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Georgia

Country:

Georgia

Year:

2016

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

64

Freedom Rating:

3.0

Overview:

Rule of law conditions in Georgia showed signs of improvement in 2015, with a landmark Constitutional Court decision in September against the power of prosecutors to extend pretrial detentions past the constitutionally mandated nine-month limit. However, a number of other developments called into question the strength of the country's democratic institutions. Prosecution of members of the former United National Movement (UNM) government continued during the year, and the handling of an ownership dispute involving Rustavi 2, the largest opposition news channel, raised concerns about the extent of political pressure on Georgian media.

In December 2015, Belgium became the final state to ratify Georgia's Association Agreement with the European Union (EU), which Georgia had signed the previous year. The roles of Russia and Western countries in the political trajectory of Georgia continued to be a contested topic of discussion.

Explanatory Note:

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

Political Rights and Civil Liberties:

Political Rights: 27 / 40 (+1) [Key]

A. Electoral Process: 9 / 12

Georgia's unicameral Parliament is composed of 150 members, with 77 selected by party list and 73 in single-member districts; members serve four-year terms. 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 chooses the prime minister, but is constitutionally bound to select the individual nominated by the party that won the most legislative seats. The prime minister nominates cabinet members for parliamentary approval; the president selects members of the National Security Council.

Parliamentary elections in 2012 marked the first time an opposition party took power through elections in post-independence Georgia, and were considered free and fair by international observers. The Georgian Dream coalition, a bloc of parties led by wealthy businessman Bidzina Ivanishvili, captured 85 seats, leaving the UNM in the minority with 65 seats.

In the 2013 presidential elections, Georgian Dream candidate Giorgi Margvelashvili won 62 percent of the vote, ahead of UNM candidate David Bakradze, who won 22 percent. While observers reported some violations, they noted no cases of abuse of administrative resources or pressure on voters, which had been issues in past elections, and praised the Central Election Commission for its professionalism.

Georgian Dream candidates largely swept municipal elections in 2014, winning mayoral seats in the eight largest cities of the country, including in Tbilisi, and taking more than half of local council seats. The elections marked the first time that voters outside of Tbilisi could directly elect mayors of cities and heads of municipal districts.

B. Political Pluralism and Participation: 11 / 16 (+1)

Georgian political life is vibrant, and people are generally able to form political parties and assert their own candidacies with little interference. Electoral law, however, prohibits parties from forming "according to a regional or territorial principle," a significant limitation for ethnic minority groups whose populations are concentrated in southern Georgia.

Former president Mikheil Saakashvili's UNM party dominated Georgian politics from 2004 to 2012, when it lost parliamentary control to the Georgian Dream coalition. Georgian Dream has since seated three prime ministers: Ivanishvili from November 2012 until his resignation a year later; Irakli Garibashvili, who replaced Ivanishvili but resigned in 2015; and Giorgi Kvirikashvili, who replaced Garibashvili. Both Kvirikashvili and Garibashvili have served on the executive board of Ivanishvili's Cartu Bank in the past.

The popularity of the Georgian Dream has shown signs of decline, however, and in 2014, the Free Democrats abandoned the coalition. The UNM continues to be the dominant opposition force, but its appeal is weakened by the legacy of the Saakashvili administration, particularly its heavy-handed use of financial investigation services and

alleged high-level corruption. A number of challenger parties have made headway in this environment, including the pro-Russian United Opposition, led by former parliamentary speaker Nino Burjanadze. Another party, the Alliance of Patriots, which is skeptical of deepening ties with Western institutions like the EU and the North Atlantic Treaty Organization (NATO), gained enough votes in the 2014 local elections to qualify for public election funds.

The Georgian Orthodox Church retains an influential role in the country, and there are reports of Russian efforts to fund political opposition and of the proliferation of pro-Russian nongovernmental organizations (NGOs) and media. However, domestic political forces and the electorate are largely able to exercise freedom of choice and pursue their political interests without interference.

Ethnic minorities are underrepresented in elected positions, and few opposition parties address ethnic minority needs specifically. As of 2015, Parliament included three legislators of ethnic Armenian origin, three of Azeri origin, and one of Ossetian origin.

C. Functioning of the Government: 7 / 12

Institutionally, the dual executive authority in Georgia provides foreign policy and security powers to the president. In 2015, a rivalry persisted between President Margvelashvili and Prime Minister Garibashvili, both members of the Georgian Dream. Margvelashvili criticized Garibashvili's management, decried lack of accountability and overlapping authority enabled by Georgia's government system, and also targeted former prime minister Ivanishvili, accusing him of covertly dominating the political process after leaving office. Ivanishvili was instrumental in advancing the Georgian Dream's development and 2012 parliamentary victory, and the extent of his influence on elected officials remained subject to speculation in 2015.

Although petty corruption has been largely eliminated in recent years, a number of broader problems exist. Parliament has limited oversight capabilities, and existing anticorruption bodies remain inefficient. In a December 2015 report, the local chapter of Transparency International noted that regulation of conflicts of interest remains weak, and that the majority of state agencies have no mechanisms for the protection of whistleblowers, even when required to do so by law. A number of recent corruption cases against UNM politicians have led to questions about political influence on anticorruption mechanisms. In a high-profile case in September 2015, a Tbilisi court found Gigi Ugulava, former mayor of the capital, guilty of misuse of public funds and sentenced him to four and a half years in prison. Georgia ranked 52 out of 168 countries and territories in Transparency International's 2015 Corruption Perceptions Index.

Government transparency has shown signs of improvement in recent years. According to the Institute for Development of Freedom of Information (IDFI), a Georgian NGO, government bodies responded to 86 percent of information requests between January and November 2015.

Civil Liberties: 37 / 60 (-1)

D. Freedom of Expression: 11 / 16 (-1)

Georgian media are relatively free from censorship and direct political control, and the media environment has become significantly more pluralistic in recent years, in part because of “must carry, must offer” requirement introduced for cable providers in 2012. However, a number of developments have called into question the vulnerability of independent media to undue pressure. In June 2015, Parliament passed a law against the incitement to violence criminalizing any form of expression that causes discord and poses an “obvious, direct, and substantive threat.” The initial language of the bill was revised following criticism by human rights groups—in particular, the proposed penalty of imprisonment was reduced to a fine except in cases leading to death or other extreme consequences. Nevertheless, opponents of the legislation maintained that it could be used to curtail freedoms of speech and the press.

Rustavi 2, the largest opposition television channel in Georgia, faced a severe financial crisis due to a court decision in August to freeze its assets amid an ownership dispute between former and current shareholders. In November, the Tbilisi City Court appointed two temporary administrators to Rustavi 2, dismissing the station’s director general and chief financial officer. While the role of the government in the dispute remained subject to speculation, media groups voiced concerns about judicial irregularities in the handling of the case as well as negative rhetoric about the outlet by Georgian Dream members.

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.

Academic freedom is generally respected.

Public concerns about government surveillance increased in 2015. The Law on Personal Data Protection, which enables security services to conduct electronic surveillance with permission from the judiciary and a specially appointed inspector, came into force in March. Privacy watchdogs and other NGOs claimed that the law was too permissive and granted the government excessive access to data, noting that it did not require permission for monitoring internet data. In July, Parliament adopted legislation for the creation of a new surveillance agency, the Security Service of Georgia, which was launched the following month. Local watchdogs decried the law for granting the agency excessive power, and Georgia’s ombudsman voiced concerns about weak oversight of its activities.

E. Associational and Organizational Rights: 8 / 12

Freedom of assembly is generally respected. In May, lesbian, gay, bisexual, and transgender (LGBT) rights groups held rallies under heavy security and without reported incidents. Protestors led by Georgian Orthodox priests had injured participants in LGBT marches in 2012 and 2013, and no events had been held in 2014.

The civil society sector has grown significantly in recent years, but is concentrated in the capital. Parliament has institutionalized regular meetings with Georgian NGOs.

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

F. Rule of Law: 8 / 16

Executive and legislative interference in the judiciary remains a substantial problem, although judicial transparency and accountability have improved in recent years, in part due to increased media access to courtrooms. Jury trials are only held for certain crimes in Tbilisi, Batumi, and Kutaisi, and legislators have debated postponing plans to expand the jury trial system to the rest of the country. Human rights organizations have consistently criticized prosecutors' practice of repeatedly filing new charges against detainees to prolong their time in pretrial detention, an act made possible by a discrepancy between the criminal code and the constitution. In September 2015, in a case brought by Ugulava, the Constitutional Court found the practice to be unconstitutional, ruling that pretrial detentions must not exceed the constitutional limit of nine months. Ugulava was among many former UNM officials to face criminal charges since 2012, which has raised questions about political influence on the prosecutorial process. However, a mixture of acquittals and convictions as well as the September 2015 Constitutional Court ruling have suggested a notable degree of independence in the judiciary's handling of the cases.

Human rights watchdogs and the ombudsman continued to urge the government to adequately investigate allegations of police abuse. In 2015, some members of the security forces faced disciplinary measures or prosecution for excessive use of force. In December, prosecutors charged former deputy minister of defense Davit Akhalaia and former chief of the military police Megis Kardava, among others, with illegal imprisonment and torture, accusing them of beating and abusing a suspect in order to force a confession; the case was ongoing at year's end. Separately, in November, a Tbilisi court found a detective guilty of the premeditated murder of a human rights activist who had been critical of police violence, sentencing him to 20 years in prison.

In 2014, Georgia passed an antidiscrimination law providing protection against discrimination on the basis of various factors, including race, gender, age, sexual orientation, and gender identity. However, enforcement remains uneven.

G. Personal Autonomy and Individual Rights: 10 / 16

Freedom of domestic movement and international travel are respected, and individuals have the freedom to choose their place of residence without interference.

The Heritage Foundation's Index of Economic Freedom ranked Georgia 22 of 178 countries in 2015, noting the regulatory ease of registering a business and recent government efforts to eradicate corruption. However, protections for property rights remain

weak. Hundreds of complaints of illegal confiscation of private property have been filed in recent years, predominantly regarding decisions made during the UNM era. Although a special agency was charged with handling these claims in 2015, officials noted that there was an extensive backlog of cases at year's end.

Domestic violence remains a problem, though investigations and prosecutions of such incidents have increased. Employer discrimination against women is common, as are reports of sexual harassment, which is not explicitly prohibited by law.

Georgia is a source, destination, and transit country for human trafficking linked to sexual exploitation and forced labor. According to the U.S. State Department's 2015 *Trafficking in Persons Report*, the government does not meet the minimum requirements for the elimination of trafficking, but enhanced the resources and capacity of bodies devoted to the issue in 2015.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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