

Georgia

by Elizabeth Fuller

Capital: Tbilisi
Population: 4.4 million
GNI/capita: US\$4,760

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	4.00	4.50	5.00	5.25	5.25	4.75	4.75	4.50	4.75	5.25
Civil Society	3.75	4.00	4.00	4.00	3.50	3.50	3.50	3.50	3.50	3.75
Independent Media	3.75	3.50	3.75	4.00	4.00	4.25	4.25	4.00	4.25	4.25
Governance*	4.50	4.75	5.00	5.50	5.75	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.50	5.50	5.50	5.75	6.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	5.75	5.50	5.50	5.50
Judicial Framework and Independence	4.00	4.00	4.25	4.50	4.50	5.00	4.75	4.75	4.75	4.75
Corruption	5.00	5.25	5.50	5.75	6.00	5.75	5.50	5.00	5.00	5.00
Democracy Score	4.17	4.33	4.58	4.83	4.83	4.96	4.86	4.68	4.79	4.93

* 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

Following the collapse of the USSR in December 1991, Georgia suffered several years of chaos and economic meltdown during which it lost jurisdiction over much of the territory of the breakaway regions of Abkhazia and South Ossetia, both of which had enjoyed autonomous status for decades within the Georgian SSR. The Former Communist Party of Georgia First Secretary, and later Soviet Foreign Minister, Eduard Shevardnadze, who returned to Tbilisi in March 1992 and was elected president in 1995, proved unable to end corruption or create conditions for sustained economic growth, and was ousted in November 2003 after a rigged parliamentary election. Mikheil Saakashvili, who was elected president in January 2004, succeeded in reducing corruption and liberalizing the economy, but failed to restore jurisdiction over Abkhazia and South Ossetia. President Saakashvili's proclaimed pro-Western orientation and aspirations to take Georgia into NATO exacerbated latent tensions with Moscow. His perceived authoritarian tendencies, together with widespread popular discontent over social and economic conditions, impelled the opposition to stage peaceful protests in November 2007 that were violently suppressed.

Saakashvili won reelection for a presidential second term in a pre-term election on January 5, 2008 that the opposition claimed was rigged. International observers registered significant violations both in that ballot and in the pre-term parliamentary election on May 21 in which Saakashvili's United National Movement preserved its absolute majority. Tensions with Russia worsened in April after NATO declined to offer Georgia the hoped-for Membership Action Plan. NATO reaffirmed, however, that both Georgia and Ukraine would join the alliance at some unspecified future date. Sporadic exchanges of fire between Georgian forces and Ossetian militias over several weeks culminated in a Georgian artillery bombardment of Tskhinvali, the South Ossetian capital, on August 7, 2008, to which Russia responded with a military incursion and the bombing of Georgian cities. Up to 500 Georgian civilians and servicemen were killed, and 130,000 Georgians forced to flee their homes. French president, Nicolas Sarkozy, acting on behalf of the European Union, proposed the terms for a ceasefire on August 12 to which both Russia and Georgia acceded. Two weeks later Russia formally recognized Abkhazia and South Ossetia as independent states and subsequently concluded military alliances with both regions. Leading oppositionists accused Saakashvili of undemocratic and authoritarian methods and called for pre-term elections.

National Democratic Governance. Despite constitutional guarantees of civil and political rights, Georgia remains a hybrid system in which a parliament loyal to the president fails to curtail authoritarian tendencies on the part of the executive.

The authorities' disinclination to take any real steps towards dialogue with the embittered and internally divided opposition compounded polarization. President Saakashvili's failure to build confidence in the population of the breakaway republics of Abkhazia and South Ossetia contributed to Moscow drawing Georgia into a conflict that left hundreds dead, tens of thousands of displaced persons and ended in Russia's unilateral recognition of the two republics' independence. *Due to the absence of any real constraints on the president, the authorities' reluctance to engage in dialogue with the opposition, and unanswered questions concerning the August war with Russia, the rating for national democratic governance worsens from 5.75 to 6.00.*

Electoral Process. The opposition rejected the official results both of the pre-term presidential election on January 5, and of the pre-term parliamentary election in May, calling the elections rigged. On both occasions, international observers registered procedural violations during the vote count and tabulation. They also noted the unfair advantage enjoyed by the incumbent during campaigning for the presidential election, controversial amendments to the election law enacted in March that "created an unequal playing field in favor of the ruling party," and the extensive recourse to administrative resources and campaigning by "political officials." *In light of the shortcomings registered by the OSCE during the January presidential election, and the authorities' failure to remedy some of those failings before the May parliamentary ballot, the rating for electoral process declines from 4.75 to 5.25.*

Civil Society. The varied and vibrant civil society that emerged during the late 1990s lost momentum in the wake of the 2003 Rose Revolution. There are no legal restrictions on the founding or activities of NGOs whose activity does not violate the freedoms upheld in the Georgian Constitution. But many NGOs remain dependent on foreign sponsors, and the Georgian authorities frequently ignore their recommendations. There have been reports of illegal pressure and harassment by local officials of small NGOs in the provinces. Trade unions function without legal constraints or interference, but their ability to protect and promote employees' interests is limited by the illiberal labor code passed in 2007. *The rating for civil society worsens from 3.50 to 3.75.*

Independent Media. The Georgian Constitution guarantees freedom of speech and freedom of the media and prohibits censorship. In practice, however, individual journalists and media outlets are sometimes subject to pressure, and constitutional and legal provisions of free access to information are frequently violated. Outlets whose owners support the country's political leadership dominate the media landscape. In March, the change of leadership at the Public Broadcaster demanded by the opposition failed to yield greater plurality of views as was hoped for. Access to Russian Web sites was blocked and rebroadcasting of Russian TV stations was suspended in the wake of the August war. *Georgia's rating for independent media remains at 4.25.*

Local Democratic Governance. Recent legislation on local government is widely regarded as unsatisfactory. Mayors of large cities and provincial governors are still not popularly elected. Citizens frequently encounter difficulties in obtaining either assistance from local authorities or information about local initiatives that could affect them personally. *The Georgian authorities continue to ignore or dismiss complaints of discrimination expressed by the Armenian and Azerbaijani communities of southern Georgia as unfounded. The rating for local democratic governance remains unchanged at 5.50.*

Judicial Framework and Independence. The Georgian authorities have taken few concrete steps to counter the widely held convictions that the government, not the judiciary, determines the outcome of criminal trials and that the Interior Ministry is a law unto itself, accountable to no one. Prison conditions remain abysmal. *The rating for judicial framework and independence remains unchanged at 4.75.*

Corruption. Since 2004, the Georgian authorities have waged a selective campaign against corruption that many believe exempts the president's closest entourage. International financial organizations have registered marked progress in the economy and business spheres, but Transparency International Georgia has listed numerous areas where the authorities have failed, whether out of inertia or lack of political will, to remedy perceived shortcomings. *The rating for corruption remains unchanged at 5.00.*

Outlook for 2009. In conditions of an imminent global recession, Georgia faces the challenge of repairing the economic damage inflicted during the August war, restoring investor confidence, and providing housing and aid to thousands of displaced persons. These problems are likely to eclipse pressure, whether domestic or international, to address documented human rights violations and the erosion of media freedom. President Saakashvili continues to claim popular support and affirm he will not step down before his term ends in early 2013. The fractured opposition may prove too weak and divided to force the authorities to agree to pre-term elections. The prospects for the restoration of Georgia's territorial integrity remain minimal, especially in light of Russia's formal recognition of Abkhazia and South Ossetia's independence.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.50	5.50	5.50	5.75	6.00

The Constitution defines Georgia as a democratic republic, and the preamble affirms the commitment of the Georgian people to a democratic social order, economic freedom, a social state based on rule of law, universally recognized human rights and freedoms, state independence, and peaceful relations with other nations. It also affirms the right of citizens to form and join political parties. Amendments enacted in February 2004 strengthened the power of the executive branch vis-à-vis Parliament, which the president is empowered to dissolve twice within the space of one, five-year presidential term. A subsequent change in 2006 limited the president's authority to appoint and dismiss judges, and a further amendment in October 2008 empowered him to dismiss the justice minister (in addition to the interior and defense ministers).

Repeated amendments to the Constitution, some of which necessitated revising affected laws or passing new ones, suggest that the country's leadership regards it not as an affirmation and definition of the ideal approach to building and governing a democratic state, but as a temporary blueprint for achieving short-term objectives and strengthening their hold on power. Similarly, President Mikheil Saakashvili's frequent cabinet reshuffles cast doubt on any broad sense of political stability and purpose. Almost 40 percent of the 403 respondents to a poll summarized on October 13 by the weekly *Kviris Palitra* said they do not trust the country's leaders.

Saakashvili's United National Movement (UNM) garnered 119 of 150 seats in the May 21 parliamentary ballot. It thus remains empowered to ensure the passage of any legislation and also of constitutional amendments, which require a two-thirds majority. UNM deputies unanimously endorsed the president's successive nominees for prime minister (Lado Gurgenedze in January 2008, Grigol Mgaloblishvili in November 2008), even though neither man had broad experience in national politics.

A functioning democracy presupposes the parliamentary representation of one or several opposition parties or blocs that are strong enough to influence the legislative process and that acknowledge the leadership as legitimate. But the Georgian opposition rejects as rigged the outcome of the January 5, 2008 presidential election in which President Saakashvili was reelected by a far smaller number of voters than endorsed him four years earlier, and of the May 21 parliamentary ballot in which 3 of the 11 participating opposition parties and blocs reached the 5 percent vote threshold to win representation. (A fourth opposition party won seats in

two single-mandate districts.) Over half of the 31 elected opposition deputies subsequently refused to take their seats in what they claim is an illegitimate Parliament. The UNM responded by amending the May 2007 Law on Political Parties to strip the parties concerned of the right to receive funding from the state budget, though that decision was rescinded after the August war with Russia.

Such retaliation reflects a degree of political polarization and mutual antagonism that effectively marginalizes both the parliamentary opposition and those parties not represented in Parliament, leaving them with little opportunity to influence policy. Instead, they are forced to resort to issuing open letters, demands, or ultimatums to the president or mounting public demonstrations. The opposition's potential to effect change is also undermined by frequent squabbles over tactics.

In the wake of the disputed January presidential ballot, then Parliament Speaker Nino Burdjanadze assumed the role of unofficial mediator between the opposition and the leadership, which agreed unconditionally to only 1 of 17 demands that the opposition argued were essential to overcoming the "political crisis" stemming from the election.

President Saakashvili alternates between advocating (but not necessarily delivering on) concessions to the opposition—such as the offer of government portfolios or chairmanship of parliamentary committees—and rejecting any opposition criticism of his policies as unpatriotic. The president ignored a March 12 proposal by Human Rights Watch to assign the Office of the General Prosecutor the task of investigating the violent dispersal of peaceful demonstrators by police in November 2007.

In May 2008, Parliament proposed a series of measures intended to increase opposition involvement in the drafting of constitutional amendments and a new Law on the Audit Chamber. The opposition will chair the Anticrisis Council, a body established by President Saakashvili in the wake of the August war to monitor the distribution of international aid. The extraparliamentary opposition and nongovernmental organizations (NGOs) will also be represented on the Anticrisis Council.

President Saakashvili's seeming inability to comprehend and address the fears and grievances of the non-Georgian populations in the breakaway territories of Abkhazia and South Ossetia contributed to Moscow manipulating those frozen conflicts, drawing Georgia into a military confrontation that ended with Russia's recognition of the two entities as independent states. The August war inflicted billions of dollars of damage on the Georgian economy and cast doubt on Saakashvili's own judgment and future political role.

In his testimony before the parliamentary commission established to clarify the events that precipitated the war, President Saakashvili said he had issued orders to the Georgian military to launch an artillery bombardment of the South Ossetian capital, Tskhinvali, on the night of August 7–8, 2008, just hours after he appeared on television and declared a cease-fire. Georgian officials have offered diverging explanations for the artillery bombardment, saying that it was needed to halt a Russian invasion via the Roki tunnel, which links South Ossetia with the Russian

Federation, or that it was launched in response to Ossetian shelling of ethnic Georgian villages.

Ryan Grist, a British senior observer with the Organization for Security and Cooperation in Europe (OSCE) who was in Tskhinvali on the night of August 7–8, told *The New York Times* on November 7, 2008, that thousands of Georgian troops were advancing toward Tskhinvali hours before the president announced the cease-fire. OSCE monitors also said that they had not heard the alleged Ossetian shelling of Georgian villages that evening. Grist argued that the Georgian actions were in any case “disproportionate.”

President Saakashvili has consistently rejected allegations that he made a major miscalculation in launching hostilities and denies that Georgia suffered a military defeat. Instead, he laid the blame for the war partly on Russia, which he claimed was intent on ousting him and destroying Georgia’s independence, and partly on the international community for failing to restrain Moscow. The Georgian authorities have not made public the complete text of a letter in which the president formally abjured future use of military force against Abkhazia or South Ossetia in keeping with the cease-fire.

Georgian oppositionists initially refrained from questioning President Saakashvili’s actions before and during the August conflict. But in September, Burdjanadze released a list of 43 questions focusing on inconsistencies among statements by various government officials, to which the president failed to respond. In late October, Burdjanadze announced that she planned to establish an opposition party and advocated amending election laws prior to holding preterm parliamentary elections early in 2009. The founding congress of her Democratic Movement–United Georgia party took place on November 23, 2008.

Other former prominent members of Saakashvili’s team have similarly distanced themselves from him, including former ambassador to Russia Erosi Kitsmarishvili and human rights ombudsman Sozar Subari. On December 24, 2008, Irakli Alasania, who had resigned three weeks earlier as ambassador to the United Nations, told journalists in Tbilisi that he had joined the opposition. He too called for early elections.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.00	4.50	5.00	5.25	5.25	4.75	4.75	4.50	4.75	5.25

According to the Constitution, both the Parliament and the president are elected in a secret ballot on the basis of universal, equal, and direct suffrage. The charter also stipulates that the Parliament is elected for a four-year term and the president for a five-year term. In December 2006, however, the Parliament amended the Constitution at President Saakashvili’s behest to allow concurrent presidential and parliamentary elections in the fall of 2008, which had been due in January 2009

and spring 2008 respectively. Parliament majority leader Maya Nadiradze later explained that the legislature needed time to achieve unspecified “major goals” in the country’s “national interests.”¹

That change was superseded by President Saakashvili’s decision in November 2007 to schedule a preterm presidential election for January 5, 2008, prompted in part by the need to allay negative international reactions to his November 7, 2007 crackdown on opposition demonstrators and the temporary imposition of a nationwide state of emergency. The early election was paired with a concurrent, nonbinding plebiscite in which 63.5 percent of voters approved rescheduling the next parliamentary elections for the spring of 2008.

President Saakashvili’s announced the presidential election for January 5 and the parliamentary elections for May 21, affording opposition candidates and parties only the minimum, legally prescribed period (two months) to organize and conduct their campaigns.

Of 22 would-be presidential candidates, 7 were ultimately registered, including the exiled billionaire businessman Badri Patarkatsishvili, whom President Saakashvili had accused in November 2007 of conspiring with Russia to overthrow him. In its final report on the election, the OSCE’s Office for Democratic Institutions and Human Rights noted that while there were no restrictions on electioneering, the campaign took place in a tense and polarized atmosphere and “was overshadowed by widespread allegations of intimidation and pressure, among others on public sector employees and opposition activists. The distinction between state activities and the campaign of [President Saakashvili]...was blurred.”

The election code adopted in 2001, which the OSCE assessed as constituting an adequate basis for the conduct of democratic elections despite some inconsistencies and loopholes, was amended just weeks before the vote. Even though the changes were in line with recommendations by the Council of Europe’s Venice Commission, the OSCE ruled that making them on the eve of the ballot was “not generally consistent with good practice.”

The actual voting and vote count were deemed problematic by the OSCE election monitors as well as the defeated candidates. On the basis of exit polls, then Minister for Conflict Resolution David Bakradze announced even before the release of preliminary results that President Saakashvili had been reelected. According to the official count, Saakashvili received 53.47 percent of the vote, followed by businessman Levan Gachechiladze—the candidate backed by the opposition National Council established in the fall of 2007—with 25.69 percent. Voter turnout was 56 percent. Gachechiladze claimed that President Saakashvili in fact polled no more than 48 percent, short of the 50 percent plus one vote needed for a first-round win. He demanded a recount or runoff without success.

The OSCE’s preliminary statement reported significant procedural irregularities during the vote count, while the final report assessed the election as “in essence consistent with most OSCE and Council of Europe commitments and standards.” At the same time, it noted “significant challenges which need to be addressed urgently.”

In early March, the outgoing Parliament hastily approved a new legal framework for legislative elections that reduced the total number of deputies from 235 to 150, of whom 75 would be elected under the proportional system among parties or blocs that garner a minimum of 5 percent of the vote. The other 75 would be elected in single-mandate constituencies that vary considerably in size (from 6,000 to over 140,000 voters). The opposition claimed that the final version of the law differed in several crucial respects from the one agreed on earlier in talks between opposition party leaders and Parliament Speaker Nino Burdjanadze. The OSCE observers' final report on the legislative polls noted that the amendments "created an unequal playing field in favor of the ruling party...especially with regard to administrative resources and campaigning by 'political officials.'"

Nine parties and three coalitions registered to participate in the parliamentary ballot. The campaign duplicated many of the negative features observed ahead of the presidential contest, including political polarization and obstruction of opposition activities. The final monitoring report on the presidential balloting had advised the authorities to carefully instruct all state officials not to interfere in the electoral process and to draw a clear line between state activities and the campaign, but instances of pressure on public employees to vote for the UNM and of a blurred distinction between that party and the state were repeated during the parliamentary race.

On July 22, the Georgian Human Rights Center documented dismissals of over 100 teachers and other public employees in Sighnaghi and Gurdjaani for failing to secure the required level of support for UNM candidates in the May elections. A record of active campaigning for the UNM was reportedly the primary criterion for selecting the workers' replacements.

The UNM won 119 seats, the United Opposition/National Council–New Rightists bloc took 17, the Christian Democrats and the Labor Party each won 6, and the Republican Party captured 2. Voter turnout was 53 percent, compared with 63.9 percent in the second round of the 2004 parliamentary elections, suggesting a high level of voter apathy.

The OSCE's preliminary statement concluded that the elections offered voters a wide array of choices and that the authorities made efforts to meet OSCE and Council of Europe commitments. However, the observer mission also noted a number of problems that rendered those efforts "uneven and incomplete." The final report found that the Central Election Commission often voted along political lines and did not base its decisions on the law. Among other irregularities, it highlighted significant discrepancies between the number of voters registered in individual districts on the eve of the January presidential ballot and the corresponding figures in early May.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.75	4.00	4.00	4.00	3.50	3.50	3.50	3.50	3.50	3.75

A vibrant civil society began to develop in Georgia even before the collapse of the Soviet Union. The availability of foreign funding in the late 1990s and early 2000s enhanced the visibility and influence of such NGOs as the Liberty Institute, former associates of which played a key role in the Rose Revolution of November 2003.

Over the past five years, however, the prominence of NGOs, in particular those that are politically engaged, has diminished. A recent survey conducted by Transparency International Georgia suggested that the most visible successes of the Rose Revolution have given rise to a mistaken perception among potential donors that large-scale financial support to develop civil society is no longer needed. Meanwhile, the state provides no financial support: A veteran Georgian NGO activist quoted by *Georgia Today* on August 1, 2008, said she could not recall a single instance in which the Georgian government provided funding for an NGO.

Two of the most professional and effective groups—the Georgian Young Lawyers’ Association and the Human Rights Center (formerly known as the Human Rights Information and Documentation Center)—continue to evaluate and document abuses. NGOs in general still cooperate freely with, and are free to accept support from, similar bodies based abroad. But their recommendations generally have little impact on the formation of government policy. Indeed, international organizations such as the European Commission are in some cases more receptive to the NGOs’ arguments and complaints than the Georgian government and legislature. Even when NGOs succeed in presenting their proposals to government bodies, they encounter problems in determining what, if any, action has been taken in response.

The UNM’s total dominance of Parliament enables it to ignore NGO criticisms of draft legislation, and the self-censorship practiced by many journalists may further reduce NGOs’ ability to publicize their activities. Especially in the regions, civil society groups are vulnerable to pressure from local government officials.

Georgia has no legislation specifically regulating the activities of NGOs. The civil code of 1997 affirms the right of individuals to establish unions or groups engaging in noncommercial activities that are not prohibited by law. The requirement that such groups register with the Ministry of Justice was abolished in 2007; they must now register with the tax authorities. The financing of NGOs is covered by the 1997 Law on Grants, which exempts most grants from taxation, and by the tax code.

It is difficult to estimate the number of NGOs in Georgia, since many of the thousands of registered entities may no longer be active. A listing compiled by the UN Development Programme’s Women’s Empowerment Project identifies 32 NGOs focused on women’s issues alone. The range of topics addressed by

other groups includes politics; human, religious, minority, and animal rights; environmental protection; and preservation of Georgia's cultural heritage.

The Constitution upholds the right of citizens to freely form and join trade unions. Georgia has also ratified all core International Labor Organization conventions. The Georgian Trade Union Amalgamation (GTUA), the successor to the Soviet-era labor federation, claims an estimated 650,000 members. The two most prominent individual unions are the Free Trade Union of Teachers of Georgia (Solidarity) and the Independent Trade Union of Metropolitan Employees.

Labor relations are regulated under the labor code, which Law for the People, an NGO, designated as the most unfair law passed in 2006. The code offers employers the option of concluding an oral rather than a written contract with employees. It also grants employers considerable leeway in stipulating the number of hours an employee must work. GTUA chairman Irakli Petriashvili has complained that the law is oriented toward attracting foreign investment rather than protecting workers' rights.

The education system has been subjected to repeated criticism in recent years. Up to one-third of the total number of schools (mostly in rural areas) have been closed to cut costs, a move that was belatedly deplored by President Saakashvili in March 2008. In June 2007, opposition politician Djondi Baghaturia condemned as unconstitutional a new law that empowered school directors to dismiss all teaching personnel and rehire them on short-term contracts. It was announced in March 2008 that the legislation would be amended to give teachers open-ended contracts. In higher education, the introduction of standardized university entrance examinations has helped to reduce corruption and bribery in the admissions process.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.75	3.50	3.75	4.00	4.00	4.25	4.25	4.00	4.25	4.25

The Constitution guarantees freedom of speech and freedom of the media and prohibits censorship. In practice, however, the authorities have over the past two years sought to muzzle or even shut down independent television and radio stations that broadcast nationwide, while tolerating those that have only a limited audience. Individual journalists, especially in rural areas, are occasionally subject to pressure, and constitutional and legal provisions for free access to information are frequently violated. The International Research & Exchanges Board (IREX), in its 2008 Media Sustainability Index, described Georgian legislation on the media as “liberal and progressive, yet poorly applied.”²

The media scene is dominated by electronic outlets, with television playing the key role. Although Georgia has over 200 registered independent newspapers, print

runs are small, and distribution outside large cities remains difficult. In a survey conducted in June 2008 by the weekly *Kviris Palitra*, 50 percent of respondents said they never read a newspaper.

Television and radio broadcasting is overseen by the Georgian National Communications Commission (GNCC), established in 2000, with five members appointed by the president for six-year terms. In his annual address to Parliament on September 16, 2008, President Saakashvili proposed offering one of the five seats to an opposition representative, and the Law on Broadcasting was duly amended in early December to empower the parliamentary minority to nominate one commission member.

The GNCC has made several controversial decisions over the past year that have cast doubt on its competence and objectivity. Having suspended broadcasting by the independent television channel Imedi in November 2007, the commission moved in January 2008 to rescind Imedi's license on the grounds that the presidential bid by its presumed owner, self-exiled billionaire Badri Patarkatsishvili, constituted a violation of a law barring government officials or heads of political organizations from owning a television license. Human rights ombudsman Sozar Subari questioned the legality of that investigation, pointing out that Imedi was owned not by Patarkatsishvili, but by the company Teleimedi. Patarkatsishvili died suddenly on February 12, triggering a legal squabble over his considerable assets; control over Imedi passed to Joseph Kay, a distant relative who was perceived to be close to the Georgian government. On December 10, Gogi Jaoshvili, a former co-owner of Imedi, said the Georgian authorities had forced him to hand over his shares to Kay. Other members of Patarkatsishvili's family claim that the transfer was achieved using forged documents and are planning legal action to regain control of the station, which resumed broadcasting on September 1.

Two leading journalists with the similarly independent Radio Imedi were fired in May 2008 on dubious pretexts, drawing widespread condemnation. In a poll conducted in January, 43.7 percent of respondents had said they listened regularly to Radio Imedi, a higher audience share than that of any other station.³

In another ruling, the GNCC in April rejected an application by the independent television station Maestro for a license to begin broadcasting political programming in addition to music and entertainment. Maestro's owner, Mamuka Ghlonti, appealed to the Tbilisi Municipal Court, which upheld the rejection on September 30; Subari, the human rights ombudsman, denounced the court ruling as an infringement on free speech. Parliament Speaker David Bakradze, who had served as the minister of foreign affairs prior to the election, then summoned the GNCC chairman to Parliament and ordered him to issue the required license, which the commission did on November 28.

The independent television station Kavkasia, the only remaining critical voice after the demise of Imedi, which only broadcasts in Tbilisi, was said in July to be in serious financial difficulties after financial police began pressuring businessmen to stop buying advertising on the station.

In 2005, the state television and radio corporation was transformed into a public broadcaster overseen by a board of nine trustees, who were in turn appointed by Parliament. From its inception, Georgian Public Broadcasting (GPB) was criticized by opposition politicians and journalists who alleged that it was not fulfilling its mandate to serve as a source of objective and comprehensive information. In the wake of the disputed January 2008 presidential election, the opposition successfully demanded the resignation of the GPB director general and the creation of a new board of trustees, with five of the nine seats reserved for the opposition. Ethnic minorities proposed six alternative candidates for one of the board seats, but none were selected.

The GPB incurred public criticism for its superficial coverage of a major opposition demonstration on May 26. Board of trustees chairman Irakli Tripolski then resigned, saying his limited authority did not allow him to challenge policy decisions by the director general.

Several prominent opposition politicians, including former Parliament Speaker Nino Burdjanadze, agreed in mid-September to establish a special group to promote a diversity of views in television broadcasting. Possibly in response to that move, on October 10 Parliament adopted in the first reading an amendment to the Law on the GPB that obliged it to air regular political debates. (Maestro, Imedi, and the generally pro-government Rustavi-2 will do the same.)

The widely held perception that the authorities do not hesitate to penalize media outlets and individual journalists for negative coverage effectively deters some journalists from engaging in overt criticism of the government, investigating suspected corruption involving senior officials, and reporting in depth on controversial political issues.

Comprehensive and objective political coverage is rendered even more difficult by problems with the availability of information. According to IREX's 2008 Media Sustainability Index, "Individuals and press services responsible for providing public information either fail to do so on time or refuse to release the information, providing no written justification for their actions even when the information is intended for immediate release." The report also notes that media outlets rarely challenge such refusals in court owing to the time and effort involved. Meanwhile, print outlets often complain that broadcasters receive more favorable treatment, and politicians reportedly boycott stations they perceive as hostile or uncooperative. There are separate legal prohibitions on the release of information related to taxation or to the proceedings of government sessions.

Internet usage in Georgia remains limited; IREX cited an August 2007 poll conducted in eight large cities that found that only 14.7 percent of respondents used the Internet; usage in rural areas can be presumed to be far lower. There are no legal or official restrictions on Internet access. However, after the outbreak of the August 2008 war with Russia, Georgian authorities barred access to Russian news Web sites until late October.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	6.00	5.75	5.50	5.50	5.50

Georgia is divided into nine regions—Samegrelo and Zemo Svaneti, Guria, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti, Samtskhe-Djavakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli (which includes most of the breakaway territory of South Ossetia), and Kakheti—that are subdivided into 60 self-governing districts. The nine regional governors are appointed by the president but report to the state minister for regional issues. Two other administrative divisions, Abkhazia (which enjoys de facto independence from Georgian rule) and Adjara, have the status of autonomous republics, while the self-governing capital city of Tbilisi has regional status.

President Saakashvili replaced six regional governors in 2008. In early March, he also proposed the establishment of an unofficial state council that would address regional economic issues. How that council would coordinate its activities with the Ministry for Regional Issues is unclear.

The mayors (*gamgebeli*) of the cities and districts are elected by the local councils (*sakrebulo*), which in turn are directly elected by a mixed majoritarian/proportional system. A poll conducted in late November 2005 found that 89 percent of the 1,277 respondents would prefer to directly elect both mayors and regional governors.⁴

The system of local government is defined by a 2005 law that abolished the lowest level of self-government, comprising individual villages; the previous 1997 Law on Local Government had established 1,033 such units, which had only minimal autonomy in either political or financial issues. The 2005 law preserved the local-level post of trustee (*rtsmunebeli*), who is appointed for a one-year term by the *gamgebeli* and serves as liaison between the *gamgebeli* and the *sakrebulo*.

While on paper the 2005 law grants the local councils greater autonomy than they previously enjoyed, the 2007 Law on the Supervision of Local Government gives the national government the responsibility for drafting local budgets and empowers the regional governors to overturn decisions enacted by local councils. Law for the People, the NGO, has designated it the worst piece of legislation enacted in 2007. Central control over local government was reinforced by the results of the 2006 local elections, which left most councils dominated by the president's UNM party.

In February 2008, the Georgian branch of Transparency International released the findings of a survey conducted between May and December 2007 in 20 municipalities across Georgia. Participants in a roundtable discussion of the findings expressed concern that the municipalities are unable to make decisions independently and are under significant pressure from the mayors and trustees. Some argued that the newly created supervisory authority of the central government and regional governors served only to strengthen the vertical system of power and circumscribe the autonomy of the local government bodies. Discussion participants

also noted problems in obtaining information from, or concerning the activities of, local government bodies, particularly with regard to the formation, implementation, and transparency of local budgets.

The autonomous republic of Adjara has been loyal to the central government since 2004, when the ouster of republic leader Aslan Abashidze paved the way for the election of a new 30-seat regional Parliament and the formation of a new regional government, both dominated by the UNM. In the spring of 2008, the Adjar Parliament amended the republic's Constitution, reducing the number of Parliament deputies from 30 to 18. The UNM won 16 seats in the subsequent elections on November 3.

Even before the loss of Abkhazia and South Ossetia, the Georgian leadership had proven reluctant to grant formal autonomy and genuine self-government to parts of the country where the population is predominantly non-Georgian in ethnicity. Djavakheti in the south is largely ethnic Armenian, and the districts southeast of Tbilisi are mostly Azerbaijani. Several Armenian activists who spearheaded demands for formal autonomy in Djavakheti were arrested in July 2008. The legal prohibition on the formation of regionally based political parties limits the capacity of these minorities to bring their grievances to the attention of the country's leadership and participate in a discussion on how local problems would best be resolved.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.00	4.00	4.25	4.50	4.50	5.00	4.75	4.75	4.75	4.75

Judicial independence is guaranteed by the Constitution. The High Council of Justice, which appoints judges, is now independent of the president and includes two opposition members of Parliament. The most recent reform of the judicial system entailed the appointment of judges for life and, beginning in January 2009, the introduction of jury trials.

The Constitution also guarantees “universally recognized human rights and freedoms as eternal and supreme human values,” including complete freedom of belief and religion and the right to own, acquire, and inherit property. It bans torture, inhuman or cruel treatment and punishment, and treatment and punishment that infringes upon honor and dignity.

In practice, however, both the judicial independence and human rights provisions of the Constitution are frequently violated. Sozar Subari, elected in September 2004 for a five-year term as human rights ombudsman, reported in 2007 that his office received a total of 3,500 complaints in 2006, twice as many as in 2005. Of that total, 2,100 concerned criminal cases.⁵ Subari also claimed that government officials routinely dictate trial outcomes to judges. In April 2008, the Association of Attorneys of Georgia collected 40,000 signatures for a petition demanding an end to pressure on judges to return a guilty verdict.⁶ On July 2, the daily *Rezonansi* claimed that of 16,000 criminal cases heard in Georgia since

the Rose Revolution, only 16 had ended in a verdict of not guilty. On December 8, 2007, the same newspaper had quoted the head of the NGO Former Political Prisoners for Human Rights as saying that every second trial is resolved through plea bargaining.

The presumption of innocence is routinely ignored, including in reporting by the official media. For example, on August 27, 2008, the main midday news program reported the arrest of several rank-and-file customs officials for allegedly soliciting bribes; all were named and shown handcuffed to police officers. Insufficient media coverage of legal proceedings can also be a problem. Since moving from Tbilisi to Batumi in early 2007, the Constitutional Court has received minimal media attention.

In an open letter to the president in January 2008, Subari criticized the Office of the Prosecutor General as “a monster” and the “true ruler of the country.” The office was merged with the Justice Ministry in late October, creating a new position that combines the functions of justice minister and prosecutor general. This official will be empowered to initiate criminal proceedings against the president, cabinet ministers, judges, and the human rights ombudsman. He will be appointed by the prime minister, but the president will be empowered to dismiss him. There will also be a chief prosecutor who will not be answerable to Parliament, even though the declared purpose of the merger was to empower the legislature to more closely monitor the work of the Office of the Prosecutor General.

In 2007, Subari had also criticized the Interior Ministry, alleging that it sheltered “a punitive group that stands above the law and that can liquidate any given individual if doing so is considered expedient.” One year later, in September 2008, Subari similarly claimed that the Office of the Prosecutor General and the Interior Ministry had become “repressive instruments” and frequently exerted pressure on the courts. Persecution and the use of physical violence against those holding dissenting views, violations of property rights, unlawful demolition of buildings, and confiscation have all become everyday practice, Subari said. In March 2008, he submitted to Parliament draft legislation on establishing an independent commission, chaired by the human rights ombudsman, to investigate disputes between citizens and the state over property rights.

Human rights organizations have repeatedly sounded the alarm over the continued use of torture and beatings by police to extract confessions from suspects and by prison personnel against inmates. On September 22 the Human Rights Center quoted Subari as saying that the coordinating council to prevent torture, established by Saakashvili in June 2007, had not yet begun functioning.

Over 100 female prisoners staged a hunger strike in June to protest harsh conditions and treatment. Possibly in response to such criticism, the Justice Ministry organized a training course for prison officials with funding from the OSCE; and in October, the Parliament decided to set up a commission to monitor prison conditions. The Human Rights Center claimed in September that the majority of the 54 inmate deaths since January 1, 2008 had been the direct consequence of deliberate neglect on the part of the prison authorities.

Two dozen Georgian NGOs, backed by Human Rights Watch, appealed to the president in June to veto legislative amendments that lowered the minimum age of criminal responsibility for crimes such as premeditated murder and most types of robbery from 14 to 12, but the president failed to respond.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.00	5.25	5.50	5.75	6.00	5.75	5.50	5.00	5.00	5.00

One of the most visible consequences of the 2003 Rose Revolution was President Saakashvili’s single-minded campaign to eradicate the entrenched corruption that for over a decade had undermined efforts to attract international investment and end economic stagnation.

In its 2008 *Doing Business* report, the World Bank ranked Georgia 18th overall among best-practice economies in terms of the ease of doing business, although it placed only 102nd in terms of paying taxes. The report noted that Georgia had strengthened investor protections, in part by eliminating loopholes that had “allowed corporate insiders to expropriate minority investors.” It also praised a new insolvency law that streamlined company reorganizations and liquidations and noted that Georgia had sped up the construction permit approval process, simplified property registration procedures, and eliminated a paid-in capital requirement for starting businesses. Finally, the report cited improvements at Georgia’s private credit bureau, which had “added payment information from retailers, utilities, and trade creditors to the data it collects and distributes.”

At the same time, the European Bank for Reconstruction and Development in 2007 found that some Georgian legislation did not fully meet international standards or was not fully effective with regard to corporate governance, insolvency, and secured transactions.

Transparency International’s 2008 Corruption Perceptions Index registered a further improvement in Georgia’s performance, ranking it at 67 out of 180 states—on a par with Ghana and El Salvador—with a score of 3.9, up from 3.4 in 2007 (10 is the best score on the index’s scale of 1 to 10). But Transparency International Georgia pointed out that the 2008 index’s ranking was based largely on data from 2006–2007 and noted in a September 26, 2008 press release that the Georgian authorities had failed to address shortcomings it highlighted one year earlier, specifically with respect to effective reform of the civil service, increased scrutiny of public officials’ assets, research-based anticorruption measures, increased transparency of plea-bargaining procedures, better access to information, improvement of the public procurement system, and targeted public spending.

The popular perception within Georgia is that while the authorities are merciless in targeting the most visible manifestations of petty corruption at the lowest level of

the bureaucracy, such as extortion by traffic police, Saakashvili turns a blind eye to major corruption and abuse of power among his closest associates.

As noted above, many journalists, especially outside of major urban areas, are afraid to investigate cases of official corruption. The media do, however, routinely report the arrests and trials of middle- and low-level officials accused of embezzlement or abuse of office.

■ AUTHOR: ELIZABETH FULLER

Elizabeth Fuller joined Radio Liberty Research as a Caucasus analyst in 1980. From October 1997 to May 2008, she was editor of RFE/RL Newsline.

¹ *Caucasus Press*, October 24, 2007.

² IREX, "Georgia," in *Media Sustainability Index 2008* (Washington, DC: IREX, 2008), http://www.irex.org/programs/msi_eur/2008/georgia.asp.

³ "Radio Station 'Imedi' is the Most Popular Radio Station," *Internews Georgia*, February 4, 2008, http://media.ge/eng/page.php?m=news_detailed&cid_num=2865.

⁴ *Messenger*, December 20, 2005.

⁵ *Caucasus Press*, May 26, 2007.

⁶ *Caucasus Press*, April 17, 2008.