

Georgia

by David Aprasidze

Capital: Tbilisi
Population: 4.3 million
GNI/capita, PPP: US\$4,700

Source: The data above was provided by The World Bank, *World Development Indicators 2011*.

Nations in Transit Ratings and Averaged Scores

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Electoral Process	5.00	5.25	5.25	4.75	4.75	4.50	4.75	5.25	5.25	5.00
Civil Society	4.00	4.00	3.50	3.50	3.50	3.50	3.50	3.75	3.75	3.75
Independent Media	3.75	4.00	4.00	4.25	4.25	4.00	4.25	4.25	4.25	4.25
Governance*	5.00	5.50	5.75	n/a						
National Democratic Governance	n/a	n/a	n/a	5.50	5.50	5.50	5.75	6.00	6.00	5.75
Local Democratic Governance	n/a	n/a	n/a	6.00	5.75	5.50	5.50	5.50	5.50	5.50
Judicial Framework and Independence	4.25	4.50	4.50	5.00	4.75	4.75	4.75	4.75	4.75	5.00
Corruption	5.50	5.75	6.00	5.75	5.50	5.00	5.00	5.00	5.00	4.75
Democracy Score	4.58	4.83	4.83	4.96	4.86	4.68	4.79	4.93	4.93	4.86

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Georgia was one of the first Soviet republics to declare independence and introduce a multiparty system in 1990. However, the country's rapid political emancipation coupled with slow institutionalization led to various serious problems. The first non-Communist president Zviad Gamsakhurdia's loss of power triggered a civil war, and two secessionist conflicts in Abkhazia and South Ossetia broke out. Later, President Eduard Shevardnadze managed to restore a limited degree of stability, which soon ended in a fragile, corrupt, and inefficient system of governance.

In 2004, the new government launched profound reforms aimed at modernizing the state, the economy, and society. In some respects, these reforms tangibly increased the capabilities of the Georgian state, resulting in better public protection and services. In other areas, such as democratic participation and conflict resolution, the new administration has failed to adequately address the complexities of the issues. Marginalization of the political opposition triggered a political crisis in 2007 that continued throughout 2008 and 2009. Russia and Georgia fought a war in 2008 that ended in occupation and formal recognition of independence of South Ossetia and Abkhazia by Russia.

In 2010, Georgia began to recover from these instabilities. The political crisis that began in 2007 calmed considerably in 2010, and no large-scale political protests took place. Local elections were held without major complications, and participating political parties tried to concentrate on public policy issues in their campaigns, rather than slandering political opponents. The Parliament adopted several amendments to the constitution that will come into effect in 2012–13 and will transform Georgia's political system from a semi-presidential to a parliamentary model. The political opposition and the ruling party agreed to cooperate to further improve electoral legislation. Yet, despite several visible improvements, it will take time for Georgia to recover from its early setbacks.

National Democratic Governance. In 2010, the Georgian Parliament adopted a substantially revised version of the constitution that will shift the country's political system from semi-presidential to a parliamentary model in 2012–13. The parliamentary opposition was actively involved in the work of the State Constitutional Commission, and most voted for the final draft. However, several political parties, including those who boycotted the Parliament, declined to participate in the work of the commission and developed an alternative draft. Some NGOs also demanded that the public debate period be extended. In general, the process was inclusive and reflected varying political and societal interests. In addition, the electoral code was successfully changed prior to the local elections; among other adjustments, the

composition of the election administration was changed allowing the opposition to be represented in all local commissions. A working group of political parties is expected to further improve the electoral legislation. *Owing to these positive developments in institutional changes and policy implementation, Georgia's national democratic governance rating improves from 6.00 to 5.75.*

Electoral Process. The 2010 local elections in Georgia were relatively well organized by the Central Election Commission (CEC). Voter lists were improved, political parties and candidates had access to media and could campaign freely, and the commission proactively and successfully addressed different complaints. At the same time, the process of vote tabulation was incomplete and in some cases chaotic. Furthermore, the use of administrative resources remained a problem and gave the ruling party an advantage over the competition. The CEC intervened in several cases and nullified results. The electoral administration showed its willingness to cooperate with political actors, national and international observers, and civil society organizations. The improvement of the electoral code was a significant step forward, and there was political consensus to resume working on other issues. *Owing to these positive trends, and acknowledging that the local elections were a significant step towards international democratic standards, Georgia's electoral process rating improves from 5.25 to 5.00.*

Civil Society. The main problem affecting Georgia's civil society remains its limited impact on policy formulation and implementation. Sources for local funding are still limited; in terms of access to international funding and networking, large and established NGOs are better positioned than new or less experienced organizations. As a result, civic activity in the country has become elite-based. In 2010, international donors tried to increase public policy debate by bringing together governmental, nongovernmental (both academic and activist groups), media, and business actors. However, results have been slow to materialize. *Therefore, Georgia's civil society rating remains unchanged at 3.75.*

Independent Media. Overall, there was consensus in 2010 that the media landscape in Georgia needs improvement, in terms of both its independence and its professionalism. However, there were debates over the appropriate means and goals of reform. The issue of nontransparency in media ownership of major TV stations was acknowledged, and the Parliament discussed changes to existing legislation. At the same time, proponents of greater "professionalism" questioned whether ownership transparency alone would solve the media's problems, and advocated instead for more investment in journalist education and the promotion of ethics standards. Most Georgian television news coverage is perceived as biased, though both the government and the opposition have media who favor their point of view, resulting in a certain degree of balance. Several talk shows are aired regularly with distinctly varying topics and participants. Print media are more diverse than television programming, but only a few editions follow ethics standards. The

function of internet media increased during the year as the number of Georgian residents involved in online social networks continued to grow. *Although greater attention to media nontransparency signals a hopeful trend, the media sphere still lacks significant independence and needs to institutionalize transparency; thus, Georgia's independent media rating remains unchanged at 4.25.*

Local Democratic Governance. The new version of the constitution establishes a separate chapter on local self-governance. This particular amendment will come into force in January 2011. New local councils were elected in Georgia in 2010. The opposition increased its representation, but the ruling party maintained the vast majority of members in all councils nationwide. The constitutional changes did not touch on the substance of regional governance, which remains controlled by the central government. However, in the future the prerogative to appoint regional governors will be exercised by the government and not by the president. *Owing to several institutional improvements that will go into effect in 2011 and whose impact remains to be seen, Georgia's local democratic governance rating remains unchanged at 5.50.*

Judicial Framework and Independence. Georgia's judiciary remains plagued by inconsistencies in interpretation and enforcement of legislation, weak institutional organization, and lack of judicial independence. The rate of acquittals in 2010 dropped to 0.01 percent, suggesting increased dominance of prosecutors in the court system. The Ombudsman's office reported on unbearable overcrowding and inhumane conditions in penitentiary and detention facilities, prompting some largely symbolic steps towards liberalization of the government's current "zero tolerance" crime policy. Several political parties and NGOs continued to raise the issue of political prisoners, while the government continued to categorically deny their existence. In October 2010 jury trials were introduced, with the aim of increasing public trust in the justice system. *Recent institutional changes may improve transparency of court proceedings in the course of 2011; however, based on deteriorating conditions in 2010, Georgia's judicial framework and independence rating declines from 4.75 to 5.00.*

Corruption. The fight against corruption continued to be a priority for the Georgian government. Several high-ranking officials and businessmen were arrested on corruption charges, while petty corruption appeared to be almost absent. Public agencies in Georgia further improved services and introduced electronic systems to increase accountability and transparency. Challenging areas remained the transparency of state procurement and the use of presidential, governmental, and Tbilisi funds. *Although there is still a need to institutionalize and consolidate anticorruption achievements, Georgia's steady focus on combating corruption and improving transparency results in an improvement in its corruption rating, from 5.00 to 4.75.*

Outlook 2011. In the coming year, the electoral working group is expected to identify issues and try to reach consensus on how to address them. This work has greater importance with the upcoming national elections in 2012 and 2013, with the aim to increase public trust in the electoral system. Additionally, open discussions and legislative amendments are needed to qualitatively enhance the media environment. The public debate involving government and nongovernmental actors, academia, media, and the private sector that occurred in 2010 could foster the reemergence of vibrant civil society. The constitutional guarantees for local self-governance will begin operating in 2011, as well as the new tax code and the jury system. The quality of Georgia's national democratic governance will depend on how open and issue-based political debate is on these subjects.

MAIN REPORT

National Democratic Governance

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
n/a	n/a	n/a	5.50	5.50	5.50	5.75	6.00	6.00	5.75

In 2010, the Georgian Parliament adopted a revised constitution that will shift the country's political system from semi-presidential to a parliamentary model, marking the second substantial reshuffle of the constitution since its adoption in 1995. The power of the executive branch and president was increased in 2004, and the State Constitutional Commission was set up in 2009 to draft a new constitution that would better serve the changing political needs of the country. Several NGOs and opposition parties represented in the Parliament participated in the work of the commission. The alternative Public Constitutional Commission was organized by other NGOs and several non-parliamentary political parties, including those who were elected to the Parliament in 2008 but boycotted the results. The alternative commission openly supported a parliamentary model, while President Mikheil Saakashvili was quoted as preferring a presidential system.¹

The State Constitutional Commission collaborated closely with the Venice Commission of the Council of Europe and adopted most of its suggestions. The Venice Commission in its final opinion generally welcomed the new draft as a "significant step in the right direction."² After the adoption of the final draft by the State Commission, public hearings took place throughout Georgia. Some critics claimed that the discussions were deliberately held during the summer break in August to avoid broad public participation. Several members of the State Commission, including members of opposition parties, insisted on taking time with the process of adopting the amendments by Parliament. However, the legislative body proceeded quickly, performing a third vote only hours after the Venice Commission had confirmed its final assessment.

The new draft of the constitution establishes a parliamentary system, with a strong presidency. The president remains the popularly elected head of state, has several appointment prerogatives in foreign and security sectors, special prerogatives in wartime, as well as the right to dismiss the Parliament and influence the no-confidence vote on the prime minister in Parliament under certain circumstances. However, the central figure of the new system is the prime minister, who is elected by the Parliament and heads the government. The Venice Commission suggested strengthening the role of Parliament with respect to the formation of the government and budgetary matters—recommendations partly declined by the Georgian government. The amendments will go into force gradually and completely replace the existing version of the constitution after a new president takes office. Formally, that is expected to happen in spring 2013. There were rumors

that President Saakashvili may switch positions and seek to become prime minister.

The new constitution will reset the institutional framework for Georgia's political process. However, the fact that Parliament has been able to make fundamental changes to the constitution twice since 2004, without encountering serious resistance, reflects the asymmetrical power distribution in the Georgian political landscape. The ruling party holds an absolute majority in Parliament, while the opposition is weak and has no levers to check the country's rulers. If the unbalanced character of the power distribution remains unchanged, the new framework may inherit some of the features of the current system.

Amendments to electoral legislation in 2009 and early 2010 improved the chances for opposition parties by replacing the previous winner-takes-all system with a partially proportional distribution of mandates. However, local elections in 2010 did not alter the distribution of power, as the ruling party achieved a landslide victory and secured an absolute majority in all local councils. In general, the local elections took place in a calm atmosphere and were recognized as being in line with major international standards.

Although there are numerous political parties in the country, membership and participation remains low, and political parties are the least trusted institutions in Georgia.³ The disintegration of parties and coalitions and the emergence of new ones is an ordinary occurrence. Ruling parties usually cease to exist when their leaders are ousted from power. For example, the ruling bloc "Round Table–Free Georgia" was dissolved and its major parties marginalized after the first postcommunist president Zviad Gamsakhurdia lost power. The Citizens' Union of Georgia followed the same path when President Eduard Shevardnadze left office. The current ruling United National Movement (UNM) is likely to break this tradition and remain on the political scene after 2013, though several high-ranking politicians have left the UNM and founded their own political parties since 2007. Several regroupings have also occurred in the opposition. In 2010 the new Georgian Party emerged, led by former defense minister Irakli Okruashvili, Ombudsman Sozar Subari, ambassador to Russia Erosi Kitsmarishvili, and the main challenger to the incumbent President Saakashvili in the 2008 elections, Levan Gachechiladze.

There are no legal constraints to the creation of political parties in Georgia, except in relation to regional-based parties. Recently, national parties have turned their attention to ethnic minority regions, primarily in anticipation of the local elections. However, this type of attention has been sporadic, and political parties continue to be highly centralized and Tbilisi-dominated. This is true not only for non-Georgian inhabited regions but in other areas of the country as well. In general, the representation of ethnic and religious minorities in national politics does not correspond to their share in the population as a whole. Ethnic minorities comprise 16 percent of Georgia's population but hold only 4 percent of the seats in parliament.⁴

Georgia's conflict zones were mostly stable during 2010. The European Union Monitoring Mission provided reliable political guarantees for non-escalation of the conflict with Russia. Geneva Talks on conflict-related issues continued throughout

the year, and the Incident Prevention and Response Mechanism resumed in South Ossetia after being interrupted for more than a year. In October 2010 the Russian military withdrew from Perevi, a village located outside the administrative borders of the former South Ossetian Autonomous Oblast and held under Russian control after the August 2008 war. Russian officials claimed that with the withdrawal, Moscow had met all of its obligations under the Six-Point Accord facilitated by French President Nicolas Sarkozy. The international community welcomed the Russian withdrawal but stressed that the Six-Point Accord was not yet fulfilled.

Small signs of improvement in Russian-Georgian relations included the reopening of the border crossing at Larsi and the reestablishment of direct charter flights between Tbilisi and Moscow; however, these did not have any larger effect on diplomatic relations. The Georgian government's decision to abolish the visa requirements for North Caucasian residents of Russia received criticism from Moscow officials, who interpreted the move as an attempt by to destabilize the situation in the North Caucasus. In October 2010, the Georgian Ministry of Internal Affairs arrested nine Georgian and four Russian citizens on allegations of spying for the Russian security service.⁵

Some of the suspected spies were Georgian military officers, which raised questions about the effectiveness of the country's security sector. A trial related to the Mukrovani tank battalion mutiny of 2009 brought the military under further scrutiny in late 2010. Several high-ranking officers were sentenced to prison terms for participating in the mutiny; the convicted officers protested that they were only demonstrating inside the battalion base and had no intention of staging a coup.⁶

Electoral Process

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
5.00	5.25	5.25	4.75	4.75	4.50	4.75	5.25	5.25	5.00

Approximately half of all eligible voters cast ballots in Georgia's May 30 local elections—the first elections of any description since the August 2008 war. Voting was originally scheduled for fall 2010, but moved up by President Saakashvili following a political crisis of 2009 in which the opposition organized large-scale demonstrations, blocked main streets in Tbilisi, and demanded the resignation of the president and the Parliament.

Elections took place in 59 municipalities and 5 self-governing cities. Abkhazia and South Ossetia were not included (the Law on Occupied Territories identifies these two regions as occupied by Russia). Municipality and city councils are elected for four-year terms, and councils elect heads of municipalities or city mayors (the one exception being Tbilisi, whose mayor was directly elected for the first time in 2010). The municipality heads and city mayors appoint their trustees in local communes.

The capital's dominance in national politics made Tbilisi's local elections an important testing ground for the upcoming national elections in 2012 and 2013.

The incumbent mayor ran with the full support and extensive resources of the ruling UNM party, defeating the fragmented opposition. Although the opposition increased its representation in local councils from 11 to 14 percent, the ruling party secured the absolute majority in all councils, winning 86 percent of all seats.⁷

International observers assessed the polls as “evident progress towards meeting OSCE commitments and other international standards for democratic elections.”⁸ All political parties were able to campaign and had access to the media. The voter lists were improved and simultaneously verified by the CEC, as well as several political parties, with the state providing additional funding for this process. The CEC acted in a professional manner and cooperated with international and local observers, as well as with the main political actors. Representatives of the main opposition political parties participated in the work of the CEC and were included in all local election commissions. The campaign season developed in a calm atmosphere, and political parties and candidates focused on specific public policy issues, rather than personal recrimination.

Domestic and international observers did point out several shortcomings in the local elections, criticizing deficiencies in the legal framework as well as its unequal application to different political players. Observers also noted that cases of intimidation were considerably fewer than in previous elections but still took place in 2010. The distinction between the government and the ruling party was blurred, which enabled state officials to campaign for the party and use public resources. The ruling party allocated considerably more resources than the opposition parties, or almost 90 percent of the total GEL17 million (US\$10 million) spent by the five parties that cleared the 5 percent electoral threshold.⁹ Observers also noted procedural violations in vote tabulation.

All political actors agreed that the electoral legislation and campaigning environment needed further improvement. Although a working group consisting of ruling and several opposition parties devised changes to the electoral code in 2009 (the Parliament passed revisions to the code in December 2009 and March 2010), they also failed to reach consensus on all matters in order to finalize the task. In 2010 the parties expressed their desire to resume the consultations, and a group of eight opposition parties drafted proposals. Both the ruling party and the opposition launched consultations on the format of the working group.

Civil Society

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
4.00	4.00	3.50	3.50	3.50	3.50	3.50	3.75	3.75	3.75

Civil society in Georgia began to emerge in the late 1980s and witnessed vibrant activism in the second half of the 1990s. However, many observers have pointed to a decline in the impact of the civic sector following the departure into politics of influential civic activists who participated in the peaceful demonstrations of 2003. Additionally, some influential NGOs have refrained from criticizing the new

administration, and international donors have reoriented their programs towards government-led projects. Observers argue that this overall drain of intellectual and other resources has weakened the country's civil society in comparison to government institutions.

The imbalance between civil society and the state cannot be fully attributed to deteriorating conditions. Institutionally, civil society organizations are protected by law; no formal or informal obstacles exist to hinder the creation and operation of NGOs in any form. In fact, many thousands of NGOs are officially registered, and several hundred operate in all parts of the Georgian territory. Quite a few organizations specialize in the areas such as public health, environment, gender issues, minority issues, and human rights.

International funding and partnering is available for civil society organizations in Georgia, though it privileges the more established and successful groups. It is quite difficult for new organizations to compete and get access to the necessary international networking. Local funding is still scarce, and while business entities provide funds for charity, they refrain from funding civic activities. The main funding challenge will be the increased income tax for grants that is expected to come into force in January 2011. The income tax rate in Georgia is 20 percent, with grants receiving a preferential tax rate of only 12 percent. Although the upcoming changes were announced a few years in advance, they are expected to have a negative impact on the financial stability of some NGOs.

In 2010, civil society organizations formed alliances to address various social and political issues. For example, Transparency International Georgia, the International Society for Fair Elections and Democracy, and the Georgian Young Lawyers Association set up the Election Media Center to monitor local elections and issued several assessments. The Public Constitutional Commission developed an alternative draft of the constitution and provided critical evaluations of the official draft as well as the working process of the State Commission. The Open Society Georgia Foundation supported these and other initiatives to strengthen long-term and issue-based coalitions between civil society organizations.

To address the issue of civil society's limited impact on policy formulation and implementation—the chief hurdle for the Georgian civic sector—major international donors launched large-scale programs during the year to bring together civil society, universities, research centers, media, and political actors. The objective of these projects was to open space for public deliberation where the quality of public-policy discussions could be enhanced.

Anti-liberal organizations in Georgia were further marginalized in 2010 but still visible. In May, members of the newly-created People's Orthodox Christian Movement attacked a peaceful demonstration against intolerance. Several days later, representatives of the same organization assaulted journalists of Kavkasia TV during a talk show where Georgian Orthodox hardliners and their opponents were discussing the incident. Several people were arrested, while one of the founders of the movement, Malkhaz Gulashvili (the owner of one of Georgia's independent newspapers), fled to Russian-controlled territory of South Ossetia. The Georgian

Orthodox Church did not take an official position on the events; however, one of the priests involved in the work of the movement and the attacks was promptly promoted.

In December, the public TV talk show “Dialog with David Paichadze” was criticized by the patriarch of the Georgian Orthodox Church and condemned as “more than bad” and “anti-national” because the program discussed developments within the church and gave the floor to some of its prominent critics.¹⁰ Earlier in the year, the patriarch urged the church’s believers to not send their children abroad for education because it could harm them.¹¹

While the influence of the Georgian Orthodox Church over politics and society continues to be high, the role of trade unions remains very weak. Although there are no legal limitations to creating or belonging to trade unions, very few employees seek to become involved. Organized strikes or other activities usually attributed to trade unions are rare in Georgia. Often, opposition political parties attempt to take up the issues of workers instead of trade unions.

Rectors of several universities, including Tbilisi State University, resigned during the year after the national media reported on misuse of funds in the respective institutions. The new rectors, who were openly backed by the government, became acting heads of the universities and subsequently were elected by the university councils. In November, principals of eight public schools in Tbilisi resigned after their twelfth-grade students demonstrated against newly introduced high-school final examinations. The Ministry of Education was accused of applying pressure on principals.

Independent Media

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
3.75	4.00	4.00	4.25	4.25	4.00	4.25	4.25	4.25	4.25

The legal framework regulating Georgia’s media environment meets broad international standards. However, serious problems exist in the areas of transparency of media ownership, editorial independence, and professionalism.

Attempts to address deficiencies in media independence in 2010 focused primarily on ownership transparency. A draft amendment to the Law on Broadcasting proposed by ruling party lawmakers would ban legal entities with shares owned by offshore-registered firms from acquiring a broadcaster license. Currently, Degson Limited, a firm registered in the Virgin Islands, owns 70 percent of Rustavi2, Georgia’s most popular nationwide television station. The proposed amendment would also target Adjara TV, the only state-run television company in Georgia, which belongs to the government of the Adjara Autonomous Republic. Legally, no state institution in Georgia may own a broadcaster; the new amendment will hold the government of Adjara accountable to this pre-existing rule. Final hearings on the draft amendment are expected in February 2011. Meanwhile, a group of legal and media experts has suggested further provisions intended to address the issue of

ownership and make the funding of broadcasters more transparent. Lawmakers also agreed to discuss recommendations by the OSCE's Office of the Representative on Freedom of the Media.¹²

Despite the existence of Freedom of Information legislation, journalists frequently complain that government agencies refuse to issue some requested information. In 2010, Transparency International tested several public agencies by sending more than fifty requests. In 78.8 percent of cases responses were satisfactory (fulfilled in full in 67.3 percent) and in 21.2 percent responses were unsatisfactory. The least responsive agencies were the Ministry of Defense, Ministry of Internal Affairs, and Ministry of Justice.¹³ In the regions, local media often need approval from the Tbilisi-based ministry prior to asking local agencies for information. Without this approval, local public bodies are reluctant to give information.

According to a 2009 study by the Caucasus Research and Resources Center, 84 percent of Georgian citizens watch television news daily, despite the fact that a majority considers television outlets to be biased in favor of either the government or the opposition.¹⁴ Independent analysis of media coverage during and after the May 2010 local elections revealed that nationwide private broadcasters such as Rustavi2 and Imedi TV overwhelmingly favored the government, while others—including Maestro and Kavkasia—demonstrated a pro-opposition orientation.¹⁵ Individuals associated with pro-government channels often have political or business ties to the government. For example, the former director (and a current shareholder) of Rustavi2, Irakli Chikovani, currently chairs the Georgian National Communications Committee (GNCC), the body that regulates and licenses broadcasters.¹⁶

The professionalism of major broadcasters came under particular scrutiny following Imedi TV's "Fake War Report," a sensationalistic mock-newscast in which a possible Russian invasion was depicted in a close-to-reality manner, preceded by only a brief and easily-missed disclaimer. The March broadcast triggered panic in Tbilisi. Imedi received harsh criticism from representatives of the political leadership and sources abroad, and the station's management was forced to make an official apology. The broadcaster claimed that the simulation had been intended to keep Georgian society alert in anticipation of a real possibility.

In contrast to Imedi and Rustavi2, the Georgian Public Broadcaster (GPB) made a clear effort to balance coverage between political actors and provided access for all during and after the 2010 election campaign. GPB's several talk shows invited guest speakers with differing opinions. GPB also reorganized its Second Channel to allow political parties and NGOs to broadcast their events, including press conferences, discussions, and meetings. However, during the year some members of the political opposition accused GPB and other broadcasters of inadequately covering their activities.

In January, GPB launched a Russian-language news channel called First Caucasus. GPB management called the station, whose programming reached western Russia via satellite and the internet, an attempt "to spread objective information about Georgia;"¹⁷ Russian officials called it "anti-Russian propaganda."¹⁸ One

month later, the French company Eutelsat removed the signal from its satellite, allegedly under pressure from Russia.¹⁹

Regional and local media, as well as print media, are believed to be more independent from central governmental control than nationwide television broadcasters. However, this does not guarantee that they are free of other types of political or economic interests. Regional and local electronic media are closely connected to local power holders, and most media outlets practice self-censorship when confronted with “unpopular” issues. This habit is exemplified by the Georgian media’s lack of criticism regarding the Orthodox Church, which frequently exerts undue influence in the country’s political and social affairs.

The only major case of journalist harassment reported in 2010 targeted Vakhtang Komakhidze, an investigative journalist who has reported on South Ossetia as well as the 2008 conflict between Georgia and Russia. On February 9, the Real-TV channel broadcast a program on Komakhidze’s private and personal life with the alleged aim of discrediting the journalist; the following day, the journalist received death threats that he asserts came from the authorities.²⁰

There are no restrictions on the internet in Georgia, and the importance of online media is increasing, with 28.3 percent of Georgians having access to the internet (up from 7.6 percent only four years ago).²¹ Internet access is available in most parts of Georgia, but connection fees are significantly higher in the regions than in the capital Tbilisi. Nevertheless, local and national media outlets make use of online technologies, and the number of online TV and radio stations is constantly increasing. The social-networking website Facebook, in particular, serves as an important platform for discussion and information exchange among the more liberal segments of Georgian society²²; reportedly, there are more than 340,000 registered Facebook users in the country.²³

Local Democratic Governance

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
n/a	n/a	n/a	6.00	5.75	5.50	5.50	5.50	5.50	5.50

Georgia’s constitution and corresponding legislation outline three levels of governance: national, regional, and local. Georgia is divided into nine regions: Samegrelo and Zemo Svaneti, Guria, Imereti, Racha-Lechkhumi and Kvemo Svaneti, Samtskhe-Djavakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, and Kakheti. These regions have no autonomy and are governed by presidential appointees (*sakhelmtsipo rtsmunebuli*). At the level below the regions, there are currently 59 municipalities under Georgian central government control and 5 self-governing cities—Tbilisi, Batumi, Rustavi, Poti, and Kutaisi. In municipalities and cities, local and city councils (*sakrebulo*) are elected for four-year terms. Councils elect heads of municipalities (*gamgebeli*) and city mayors in self-governing cities. The new arrangement introduced in 2006 abolished the first level of self-governance

in more than 1,000 communes. Trustees (*gamgeobis rtsmunebuli*) are appointed by the *gamgebeli* to act on behalf of the municipality in each commune.

Results of the May 2010 local elections, suggest that the opposition must increase its activities in regions, rather than concentrating all of its efforts in Tbilisi and major cities. The local polls, in which UNM won 86 percent of all municipal seats, also demonstrated the significant advantage ruling party candidates gain from the national government's administrative resources. The new distribution of power in local councils will not change the political landscape in regions, as the central government will continue to dominate local politics. UNM's candidate in Tbilisi's first direct mayoral election was also successful.

The ruling party's monopoly on local councils has diminished political competition on the local and regional levels, and opposition parties play almost no role in the decision-making process. Regional governors often dictate to the local councils and municipal executives under their supervision, with limited attention from NGOs or media, which remain underdeveloped in most Georgian regions. Municipal governments depend entirely on the central government for funding.

Amendments coming into effect in January 2011 introduce a separate chapter on local self-governance and define institutional guarantees for its independence. The constitutional changes also provide financial guarantees that will increase local governments' self-sufficiency, while the right to appoint regional governors will move from the president to the government.

The only regional entity with limited autonomy remains Adjara, where elections in 2008 resulted in a local parliament dominated by the UNM. The head of Adjara's regional government is elected by the local Supreme Council but proposed by the president of Georgia. The president currently has extensive rights to dismiss Adjara's parliament and government, but in the new version of the constitution he will be required to seek the government's approval in advance. The other autonomous republic of Georgia, Abkhazia, is out of the central government's control and was declared an occupied territory by the Georgian Parliament in 2008. The breakaway region of South Ossetia has the same status of the occupied territory. An interim administrative unit was created in South Ossetia to build up its autonomy in 2007.

Judicial Framework and Independence

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
4.25	4.50	4.50	5.00	4.75	4.75	4.75	4.75	4.75	5.00

Georgia's constitution and national legislation guarantee fundamental political, civil, and individual rights, which are generally respected by the state. However, the justice system remains plagued by inconsistencies in interpretation and enforcement of legislation, weak institutional organization, questionable judicial independence, poor conditions in penitentiary and detention facilities, and inadequately trained justice employees. The rights of Internally Displaced Persons (IDPs) have been in the center of public attention for the last several years, and came under increased

scrutiny in 2010 following forced resettlement of many from their temporary homes in Tbilisi.

In institutional terms, the court system's independence from the executive branch is supported by several guarantees. State officials are legally prohibited from having any contact with judges during case hearings. Judges are appointed by the High Council of Justice, a body headed by the chairman of the Supreme Court. The majority of council members are also judges. In previous years, the council has used its disciplinary purview to pressure judges, exacting compliance with the threat of investigation or dismissal.

The rate of acquittals remains extremely low in the Georgian court system, and appears to be getting lower. Defendants in the courts of first instance were acquitted in only 0.1 percent of cases in 2010 (down from 0.7 percent in 2003). Furthermore, a large number of criminal cases (58.2 percent) were settled through plea-bargaining, a practice critics claim is aimed at extorting money from criminal suspects.²⁴

The use of jury trials and a new criminal procedure code came into force in October 2010. Jury trials will begin first in Tbilisi and then gradually expand to the regions, with their first use applied only in special criminal cases, such as aggravated murder. Their full implementation in all criminal cases is envisaged by 2014. Lawmakers and court administrators believe that public involvement in trials will increase trust in the justice system.

Violations of fundamental rights were evident in several recent cases. In August, three activists were arrested by police while protesting on George W. Bush Street in Tbilisi, where they painted over the picture of the former U.S. president and demanded the street be renamed. The court fined the protesters GEL400 (US\$220) each and released them. The public defender's office raised concerns about mistreatment of the protesters by police after they were arrested (at least one prisoner showed signs of having been beaten in detention). The Georgian Young Lawyers Association condemned the arrest itself, saying the protesters should have been fined for painting over the picture on the spot, and no legal provision was given to arrest them.²⁵ The case received considerable media attention, but was not investigated further.

Beginning in July 2010, hundreds of Georgian citizens displaced by war (mainly from Abkhazia) were forcibly resettled from their temporary housing in Tbilisi. Although the government offered alternative housing, IDPs protested because of limited job opportunities or worsened living conditions in the new dwellings, many of which were quite far from Tbilisi. During the resettlement process, several people were detained and fined. While recognizing the need to find long-term housing options for Georgia's nearly 250,000 IDPs, the public defender and other national and international organizations severely criticized the methods used during the evictions.²⁶

In September, the Georgian Parliament adopted amendments to the law on police. According to the new redaction of the law, police officers are allowed in case of "reasonable suspicion" to stop individuals and check their clothing and

belongings. Lawmakers believe this will protect police officers, who are often targeted by criminals. However, many human rights defenders as well as several opposition parties criticized the amendment as contradicting human rights principles.

In a report on Georgia's human rights situation, the office of public defender Giorgi Tugushi (who succeeded Sozar Subari as ombudsman in September 2009) named penitentiary and detention systems as a top priority in need of immediate attention.²⁷ According to Transparency International, over 22,000 individuals were serving sentences in 19 facilities in 2010.²⁸ The ombudsman's report noted severe overcrowding and lack of access to healthcare in detention facilities in 2009, as well as increased cases of mistreatment of inmates by prison administration. Living conditions in psychiatric institutions and childcare facilities remain grave. Several new facilities have been built since 2008 and some were under construction in 2010. The ombudsman urged the government to soften the zero tolerance criminal policy adopted in 2007, and increase the use of alternatives to imprisonment. Parliament responded to demands for liberalization of criminal policy by banning consecutive sentencing, which was viewed as one of the causes of prison overcrowding. It also increased the minimum age of criminal responsibility from 12 to 14. The minimum age had been decreased in 2007, but the prosecution of individuals under 14 years old was always highly controversial and never actually implemented.²⁹

The issue of political prisoners in Georgia was again raised by several NGOs and opposition political parties during the year. The Human Rights Center of Georgia argued that cases against several current detainees were politically motivated. The Democratic Movement–United Georgia (the party of the former Parliament speaker Nino Burjanadze) put the number of political prisoners at 60. The Conservative Party listed cases including former officials, opposition leaders, and supporters in its report.³⁰ The government denied the existence of any political prisoners and argued that all of the persons listed were arrested or prosecuted on existing criminal charges.

Several hundred inmates were pardoned in Georgia in 2010. Among them were juveniles who succeeded in passing the national examinations for higher education and chose to enroll in universities. The president has relied on the State Pardon Commission as an advisory body, but he can act independently through other agencies, including the prosecutor's office. Reform of the pardon system and commission are envisaged for next year.

Corruption

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
5.50	5.75	6.00	5.75	5.50	5.00	5.00	5.00	5.00	4.75

Since 2004, low-level corruption has practically disappeared in the area of state services. State agencies are providing better services, many of which are available electronically, and regulations and procedures are much more transparent. For

instance, the Civil Service Bureau advertises jobs on its website and also publishes asset declarations of public servants.

Georgia's anticorruption campaign continued in 2010 with several widely publicized cases. The deputy healthcare minister and former deputy minister of education were arrested on charges of abuse of office and bribe-taking. Acting on findings of the Chamber of Control, the public prosecutor's office established that in both cases, these high-ranking officials had influenced the outcomes of public-procurement tenders. Law enforcement agencies also arrested several businessmen on corruption charges. Among them, the general director of the Russian-Georgian company Energy Invest was accused of tax evasion. Two Israeli businessmen were also taken into custody for allegedly trying to bribe the Georgian deputy finance minister. According to the prosecutor's office, the businessmen tried to influence the government not to challenge the decision of an international arbitrator³¹ obliging the state to pay about US\$98 million to a firm connected to the arrested businessmen.³² Critics claimed that the criminal charges were staged to pressure the businessmen to drop the case.

Such examples demonstrate the ability of law enforcement agencies to address corruption at high levels of government bureaucracy; however, the same cases speak to the degree of corruption and abuse of office among top political power holders. According to Transparency International, two particularly corruption-prone areas in Georgia are media financing and the reserve funds available to the president, the mayor of Tbilisi, and the government. The flow of and use of funds in these areas is largely nontransparent.³³ Graft remains a serious challenge on the level of large-scale procurements, state-funded projects, and lobbying of certain business groups.

The Georgian government has launched several free economic zones and initiatives but most have failed to attract foreign direct investment (FDI) into the country's economy. Total FDI in 2010 was US\$553 million, 16 percent less than in the previous year.³⁴ In 2011, a new tax code will come into force (the second large reshuffle of the system since 2004). However, the code will not introduce any substantial changes and will even postpone some previously declared tax reductions. The position of tax ombudsman was created to protect taxpayer rights and report conditions to Parliament. The ombudsman will be appointed by the prime minister in agreement with the Speaker of Parliament. The tax code will also create a special body at the Ministry of Finance to mitigate tax disputes. Additionally, the government plans to introduce an electronic procurement system that will increase transparency.

According to the 2011 "Doing Business" report by the World Bank Group, in 2010 Georgia improved protection of investors, access to credit, and enforcement of contracts and insolvency.³⁵ The liberalization of the labor market is a subject of discussion in Georgia-European Union (EU) talks on Association and Free Trade Agreements. The EU expects Georgia to increase protections for employees and introduce other regulations and control mechanisms in areas such as food security.

Several news sources, including Kavkasia TV and Maestro TV, investigate corruption issues, and their presentations are available online. The GPB has also

aired several investigative reports related to corruption issues in the healthcare system. In general, however, with high-profile cases media typically present only the information and interpretation provided by law enforcement agencies. Over the years, various media representatives have promised to institutionalize investigative journalism. Public opinion indicates that most viewers and readers would welcome a wider and deeper coverage of corruption issues. However, in the same study, only 42 percent of Georgians claimed that they would report a case of corruption.³⁶

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