



Freedom in the World 2018 - Georgia

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Freedom Status: Partly Free

Aggregate Score: 64 (0 = Least Free, 100 = Most Free)

Freedom Rating: 3.0 (1 = Most Free, 7 = Least Free)

Political Rights: 3 (1 = Most Free, 7 = Least Free)

Civil Liberties: 3 (1 = Most Free, 7 = Least Free)

Explanatory Note:

The numerical rankings and subsequent report do not include South Ossetia or Abkhazia, which are considered in separate reports.

Quick Facts

Population: 4,000,000

Capital: Tbilisi

GDP/capita: \$3,765

Press Freedom Status: Partly Free

Net Freedom Status: Free

OVERVIEW

Georgia holds regular and pluralistic elections, and its democratic trajectory has generally shown significant improvement in recent years. However, oligarchic actors hold outsized influence over policy and political choices, and judicial independence continues to be stymied by executive and legislative interests.

Key Developments in 2017:

- The parliament approved constitutional amendments that will transform the parliament into a fully proportionally elected body by 2024. The Council of Europe's Venice Commission praised the changes, but noted that delays in their implementation were mandated over the objections of the opposition and civil society groups, which argued that holding the next legislative elections under the current mixed system would benefit the ruling party.

- The ruling Georgian Dream-Democratic Georgia party won a majority of seats in October's municipal elections, including the Tbilisi mayorship. A split in the main opposition party contributed to Georgian Dream's strong performance.
- A legal battle over ownership of the popular opposition television station Rustavi 2 continued. In March, the Supreme Court of Georgia ruled to return control of the station to its previous co-owner, who is aligned with Georgian Dream. The European Court of Human Rights (ECHR) suspended the ruling and warned authorities not to interfere with the station's editorial policies.
- An Azerbaijani investigative journalist, Afgan Mukhtarli, was abducted in Georgia and taken to Azerbaijan, where he was subsequently imprisoned. Mukhtarli's legal team alleged that Georgian authorities were complicit in the affair, and two senior officials were fired in connection with it.

POLITICAL RIGHTS: 26 / 40 (-1)

A. ELECTORAL PROCESS: 9 / 12

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

Georgia has a dual executive, with the prime minister serving as head of government and the president as head of state. The president is selected by direct election for a five-year term. The president formally appoints the prime minister, who is nominated by the parliament. Under constitutional changes approved in 2017, the president will be elected indirectly by a group of national, regional, and local lawmakers, though these changes do not take effect until after the 2018 election.

In the 2013 presidential election, Giorgi Margvelashvili, an independent candidate backed by the Georgian Dream party, won 62 percent of the vote, ahead of United National Movement (UNM) candidate David Bakradze, who won 22 percent. While observers reported some violations, they deemed the poll competitive and credible and praised the Central Election Commission for its professionalism.

Giorgi Kvirikashvili of the Georgian Dream party returned as prime minister following 2016 parliamentary elections; he had served in that position since late 2015.

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

In the 2016 parliamentary elections, Georgian Dream won 44 percent of the vote in the proportional contest, and 71 of 73 majoritarian seats. The UNM garnered 27 percent of the proportional vote but did not win any majoritarian seats; smaller parties took the remaining seats. An observer mission from the Organization for Security and Co-operation in Europe (OSCE) found the elections competitive and largely fair, but noted the use of administrative funds for campaign purposes, and changes to rules governing party registration made too close to the elections. A small number of violent incidents were reported during the campaigning period and the first round of polling.

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

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

Georgia's electoral laws are generally fair and the bodies that implement them generally do 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. And following 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 election 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, a delay mandated over the objections of opposition parties and civil society groups that claimed the slow transition to a proportionally elected legislature would benefit Georgian Dream in the next legislative election, which will be held under the current mixed system.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (-1)

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 over the past decade 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

The main opposition party, the UNM, splintered in 2017, leaving behind two smaller parties less capable of mounting a credible opposition. The weakened UNM and the new offshoot, European Georgia, failed to secure extensive representation in October 2017 municipal elections. Georgian Dream won most mayoral and gubernatorial seats, including the Tbilisi mayorship. Campaign donations heavily favored the ruling Georgian Dream party. According to the Georgian branch of Transparency International, during the period between June 1 and November 1, 2017, Georgian Dream collected 10 times more in campaign donations than all other parties combined.

Constitutional changes approved in September 2017 prohibited multiple small parties from forming party blocs to overcome a 5 percent voting threshold needed to enter the parliament. The ban on party blocs could further diminish an already fragmented parliamentary opposition. (The next legislative elections will be held under the current mixed system with a 3 percent threshold.)

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 (-1)

Bidzina Ivanishvili, the wealthy Georgian businessman who founded the ruling Georgian Dream party in 2011, does not currently hold elected office, but his ties to ruling party members and large financial holdings in Georgia allow him significant influence within Georgian political life.

Ivanishvili served as prime minister from 2012 to 2013; his successors in office have been close confidants and former employees of institutions he controls, suggesting that he plays a large role in determining the leadership of the country. The splintering of the opposition UNM in 2017 leaves few counterweights to Ivanishvili and Georgian Dream.

Score Change: The score declined from 3 to 2 due to increasing domination of the political sphere by the Georgian Dream party and its backer Bidzina Ivanishvili, who wields significant political influence but does not hold any elected office.

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 are underrepresented at all levels of government.

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 Georgian Dream party dominates Georgian political space. Critical to this is the role of Ivanishvili, the party's creator and financial guarantor, who holds significant influence over political decision-making in Georgia. Ivanishvili's financial and business interests also loom large in Georgian political space, in particular the multibillion-dollar Georgian Co-Investment Fund (GCF), which was unveiled by Ivanishvili in 2013 and is active in large real estate development projects in the capital. In 2017, there was suspicion that a major development project in Tbilisi opposed by many civil society actors but backed by GCF advanced due in large part to Ivanishvili's political connections.

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

While the country has made significant progress in combatting petty corruption, corruption within the government remains a problem. This can take the form of bribes, the exchange of insider information, and intimidation, among other things. Enforcement of anticorruption measures at high levels has been lacking.

In 2017, the Georgian branch of Transparency International published a report detailing suspected corruption in land privatization processes in Teleti.

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

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. The group singled out the Justice Ministry and Ministry of Economy and Stable Development as having been particularly reticent in recent years. In May 2017, the Georgian Parliament approved a plan to increase accountability and transparency for parliamentary actions. But in December, lawmakers adopted a constitutional amendment regarding state secrets, which the IDFI said could be interpreted in a way that could lead to a decrease in government transparency.

Civil society activists have expressed concern about a lack of government transparency regarding rezoning and land sales in Tbilisi.

CIVIL LIBERTIES: 38 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16

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

Georgia's media environment is robust and competitive, but frequently partisan. In 2017, court proceedings over the ownership of the opposition-aligned television station Rustavi 2 continued; these could jeopardize the opposition nature of the station, which is among the most watched and trusted in Georgia. In March, the Supreme Court of Georgia ruled to return control of the station to its previous co-owner, who is aligned with Georgian Dream. The ECHR almost immediately ruled that the decision should be suspended, and warned authorities not to interfere with the station's editorial policies. The Georgian branch of Transparency International has expressed serious concerns about procedural shortcomings during the related proceedings at the Georgian court, as well as about the court's independence.

The Georgian Public Broadcaster (GPB) has recently made personnel changes that included the hiring of numerous people considered Ivanishvili allies, some of whom were installed in senior positions; civil society groups in a joint statement issued in November 2017 expressed concern about these hires as well as about the station's coverage, which they said had become less critical of the government.

Separately, in May, an investigative journalist from Azerbaijan, Afgan Mukhtarli, was abducted from Tbilisi and transported to Azerbaijan, where he was detained by authorities. While the circumstances of his abduction are unclear, Mukhtarli's attorneys argue that Georgian authorities were complicit with the effort to remove him to Azerbaijan. In July, Prime Minister Kvirikashvili dismissed the chiefs of the Counter Intelligence Service and the Border Police in connection with the matter.

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

The Georgian 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 religions have faced difficulty gaining permits from local administrations to construct houses of worship.

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

Academic freedom is generally respected in Georgia. However, in 2017 Georgian authorities closed two schools associated with the Islamic preacher Fethullah Gülen, whose movement the Turkish government has declared a terrorist organization. While the Education Ministry blamed the closures on technical regulations, the Turkish ambassador to Georgia made comments indicating that the Turkish government had approached its Georgian counterparts with concerns about the schools.

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

In recent years, watchdogs have expressed concerns that various security-related laws and agencies are empowered to conduct surveillance and data collection without adequate review processes for such operations. The adoption in March 2017 of a law that will establish a new

surveillance agency under the mandate of the State Security Service drew concern from privacy advocates, who questioned the new agency's independence and oversight mechanisms.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is generally respected, and several peaceful protests took place during 2017. However, police occasionally respond to demonstrations with excessive force. In March, a protest in Batumi against disproportionately expensive fines for traffic violations became violent; police employed tear gas and rubber bullets, and a number of injuries were reported.

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 remains concentrated in the capital. Some groups are included in policy discussions, while others report facing pressure, largely in the form of public criticism by both government officials and opposition figures.

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

Workers are allowed to organize, but trade unions remain weak despite the adoption in 2013 of a new labor code with additional protections for workers' rights.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Executive and legislative interference in the judiciary remains a substantial problem, as does a lack of transparency and professionalism surrounding proceedings. In 2017, opposition figures and others expressed concern that political interference had been a significant factor in the Supreme Court's decision -- later overturned by the ECHR -- to return Rustavi 2 to its former co-owner, who is associated with the Georgian Dream party.

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 ombudsman, has reported violations including a failure to fully implement Constitutional Court rulings, administrative delays in court proceedings, the violation of the accused's right to be presumed innocent until proven guilty, 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 ombudsman continued to express concern about the abuse of detainees by police, with the ombudsman reporting a recent increase in the number of arrestees who arrive at detention facilities with injuries that may be attributable to police abuse. Violence in prisons remains 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. LGBT (lesbian, gay, bisexual, and transgender) people face societal discrimination and are occasionally the targets of serious violence. People with disabilities experience discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of domestic movement and international travel are generally respected, and individuals have the freedom to choose their place of residence without interference. Poverty can serve as a barrier to free movement.

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 (+1)

The Heritage Foundation's Index of Economic Freedom has noted consistent improvements in economic freedom in Georgia over several years, citing reductions in petty corruption, simplified taxation schemes, more open markets, and infrastructural development. Protection for property rights remains weak, and deficiencies in judicial independence and government integrity hamper economic freedom.

Score Change: The score improved from 2 to 3 because of steady improvements in the ease of engaging in commercial activity.

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

Constitutional changes approved in 2017 define marriage as "a union between a man and a woman for the purpose of creating a family." There is no law protecting civil unions for same-sex couples.

Domestic violence remains a problem in Georgia, and the Ministry of Internal Affairs has reported an increase in the number of domestic violence complaints. However, the increase is likely due to changes in attitudes toward domestic violence; according to a recent UN study, most Georgians now identify domestic violence as a crime, rather than an internal family matter, as had been standard before.

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

Economic inequality is a problem in Georgia, where the International Labor Organization estimates that 22.5 percent of workers live below the poverty line. With the recent real estate boom in Tbilisi, the increase of construction zone deaths and reports of worker exploitation has garnered nationwide attention, leading to protests by trade union activists. The Georgian 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.

Georgia is a source, destination, and transit country for human trafficking linked to sexual exploitation and forced labor. However, according to the U.S. State Department's 2017 *Trafficking in Persons Report*, the government has made improvements in combatting trafficking, notably by

improving mechanisms for identifying victims and by providing identification documents to vulnerable children at no charge.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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