been uneven since 2010. In 2018 the institute reiterated its calls for a stronger law on access to information and urged greater transparency regarding officials' income declarations. Civil society activists have also expressed concern about a lack of transparency regarding rezoning and land sales in Tbilisi.

CIVIL LIBERTIES: 38 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (–1)

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

Georgia's media environment is robust and competitive, but frequently partisan. In 2018, a long-running legal dispute over the ownership of the opposition-aligned television station Rustavi 2 was awaiting a final judgment from the European Court of Human Rights (ECHR). In 2017, the ECHR had ruled that a Georgian Supreme Court decision to transfer the station to its former owner—Kibar Khalvashi, who is seen as more sympathetic to Georgian Dream—should be suspended while it considered the case, and warned authorities not to interfere with the station's editorial policies. The Georgian branch of Transparency International and other nongovernmental organizations (NGOs) had expressed serious concerns about procedural shortcomings at the Georgian court, and about the court's independence.

The Georgian Public Broadcaster (GPB) has recently made personnel changes that included the hiring of numerous people who were considered Ivanishvili allies, with some taking senior positions; civil society groups issued a joint statement in 2017 to express concern about these hires and about the station's coverage, which they said had become less critical of the government. Controversy over the GPB continued in 2018, as NGOs reacted to a State Audit Office report that found problems involving spending, procurement, and conflicts of interest at the broadcaster. Separately, civil society organizations reported that two of the five members of the Georgian National Communications Commission, which regulates broadcast media and internet services, lacked the academic credentials that were legally required for their positions.

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

The constitution guarantees freedom of religion but grants unique privileges to the Georgian Orthodox Church, including immunity for its patriarch. Georgia's religious minorities—among them Jehovah's Witnesses, Baptists, Pentecostals, and Muslims—have reported discrimination and hostility, including from Georgian Orthodox priests and adherents, and are insufficiently protected by the state. Some minority religious groups have faced difficulty gaining permits from local officials to construct houses of worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4 (-1)

Academic freedom is generally respected in Georgia. However, in August 2018, Georgian authorities froze the assets of the International Black Sea University and prevented it from accepting students for the new academic year, citing tax arrears that were allegedly owed by the private institution. The asset freeze was eventually lifted in October after the debt was paid, though the university maintained that the tax claim was unlawful. The International Black Sea University is associated with the movement led by Turkish Islamic preacher Fethullah Gülen, which the Turkish government has declared a terrorist organization. In 2017, Georgian authorities had closed two schools associated with Gülen's movement, citing regulatory violations. The seemingly disproportionate and arbitrary nature of the enforcement actions raised suspicions that they were carried out under pressure from the Turkish government.

Score Change: The score declined from 4 to 3 due to the government's arbitrary regulatory pressure on the International Black Sea University and other schools associated with the Turkish Islamic preacher Fethullah Gülen.

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

Georgians generally enjoy freedom of expression, including in their online communications. However, watchdog groups have expressed concerns in recent years that various security-related laws empower state agencies to conduct surveillance and data collection without adequate independent oversight. A 2017 law created a new

electronic surveillance agency under the umbrella of the State Security Service that would have the authority to fine service providers for failure to cooperate with its work. Privacy advocates questioned whether the law complied with earlier Constitutional Court rulings on state surveillance practices.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is generally respected, but police sometimes respond to demonstrations with excessive force. In 2017, a protest in Batumi against exorbitant fines for traffic violations became violent; police employed tear gas and rubber bullets, and a number of injuries were reported. Protests during 2018 proceeded more peacefully. They included demonstrations in May in response to aggressive raids on two popular nightclubs where police said illegal drugs were being sold, and counterdemonstrations mounted by far-right organizations—part of an ongoing debate over drug laws and their enforcement in the country. Separate protests erupted in June after the partial acquittal of a defendant in the Khorava Street murders, a 2017 incident in which two teenagers were killed in a street brawl; at least 19 protest leaders and participants were arrested, including Parliament member Nika Melia and Tbilisi City Council member Irakli Nadiradze, both of the UNM.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

The civil society sector has grown significantly in recent years, but it remains concentrated in the capital. Some groups are included in policy discussions, while others report facing political pressure, largely in the form of public criticism by both government officials and opposition figures. In 2018, high-level officials continued to make aggressive public statements aimed at discrediting NGOs and activists including Eka Gigauri, the head of Transparency International Georgia. In October, Public Defender Nino Lomjaria, the country's ombudsperson, called on the authorities to refrain from such attacks and adhere to their international obligations regarding the protection of human rights defenders. A coalition of NGOs released a similar statement later the same day.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers are legally allowed to organize, bargain collectively, and strike, though there are some restrictions on the right to strike, including a ban on strikes by certain categories of workers. Legal protections against antiunion discrimination by employers are weak and poorly enforced.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Despite ongoing judicial reforms, executive and legislative interference in the courts remains a substantial problem, as does corruption and a lack of transparency and professionalism surrounding judicial proceedings. In August 2018, Nino Gvenetadze resigned as head of the Supreme Court, ostensibly for health reasons. However, many observers suggested that she was pressured to resign. Under a new constitutional framework that took effect after the 2018 presidential election, Supreme Court judges are nominated by the High Council of Justice rather than the president, then approved by Parliament. A judicial self-governing body elects a majority of the council's members. In December, the council presented a list of Supreme Court nominees, but a coalition of NGOs argued that it had used an opaque process and selected judges with tainted reputations. The coalition called on Parliament to adopt more robust qualification rules and transparent procedures for selecting Supreme Court judges before it considered any nominees from the council.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The law guarantees due process, but this protection is not always respected in practice. The office of the country's public defender, or ombudsperson, has reported problems including a failure to fully implement Constitutional Court rulings, administrative delays in court proceedings, the violation of the accused's right to a presumption of innocence, and the denial of access to a lawyer upon arrest.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Human rights watchdogs and the ombudsperson continue to express concern about the physical abuse of detainees during arrest and in police custody, and have noted the lack of an independent system for supervising police conduct and addressing claims of mistreatment. In July 2018, Parliament approved legislation to establish a new state inspector's office tasked with investigating police abuses, but it would not be independent from the prosecutor's office, a shortcoming that drew criticism from human rights groups. Violence and harsh conditions in prisons remain a problem.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

A 2014 antidiscrimination law providing protection against discrimination on the basis of various factors, including race, gender, age, sexual orientation, and gender identity, is enforced unevenly. Women and people with disabilities reportedly suffer from discrimination in employment, among other problems. LGBT (lesbian, gay, bisexual, and transgender) people face societal discrimination and are occasionally the targets of serious violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16 (+1)

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

There are ongoing restrictions on travel to and from the separatist territories of Abkhazia and South Ossetia, and individuals who approach their de facto borders can face short-term detention. Nevertheless, Georgians are generally free to travel abroad and within government-controlled territory, and they can change their place of residence, employment, or education without undue interference.

Score Change: The score improved from 3 to 4 because, while some obstructions remain with respect to the de facto borders of separatist regions, people in Georgia are largely free to travel and change their places of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework and government policies are generally supportive of private business activity, and conditions for entrepreneurs have reportedly improved in recent years. However, protection for property rights remains weak, and deficiencies in judicial independence and government transparency hamper economic freedom.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected. However, constitutional changes approved in 2017 define marriage as "a union between a man and a woman for the purpose of creating a family," and there is no law allowing civil unions for same-sex couples.

Domestic violence remains a problem in Georgia, and the response from police is often reportedly inadequate, though changing societal attitudes have contributed to more frequent reporting and some improvements in enforcement in recent years. Spousal rape is not specifically criminalized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The public defender in December 2017 called workplace injuries and fatalities a "systemic problem" and has commented on the lack of government action in implementing and strengthening labor protections. Unsafe conditions continued to contribute to workplace deaths during 2018, including 11 deaths in the country's mines.

Georgia is a source, destination, and transit country for human trafficking linked to sexual exploitation and forced labor. However, according to the US State Department's 2018 *Trafficking in Persons Report*, the government continued its enforcement efforts and improved its performance on victim identification.

Explanatory Note:

The numerical scores and status listed here do not reflect conditions in the territories of

South Ossetia or Abkhazia, which are examined in separate reports.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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