



# Freedom in the World 2014 - Georgia

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## 2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.0

Civil Liberties (1 = best, 7 = worst): 3

Political Rights (1 = best, 7 = worst): 3

## Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in South Ossetia or Abkhazia, which are examined in separate reports.

## OVERVIEW

The heated personality conflict between President Mikheil Saakashvili and Prime Minister Bidzina Ivanishvili that fuelled partisan politics before and after the 2012 parliamentary elections gradually subsided in early 2013. Ivanishvili's new government demonstrated political will to ensure a transparent and democratic process for the presidential vote held in October, which was judged by domestic and international observers as transparent and fair.

Giorgi Margvelashvili of the Georgian Dream Movement (GDM) won 62 percent of votes in the first round of October's presidential election, surpassing the 50 percent threshold needed for an outright win. His primary challengers – David Bakradze of Saakashvili's United National Movement (UNM) and Nino Burjanadze of the Democratic Movement-United Georgia party – received 22 and 10 percent of the vote, respectively.

Constitutional changes introduced by Saakashvili in 2010 to transform the country's political structure from a presidential to a parliamentary system came into force following Margvelashvili's inauguration in November. In June, Ivanishvili, who had expressed a desire to exit politics on numerous occasions since being sworn in as prime minister in October 2012, announced his intention to leave his post after the presidential election. In November, Ivanishvili nominated his long-term protégé, 31-year-old interior minister Irakli Garibashvili, as his replacement as prime minister. Parliament voted to confirm Garibashvili as the new prime minister in November.

The media environment in Georgia became less polarized and more transparent in 2013. Key 2011 legislation that required media outlets to disclose their ownership structures was successfully

implemented, and a permanent "must carry, must offer" rule was introduced in July, increasing voters' access to information.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES**

**Political Rights:** 25 / 40 (+1)

### *A. Electoral Process:* 8 / 12 (+1)

Georgia is an electoral democracy. International observers generally considered the October 2012 parliamentary elections as free and fair, noting increased competitiveness and a range of largely peaceful political activities, including mass demonstrations by the opposition. GDM captured 85 seats in the 2012 elections, leaving the UNM in the minority with 65 seats. In Georgia's first peaceful transfer of power through elections since independence in 1991, Saakashvili conceded defeat and pledged to fully cooperate with the new government.

Presidential elections in October 2013 were widely regarded as free and fair. The campaign environment was remarkably less polarized than in previous years. While observers reported some violations, they also noted virtually no cases of abuse of administrative resources or pressure on voters, which have been serious issues in past elections. Another notable improvement was reduced numbers of so-called special voting stations set up for public servants in penitentiaries, police stations, medicinal facilities, and military bases; employees of these institutions were encouraged to vote as civilians in their local communities. Election observers welcomed this development as positive step in reducing opportunities for influencing the vote of government employees. The Central Election Commission was also praised for its professionalism during the election.

### *B. Political Pluralism and Participation:* 10 / 16

The unicameral Parliament has 150 seats, with 77 chosen by party list and 73 in single-member districts. According to the constitution, the president appoints the cabinet and can serve up to two five-year terms. Under a package of constitutional amendments adopted in 2010, the bulk of executive authority shifted from the president to the prime minister in 2013, and new rules surrounding votes of no confidence will make it difficult for Parliament to remove the prime minister.

Saakashvili's UNM dominated Georgian politics from 2004 to 2012, when growing dissatisfaction with the ruling party's perceived consolidation of power helped fuel support for the GDM. This new party, founded by Ivanishvili in 2012, merged older opposition factions and benefited from Ivanishvili's extensive personal wealth. Though Ivanishvili left the political scene in November 2013, it remained to be seen how much influence he will continue to wield, given his close relationship with his successor. While polling has indicated that around 70 percent of the population disapproves of Ivanishvili's departure, many Georgians have also expressed frustration with his administration's failure to deliver on campaign promises, particularly pledges to improve the country's sagging economy, and its lack of a clear vision.

### *C. Functioning of the Government:* 7 / 12

Major electoral irregularities were absent from the presidential elections in October and the duly elected candidate entered into office without incident. The political environment with regard to adopting and implementing legislation was also relatively calm.

Since the parliamentary elections and changeover of government in 2012, civil society participation in lawmaking has strengthened, with parliament considering the opinions of civil society coalitions on important legislative decisions in 2013, such as amendments to the law on broadcasting, and the labor code. Civil society has played a more active role in policymaking in

certain areas of government, particularly the judicial sector. However, on other issues, such as the controversial construction of hydropower plants, which were initiated by the previous government and continued by its successor, lawmakers neglected to properly include civil society consultation. In December, Transparency International Georgia released a report highlighting persistent corruption risks in the practice of noncompetitive government contracts. While the amount of direct contracts dropped drastically immediately following the parliamentary elections in 2012, they began to rise again towards the end of 2013 indicating that corruption in this area continues to be a problem. The study shows that in recent years several companies, who are owned or partially owned by current and former members of parliament, substantially profited from this practice, receiving hundreds of direct, noncompetitive contracts totaling more than 100 million GEL.

While notable progress has been made with respect to lower- and mid-level corruption, particularly in comparison with the country's neighbors, Georgia continues to suffer from corruption at the highest levels of government. Little was accomplished in 2013 to address these issues. Georgia was ranked 55 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

After the GDM took power in late 2012, authorities arrested and interrogated numerous former officials from the Saakashvili administration on charges of abuse of power and bribery, among others. A number of the allegations related to illegal surveillance of the GDM, prompting the UNM to accuse the new government of pursuing a political vendetta. The international community urged the new leadership to maintain respect for due process, warning that using prosecutions to seek political retribution could jeopardize Georgia's bid for NATO membership. GDM officials denied that the cases were politically motivated and invited NATO to monitor the investigations. Transparency International Georgia monitored the ensuing legal proceedings and found that both the defense and prosecution had enjoyed equal opportunities to present their cases. In the first major conviction related to these trials, the former head of prisons, Bachana Akhalaia, was found guilty in October 2013 of abuse of power in connection to the death of seven prisoners during authorities' crackdown on a prison riot in 2006. Akhalaia was sentenced to three years and nine months in prison. In November, outgoing president Saakashvili pardoned Akhalaia, who nonetheless remains in detention on abuse of power charges related to a separate case. There was some speculation that Saakashvili himself may be investigated for abuse of power in connection to several cases, including illegal media raids, privatizing scandals and reducing sentences of politically connected convicts, after leaving office.

**Civil Liberties:** 38 / 60 (+2)

*D. Freedom of Expression and Belief:* 12 / 16

The constitution provides guarantees for press freedom, and the print media offer a range of political views. The state television and radio outlets were converted into public-service broadcasters in 2005, but critics maintain that the stations show a pro-UNM bias that continued even after the 2012 elections. The major private television stations received heavy subsidies from the UNM government and displayed a pro-government slant. In the weeks following the 2012 parliamentary elections that brought the GDM to power, ownership changes reduced the dominance of pro-UNM stations, leading to a steady reduction in media polarization in 2013. Legal amendments banning offshore ownership of broadcasters and requiring stations to reveal their ownership structures were successfully implemented in 2013. In August, Ivanishvili decided to close TV9, the pro-GDM station he had founded prior to parliamentary elections to compete with pro-UNM coverage on Imedi TV and Rustavi 2. Prior to his decision, media watchdogs had warned Ivanishvili that his proximity to the station was inappropriate.

In July 2013, "must carry, must offer" legislation, which was originally implemented during the campaign period before the parliamentary elections, became a permanent fixture in Georgian

media legislation. The law grants national broadcast reach to all television stations with an audience of at least 20 percent of the population. Media monitoring during the campaign period revealed far less polarization among outlets. The authorities do not restrict access to the internet.

#### *E. Associational and Organizational Rights: 8 / 12 (+1)*

Freedom of religion is respected for the country's large Georgian Orthodox Christian majority and some traditional minority groups, including Muslims and Jews. However, members of newer groups – including Baptists, Pentecostals, and Jehovah's Witnesses – have faced harassment and intimidation by law enforcement officials and Georgian Orthodox extremists. Since political changes began in Egypt in 2011, there has been an influx of Coptic Christian immigrants. Some reports indicate that Orthodox authorities have denied Coptic Christians permission to worship in Orthodox churches.

The government does not generally restrict academic freedom, though there have been reports of politically-motivated academic dismissals and appointments.

Freedoms of association and assembly were generally upheld in 2013, including in the run-up to the presidential election; ahead of the poll, authorities advocated for restraint from violence, and law enforcement successfully minimized clashes with police during political rallies. However, a small LGBT rights rally held in May in Central Tbilisi to mark the international day against homophobia was disrupted when counter-demonstrators broke through a police cordon and attempted to attack the participants; police were reportedly forced to bus the activists out of the city in avoid further attacks.

Nongovernmental organizations (NGOs) are able to register and operate without arbitrary restrictions. NGOs were active in monitoring the preelection environment in 2013. NGOs have generally reported that Ivanishvili's government has been more accessible and has engaged more actively in dialogue with civil society than the previous administration. Obtaining funding for NGOs is a challenge; local business support for charities tends not to be directed toward organizations that work on government policy and reform issues. A 2011 law allows the government to provide financial support for projects administered by NGOs and universities.

The constitution and the Law on Trade Unions allow workers to organize and prohibit antiunion discrimination. The Amalgamated Trade Unions of Georgia, the successor to the Soviet-era union federation, is the principal trade union bloc. It is not affiliated with the government and receives no state funding. Union influence remains marginal in practice. Civil society groups raised concerns in 2012 that the labor code did not protect employees from being fired on political grounds. In June 2013, amendments were passed to the labor code, which among other improvements requires employers to provide written and reasonable argumentation for the cause of the dismissal.

#### **F. Rule of Law: 8 / 16 (+1)**

The judiciary has traditionally suffered from significant corruption and pressure from the executive branch. The need for comprehensive reform of the justice system came to the fore in September 2012, when leaked videos showing the apparent abuse and rape of inmates at a prison outside of Tbilisi were broadcast on television. The images sparked public outrage, leading Saakashvili to appoint the country's ombudsman as the new minister for prisons and call for an overhaul of correctional institutions.

After coming to power in October 2012, the GDM initiated a series of penitentiary reforms that have more than halved the prison population, improved access to health care for inmates, and reduced prison deaths. The reduction of the prison population stemmed in part from an amnesty granted to more than 8,000 inmates in January. The move was received somewhat uneasily by the public, who feared a resulting rise in crime.

The new GDM administration has also demonstrated an effort to increase transparency and fairness within the judicial system. In May 2013, the government adopted amendments to the Law on Common Courts that made several improvements to the administration of court procedures, including allowing media coverage of court proceedings, which was forbidden under the former law. There has also been an increase in the number of defense cases since the change in government and a decrease in the number of prosecution cases, indicating a less heavy reliance on the plea bargain. State appointed attorneys are more frequently presenting defense cases in court, which demonstrates a greater confidence in objective justice. In the first half of 2013, the number of successful requests from the prosecutor for imprisonment decreased by 25 percent compared to the same period in 2012.

Despite these improvements, several areas in the judicial system remained unreformed. Since the 2012 prison abuse scandal, the government has failed to create a formal mechanism for the regular public monitoring of detention facilities. Since 2007, only the ombudsman has had oversight of Georgia's penitentiaries.

The government generally respects the rights of ethnic minorities. Antidiscrimination regulations cover bias based on sexual orientation, but societal discrimination against LGBT people remains strong.

#### *G. Personal Autonomy and Individual Rights: 10 / 16*

Freedom of residence and freedom to travel to and from the country are observed. Populist fears of too many foreigners buying land in Georgia led to the passing of a new law in June 2013, which temporarily prohibits the sale of land to non-Georgians or foreign entities until the end of 2014.

Georgia has gradually established legislation to address the problem of domestic violence, including a 2012 law that upgraded domestic violence from an administrative to a criminal offense. However, the ombudsman and NGOs have reported that police fail to pursue rape and domestic violence cases adequately, and these crimes are believed to be underreported.

Georgia is a source, transit, and destination country for trafficking in persons according to the U.S. State Department's 2013 Trafficking in Persons Report. While the government does not fully comply with the minimum standards for the elimination of trafficking, it has made significant efforts to do so. The new government finalized an anti-trafficking action plan for 2013-14, which President Saakashvili signed in March 2013.

#### **Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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