

## NOW LIVE: Nations in Transit 2023



## NATIONS IN TRANSIT 2023

# Georgia

TRANSITIONAL OR HYBRID REGIME

# 34

/100

Democracy Percentage	33.93 /100
Democracy Score	3.04 /7

## LAST YEAR'S DEMOCRACY PERCENTAGE &amp; STATUS

**35 /100**      **Transitional or Hybrid Regime**

The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0-100 scale, where 0 equals least democratic and 100 equals most democratic.



# Author

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## Score changes in 2023

- **Independent Media rating declined from 3.50 to 3.25** due to a multiyear trend of worsening harassment and violence against journalists, exemplified by the arrest and sentencing of the director of two government-critical TV stations, as well as an increasingly polarized and politicized media environment that has undermined editorial independence.

As a result, **Georgia's Democracy Score declined from 3.07 to 3.04.**

## Executive Summary

Democracy in Georgia was closely observed in 2022 as the country took concerted steps to move towards European Union (EU) candidate status. However, structural problems in such areas as judicial independence, media freedom, and multiparty governance remained largely unresolved, hindering democratic development and EU integration processes in the country. Western observers, including US representatives, signaled “deep concerns about Georgia’s democratic trajectory.” <sup>1</sup> Over the year, public support for existing political parties decreased, with over 70 percent of respondents willing to see new actors on the Georgian political scene. <sup>2</sup> By year’s end, public skepticism over the direction of governance, state of the economy, and disenchantment with the party system, including ruling party, Georgian Dream (GD), had reached a peak. <sup>3</sup>

In addition to the country’s persistent political polarization, the year was characterized by an alarming level of verbal attacks, including by government officials, against civil society organizations (CSOs) <sup>4</sup> and the opposition, as well as troubling cases of purported politically motivated justice. <sup>5</sup> <sup>6</sup> The Council of Europe’s assessment of human rights conditions in the country outlined various critical areas,

including pervasive discrimination against the LGBT+ community and religious minorities, both online and in-person; perception of or real cases of impunity for human rights violations; and the need for protections in the fields of labor and the environment. **7**

The year began with a regional security crisis when Russia attacked Ukraine in February in a full-scale armed conflict. The invasion of Ukraine caused major turbulence in Georgia since the domestic population overwhelmingly believes that the war directly affects Georgia, its security, and development prospects. **8**

Although support for Ukraine has been remarkably strong among Georgian society, **9** the government faced significant scrutiny throughout the year over the degree of its support, as voiced by citizens, **10 11** CSOs, **12** and international partners. **13**

The willingness of GD to accept criticism, even from declared strategic partners, decreased over the course of 2022 as high-level and former representatives of the governing party made indirect allegations of Western pressure to “drag Georgia into the war.” **14** GD’s continual remarks branding the opposition as a “war party”—yet more evidence of the country’s polarization and increasing extreme rhetoric—negatively impacted democratic governance and the ability of political elites to build consensus in decision-making institutions, as well as public trust in government.

Georgia submitted the second part of its EU questionnaire on May 10 and June 23. While the European Council granted candidate status to Ukraine and Moldova, it did not extend the same to Georgia despite recognizing the country’s European prospects. **15** Following this decision, which also listed 12 outstanding recommendations **16** for the country to address, the Georgian public, civil society, and the opposition expressed their discontent with the government through public protests. These mass demonstrations called for Prime Minister Irakli Garibashvili’s resignation and the establishment of an interim technocratic government that would be responsible for implementing the above-mentioned recommendations. Although the idea of an interim government did not gain momentum, **17** public opinion reflected disappointment over the nation’s missed opportunity and cited political polarization as a contributing factor in the EU decision. **18**

In response, the government created working groups comprising CSOs and opposition representatives to address the EU recommendations, which drew criticism from CSOs <sup>19</sup> and the opposition <sup>20</sup> over the effectiveness of the government's approach. Consequently, the opposition launched its own parallel working group, together with CSOs, as the public grew increasingly skeptical about the government's capacity to carry out necessary reforms. One of the EU recommendations concerning "deoligarchization" triggered vocal discontent among the ruling party and led to divisions across the civic and political spectrum. The debate revolved around whether this recommendation specifically targeted former prime minister Bidzina Ivanishvili, the founder and former leader of Georgian Dream. <sup>21</sup>

In 2022, CSOs attempted to take an active role in the country's democratic development by getting involved in political processes in and out of legislative bodies. However, similar to the media, CSOs faced continuous efforts from GD and government officials to discredit and delegitimize them. Notwithstanding these continuous smear campaigns, <sup>22</sup> CSOs managed to join government working groups on several matters and make proposals to address the EU recommendations. <sup>23</sup> <sup>24</sup> However, a law on "foreign agents" later proposed by some recently separated GD members, who then formed the People's Power faction, set a worrying precedent by the state of attempting to restrict freedom of expression and independence of CSOs and the media. Similar to such statutes in Russia and other authoritarian states, this type of legislative proposal is deemed dangerous in democracies where there is low judicial independence. <sup>25</sup> Amid these attacks on CSOs and the media, far-right illiberal groups gained traction and visibility during the year.

Media freedom in Georgia worsened significantly in 2022, raising concerns among domestic and international observers as reflected in the country's declining press freedom rankings. <sup>26</sup> Journalist safety, censorship and surveillance attempts, <sup>27</sup> discriminatory treatment of media outlets, and the silencing of government-critical voices were top concerns raised during the year. <sup>28</sup> <sup>29</sup> The arrest and sentencing of the director of the government-critical Mtavari Arkhi television on dubious charges was particularly alarming due to allegations of political interference in court proceedings and the questioned impartiality of the judiciary. <sup>30</sup> The low degree of

media access to public information is another alarming tendency in Georgia that hinders accountability for governing bodies and the media's capacity to report. **31**

Georgia's justice system was also under scrutiny over the alleged partiality of courts, politically motivated major cases, and the rushed adoption of judicial amendments without proper internal or external consultations. **32** The tendency to appoint controversial judges to high judicial posts continued as well. **33 34** The slow implementation of much discussed judicial reforms reflects a lack of political will to improve judicial independence and effectiveness in Georgia.

The prosecution of former president Mikheil Saakashvili raised concerns over alleged political antagonism, violation of privacy rights, and the justice system's ability to grant a free and fair trial. During the year, Saakashvili's health deteriorated, **35** and by December, independent medical observers evaluated his situation as life-threatening and suggested transferring the patient abroad for adequate care. However, this appeal to the court on medical grounds was denied. **36** State institutions were heavily criticized for refusing to transfer the former president from prison to a hospital. Although the transfer eventually occurred, the previous denials, ongoing dissemination of private footage, smear campaigns, and initial refusal to allow Saakashvili to attend the trial spurred domestic unrest, with protests by CSOs **37** and the public. **38** This handling of the former president's prosecution also raised concerns among international actors over protections in Georgia for the health of defendants and the right to a free and fair trial. **39 40**

## At-A-Glance

National democratic governance in Georgia is characterized by polarization, political antagonism, and illiberal tactics by some major political actors, all of which impede the pursuit of the public's widely shared desire for integration with the West. Electoral reforms this year did not resolve deeply problematic structural issues and only partially fulfilled EU recommendations to improve electoral processes. 2022 saw the potential for social unity through pro-EU activism against the backdrop of ever-increasing smear campaigns by government actors towards CSOs and media and the raise of illiberal groups in the country. This year was particularly challenging for local

media, which already face a worrisome environment marked by verbal attacks and smear campaigns, physical confrontations, and legal persecution. Independent and competitive local governance remained challenging across Georgian municipalities this year. Delayed judicial reforms, the neglect of recommendations by international and local actors to reform legislation, “clan-based” influence in the courts, and politically motivated persecutions hinder Georgian judicial independence. While Georgia remains below world-averages in small-scale corruption, medium and large scale corruption are still visible in local and national governments.

### **National Democratic Governance** 1.00-7.00 pts

<p><b>Considers the democratic character of the governmental system; and the independence, effectiveness, and accountability of the legislative and executive branches.</b></p>	<p><b>2.25</b> /7.00</p>
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- The year 2022 proved pivotal for Georgia’s Western aspirations. Political and social polarization remained primary obstacles on the country’s path towards democratic development. The extreme, marginalizing rhetoric of the ruling party, Georgian Dream (GD), impeded parliamentary actors from working collectively on significant policy and legislative recommendations from Western partners. **41** Meanwhile, the political opposition had ended its boycott of Parliament following the 2020 elections since many parties and MPs had shifted their positions due to changes within party fractions. By year’s end, the number of MPs had increased to 141 (out of the statutory limit of 150 seats) in the country’s unicameral Parliament.
- Georgia’s application for EU candidacy was evaluated in 2022. Although Ukraine and Moldova were granted candidate status, this was withheld from Georgia pending 12 major reform priorities set by the European Commission. **42** The EU recommendations include an effective judicial reform strategy and action plan; addressing political polarization; functioning and independent state institutions; improved fight against corruption; commitment to “deoligarchization;” electoral reform; improved media environment; and various fields of human rights protection. **43** The European Parliament also raised concerns over “serious undermining of media freedom, which is part of the broader trend of

democratic backsliding in the country,” **44** and called on the government to take necessary steps. **45**

- At the beginning of the year, the decision to abolish the State Inspector’s Service elicited harsh criticism from Georgia’s Western partners, who expressed concerns about governmental accountability, data privacy protection, and the state of the country’s judicial system under GD rule and influence. **46** The US Embassy further underlined the worrying tendency of rashly adopted legislative changes in the country, **47** along with Georgia’s underdeveloped institutions that impede substantial democratic reforms. **48** Under these critical comments, GD deployed a self-defensive narrative and attempted to delegitimize the criticism as incorrect or “unfair.” **49**
- Georgia’s official position on the war in Ukraine has been evaluated as dubious, problematic, or inconsistent by domestic and international actors. The first resolution on Ukraine adopted by Parliament **50** avoided mentioning or discrediting Russia, drawing criticism from the opposition. **51** This fueled a regrettable trend by high-level GD representatives to discredit opposition parties and other opponents as “prowar units.” **52** Comments from officials on the atrocities in Bucha, Ukraine, also glossed over Russia’s involvement and responsibility. **53**
- The government’s manipulation of the war topic for domestic politics raised concerns. This was mainly visible via government campaigns to discredit opposition parties by associating GD with the idea of peace and the opposition with warmongering, inviting resentment from the opposition and the public. **54** Government remarks about not joining the sanctions against Russia and neglecting to visit Kyiv **55** also evoked criticism from domestic political actors, **56** civil society, **57** and the public (spurring the widespread public appeal, “We are not our government”). **58** These actions culminated on the international level **59** with the recall of Ukraine’s ambassador from Georgia. **60** GD’s reaction to this situation deepened the political polarization and induced extreme antagonism, with some voices accusing the opposition of attempting to “drag Georgia into the war.” **61**
- Despite these questionable statements from officials, Georgia did join some international measures targeting Russia, like voting in favor of the United

Nations (UN) General Assembly resolution on April 7 to suspend Russia from the Geneva-based Human Rights Council, among others. <sup>62</sup>

- The opposition launched a separate discussion and consultation platform on the EU recommendations, including CSO representatives in working groups. Although this initiative to work with civil society on EU recommendations represents a positive step, <sup>63</sup> it also put a spotlight on the country's segmented government and ruling party antagonism that make it more difficult to coordinate towards common goals. The opposition's collaborative platform worked mainly on the issues of electoral reforms, the judiciary, and anticorruption.
- Despite Georgia's overwhelming popular support for EU and NATO membership, <sup>64</sup> ruling party representatives often dismiss the remarks, evaluations, or recommendations from Western partners. <sup>65</sup> GD has been criticized for suggesting that the West puts undue pressure on Georgia to become involved in the war <sup>66</sup> or contributes to societal and political polarization in the country. <sup>67</sup> <sup>68</sup> At the same time, GD also accuses opposition parties, CSOs, and the media of engaging in "anti-EU" activities, which demonstrates its tendency to shift blame. <sup>69</sup> Along with being "anti-Western," CSOs, the media, and opposition parties were also accused of unfounded claims of xenophobia and advocating for Georgia's involvement in the war. Such remarks raise concerns about aggressive campaigns waged by officials against CSOs, which ultimately damage the country's democratic standards and public oversight of governance in Georgia. <sup>70</sup>
- By year's end, the "People's Power" fraction that separated from GD had proposed two legislative changes known as the law on "foreign agents." According to the proposal, CSOs and media outlets that receive 20 percent of their funding from abroad would be required to register as an "agent of foreign influence" with the Justice Ministry. The proposal showed authoritarian tendencies in Georgia and increasing Russian influence since the move was perceived as an attempt to limit the independent work of CSOs and the media, along with their ability to pursue government accountability. <sup>71</sup>

## **Electoral Process** 1.00-7.00 pts



**Examines national executive and legislative elections, the electoral framework, the functioning of multiparty systems, and popular participation in the political process.**

**3.00**  
/7.00

- The electoral crisis that began with the 2020 parliamentary elections was partially addressed in 2022, but such fundamental issues as misuse of administrative and budget resources in election activities remain unresolved. **72** The EU-brokered deal from April 19, 2021, between Georgian Dream and the opposition parties played a crucial role in reforming the electoral system; despite GD’s withdrawal from the deal three months later, the opposition parties remained committed to implementing the envisioned reforms. **73**
- CSOs closely monitored the adoption and implementation of changes to the electoral code and system. The International Society for Fair Elections and Democracy (ISFED) evaluated the changes as “partially fulfilled” in moving towards a fully proportional system with a 2-percent electoral threshold, and amendments on naming members to the Central Election Commission. **74**
- Leaked documents by the former deputy head of the State Security Service of Georgia (SSG) from 2018–20 revealed deeply problematic structural issues in the electoral system. Similarly, a CSO report directed domestic and international attention to worrisome practices and alleged violations embedded in the electoral system for years. The report’s findings include alleged misconduct by GD, such as misuse of state agencies (law enforcement agencies and personnel) for electoral advancement, misuse of personal and financial information to pressure or bribe the electorate, special extra-legal treatment (restoring suspended rights or freedoms) in exchange for votes, collection of compromising information on supporters of opposition parties coupled with discriminatory treatment, and misuse of the state budget for the incumbent’s electoral advancement, among other issues. **75**
- While CSOs actively monitor Georgia’s electoral system, some of the most relevant groups involved in electoral issues were not invited to participate in the electoral reforms working group appointed to meet the EU candidacy criteria. **76** Concerned by this snub, the European Commission issued a memo stating the need to “ensure the involvement of civil society in decision-making

processes at all levels.” **77** This decision by GD to disregard such involvement was condemned by ISFED, **78** domestic CSOs, and international actors. **79** The EU delegation in Georgia, **80** together with the US Embassy, urged for the inclusion of “Georgia’s most trusted and experienced election observation organizations” in the electoral reforms process. **81**

- Draft changes to the electoral law were presented by the GD-led working group in September and adopted in December after a third accelerated session. The changes, besides technical updates, envision electronic registration and voting in urban areas to cover some 70 percent of the country’s electorate. Opposition members, refraining from voting on the changes, criticized the amendments as not being responsive to the system’s fundamental challenges and out of line with the OSCE/ODIHR and Venice Commission recommendations. **82**
- A majoritarian MP in Rustavi and a majoritarian councilor in the Batumi sakrebulo were elected via by-elections in April, adding to GD’s regional representation (see “Local Democratic Governance”). **83** The by-election in Batumi was due to the death of a city council member from the opposition United National Movement (UNM), while in Rustavi, a vacant seat opened after a majoritarian MP from GD was elected mayor in the October 2021 local elections. **84** The Batumi race was more controversial since no party had gained a majority in 2021, unlike in Rustavi where the outcome was somewhat expected. **85** Observers of the Batumi city council election reported verbal confrontations along with violations of voting rules and the setup of polling stations. **86** Voter mobilization and registration were mainly carried out by GD coordinators and party observers, underscoring the lack of political pluralism and unwelcoming environment induced by the majority government.

**Civil Society** 1.00-7.00 pts

<p><b>Assesses the organizational capacity and financial sustainability of the civic sector; the legal and political environment in which it operates; the functioning of trade unions; interest group participation in the policy process; and the threat posed by antidemocratic extremist groups.</b></p>	<p><b>4.00</b> /7.00</p>
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- Amid efforts by governing elites to discredit and exclude them, civil society organizations (CSOs) nonetheless remained actively involved in reforms and government-monitoring processes. The nongovernmental sector was successful not only in participating in significant decisions at the state level, such as public defender selection, **87** but also in affecting government practices such as access to public information. **88** In addition to formal nonprofit organizations, Georgian civil society was also represented in 2022 by informal solidarity movements that emerged from wider society, such as the initiative “Step Towards Europe.” **89**
- Continuous smear campaigns targeting nongovernmental organizations (NGOs) highlighted an alarming trend of distrust and political attempts at delegitimization. During the year, both active and former members of the ruling GD launched smear campaigns against CSOs over financial transparency, preparing the ground for the proposed law on “foreign agents” (see “National Democratic Governance”). **90** The GD party leader claimed that NGO funding is used to oppose the government and plan a campaign to demand a “technical government.” **91**
- Following an outpouring of discontent online over the government’s position on Russia’s invasion of Ukraine, Georgians turned out for mass protests expressing solidarity with Ukraine and disapproval of their government. **92** Public polls were overwhelmingly pro-Ukraine, recognizing the shared situation of Georgia and Ukraine regarding external threats from Russia. **93** After GD expressed skepticism towards Western sanctions on Russia, **94** segments of the society, opposition parties, and CSOs engaged in protests demanding the resignation of Prime Minister Irakli Garibashvili. In an impressive display of unity, 60 Georgian and Ukrainian CSOs released a joint statement calling for a “strict, unified, and forceful” response to the Russian aggression from all governments internationally. **95**
- The civic sector made a meaningful impact in 2022 in support of EU accession. In March, 31 CSOs published a 10-step proposal and offered help with the reform planning and implementation processes. **96** Despite government resistance, the CSO proposal provided specific directions to address the EU’s 12 recommendations towards Georgia’s achieving EU candidate status. **97 98**

- CSOs were active in overseeing the EU candidacy application process as well. While the government initially refused to publicize the EU questionnaire completed on behalf of the country, a joint CSO statement was issued to pressure its release by state representatives. <sup>99</sup> Civil society leaders, journalists, artists, and public figures underlined their commitment to the European integration process and launched a new joint initiative for Georgia’s “European path.” <sup>100</sup> While government officials are likely to continue their efforts to delegitimize the civic sector, these activities showcase the potential for societal unity in Georgia. The initiative even participated in the pro-Europe marches following the EU decision to deny (for the time being) Georgia’s candidacy. <sup>101</sup>
- Illiberal, far-right groups remained visible and increasingly represented on the political scene in 2022. These groups publicly engaged in violent, nativist, and homophobic rhetoric. Furthermore, they expressed pro-Russian tendencies and stood at the fore of spreading disinformation on Russia’s war in Ukraine. <sup>102</sup> The European Court of Human Rights (ECtHR) accepted a case brought by the LGBT+ rights group Tbilisi Pride to review the government’s response to violence on July 5, 2021. <sup>103</sup> While the court found 31 persons guilty (excluding the event organizers), <sup>104</sup> groups like Alt-Info, now represented as the political party “Conservative Movement,” called for anti-pride mobilizations in June 2022. <sup>105</sup> The Interior Ministry and other state institutions pledged to ensure the safety of the pride event. <sup>106</sup>

### Independent Media 1.00-7.00 pts

<p><b>Examines the current state of press freedom, including libel laws, harassment of journalists, and editorial independence; the operation of a financially viable and independent private press; and the functioning of the public media.</b></p>	<p><b>3.25</b> /7.00</p>
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- In 2022, Georgia’s media environment remained vibrant and diverse but politically polarized, with physical attacks on journalists increasing since the violent far-right demonstrations in Tbilisi in July 2021. The leader of GD made derogatory remarks about a journalist from Mtavari Arkhi television, <sup>107</sup> contributing to this trend. Reporters Without Borders (RSF) marked this negative trend in its 2021 press freedom index in which Georgia fell from 60th

to 89th place. **108** In parallel with the war in Ukraine, disinformation spread online and through on-air broadcasts, such as Alt-Info (see “Civil Society”). There were reports of verbal and physical attacks on media representatives in 2022, including physical abuse against government-critical TV **109** and regional media crews. **110**

- The May arrest of Nikoloz “Nika” Gvaramia, director of the pro-opposition Mtavari Arkhi TV, was an important issue for media freedom and independence in Georgia. **111** Gvaramia was sentenced by the Tbilisi City Court to three and a half years in prison on accusations of abuse of power when he was director general of Rustavi 2 TV in 2019. **112** The European Parliament condemned Gvaramia’s sentencing in a June 2022 resolution on violations of media freedom and journalist safety in Georgia, characterizing the charges of money laundering, bribery, and document forgery related to Gvaramia’s tenure at Rustavi 2 as “dubious.” The case was seen as yet another attempt to silence government-critical voices. **113 114**
- In an already difficult year for Georgian media, government critic and TV Pirveli cameramen Lekso Lashkarava was added to UNESCO’s list of killed journalists with an unresolved justice status. **115 116** Lashkarava’s death, attributed to the violent far-right demonstrations in July 2021, sparked contested narratives and renewed criticism of the government’s inaction in the fair investigation of the case. **117** In April 2022, claiming that the “state failed to fulfill its constitutional duty,” Transparency International Georgia filed a lawsuit in the Tbilisi City Court against the Interior Ministry on behalf of 24 journalists affected or injured by the July 2021 events. **118 119**
- Journalists’ allegations of censorship in public broadcasting exposed political bias in the public television’s editorial policy. Whistleblowers at the public broadcaster raised concerns over management and ruling party control of their personal correspondence in online media, among other issues. **120** GD demanded that the Communications Commission take legal action against government-critical TV channels for airing a politically charged video, “Back to Europe,” drawing pushback from CSOs and media watchdogs. **121 122** Additionally, in September, certain journalists were denied access to a

Government Administration meeting, raising concerns over “discriminatory treatment of journalists.” **123 124**

- As for media access to public information, the nonprofit Institute for Development of Freedom of Information (IDFI) found that “there are practical-normative problems of a systemic nature in terms of obtaining information on issues of interest to the media. There is about a 12 percent probability that information on issues of interest to the media will be provided fully and within the time frame stipulated in the law.” **125**
- There were continuing concerns over media surveillance in Georgia in 2022, with the Public Defender and the Media Coalition urging the Special Investigation Service (SIS) to look into alleged surveillance of government-critical voices, including a journalist at Mtavari Arkhi. **126** RSF also expressed concerns over the government practice of spying on journalists in Georgia. **127**

### Local Democratic Governance 1.00-7.00 pts

<p><b>Considers the decentralization of power; the responsibilities, election, and capacity of local governmental bodies; and the transparency and accountability of local authorities.</b></p>	<p><b>2.75</b> /7.00</p>
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- In 2022, local self-governance continued to be defined by such critical problems as corruption, lack of power division, and abuse of power. An imbalance in favor of the ruling party across city councils has caused obstacles in decision-making. **128** Blurred boundaries between the state and GD at the local level has allowed ruling party representatives to assert that local institutions have no power to override the central government. **129** Several instances of alleged political pressure on opposition figures remained unexamined by the police, suggesting a deeply polarized political environment on the local level. **130 131** The alleged GD practice of tailoring legislative and procedural reforms to serve the party’s interests, such as draft amendments to the election code and local self-government code, is also worrying. **132** Above all, despite the decentralization strategy for 2020–25, **133** the lack of effective steps taken by local government has negatively affected the functionality and independent development of municipalities and city councils. **134**

- Still, instances of cooperation between CSOs and municipal public servants, such as trainings on Sustainable Development Goals (SDGs), are positive signs of the development of local democratic governance. **135**
- Several cases of misappropriated public funds have been detected in municipalities. **136** One confirmed case amounted to as much as US \$162,000, raising suspicions of a larger corruption scheme at the municipal level. **137**
- Enduring issues such as restrictions on freedom of movement, trauma and perpetual fear of conflict, illegal detention, and the lack of special state services and critical infrastructure define the difficulties of residents living along the boundary line (ABL) of the Russian occupied territories. **138**
- “Presidential elections” on April 10 in the Russian-occupied Tskhinvali region caused local and international concerns over Russia’s attempt to distort stability and cause security concerns. **139** Neither the European Union nor the United States recognized the constitutional or legal frameworks of the so-called elections. **140** The sham polls were prepared with fundamental breaches of fair electoral proceedings, evidenced by the disqualification of candidates and foreign (Russian) intervention in the “electoral campaign.” **141**
- In May, the consensus of governing and opposition parties in favor of amendments to the election and self-governance codes was a positive development that helped to resolve post-electoral crises in some city councils. **142** The changes included automatic recognition of new members’ credentials without a council vote, “irrespective of whether a new member won a vacated majoritarian seat through by-elections, or takes over an emptied proportional seat by being next-in-line on the party list,” which had previously blocked the functioning of the Batumi and Senaki city councils. **143** However, proposed changes to the local self-government code regarding budget adoption later in the year **144** caused concerns among CSOs about the further undermining of city councils and weakening independent governance on a local level. **145** According to these changes, “where a city council fails to adopt a local budget within three months of the beginning of the year, powers will be prematurely terminated to the city council,” replacing the previous responsibility of both a city council and a mayor that had ensured a degree of cooperation and agreement between the entities. **146**

- Particularly worrisome were the local council developments in the Senaki municipality, where the opposition secured a majority after the 2021 local elections. The city council was paralyzed after an opposition party member withdrew and the GD boycotted. <sup>147</sup> CSOs called for by-elections for the entire municipality (as required by law) instead of the one vacant seat as was planned by the government. <sup>148</sup> However, the government ignored the CSO appeal and legislative litigation and conducted midterm elections for a single seat, which a GD representative filled. <sup>149</sup> Such cases of alleged political pressure and disabling of the opposition majority has undermined balanced local governance.

### Judicial Framework and Independence 1.00-7.00 pts

<p><b>Assesses constitutional and human rights protections, judicial independence, the status of ethnic minority rights, guarantees of equality before the law, treatment of suspects and prisoners, and compliance with judicial decisions.</b></p>	<p><b>2.50</b> /7.00</p>
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- In 2022, Georgia’s judicial framework was criticized for problems with equality before the law and politically motivated prosecution. Yet receptiveness towards local or international criticism and suggestions for reforming the judiciary has been particularly low among the ruling party <sup>150</sup> and top representatives of the judicial system. <sup>151</sup> The year began with presidential and then Constitutional Court approval of a controversial and hastily adopted law from GD that dissolved the State Inspector’s Service, <sup>152</sup> despite appeals by the State Inspector and public defenders. <sup>153</sup>
- The “independence and impartiality of the judiciary, in line with commitments taken as an associated partner of the EU” <sup>154</sup> were put in question after the sentencing of Nika Gvaramia (see “Independent Media”). CSOs <sup>155</sup> and the opposition <sup>156</sup> questioned the charges of money laundering, bribery, and document forgery brought against Gvaramia from his tenure as director of privately-owned Rustavi 2 TV, seeing it as an attempt to silence critical media and enact politically motivated justice in the country.
- As CSOs and other observers noted, “the imprisonment of the General Director of a critical media outlet, including on the basis of managerial decisions, is yet another example of selective investigation, prosecution and conviction,” <sup>157</sup> a



view shared by some nine MEPs, <sup>158</sup> Amnesty International <sup>159</sup> and Human Rights Watch, <sup>160</sup> and Reporters Without Borders. <sup>161</sup> The ruling party's response to the criticism reflects its uncompromising position on the case and unwillingness to reform the nation's judiciary. <sup>162</sup> Such criticism of Georgian judicial independence is significant given that former president Mikheil Saakashvili and his former lawyer, a prominent critic of the ruling majority, remained in jail in 2022.

- The court upheld Gvaramia's prison sentence despite documents submitted to the Tbilisi Court of Appeals by the Public Defender's Office, Human Rights Center, and Transparency International Georgia indicating the charges were unfounded. These analytical documents highlighted flaws in the principles of legality and substantiation in the Tbilisi court decision of May 2022. <sup>163</sup> <sup>164</sup>
- Both the EU and the US Embassy in Georgia raised concerns about citizens' right to privacy and allegedly unjustified intrusion into private lives and information. <sup>165</sup> In June 2022, Parliament adopted amendments to the criminal procedure code that expanded the scope of crimes permitting covert investigative actions and their duration. <sup>166</sup> The amendments <sup>167</sup> prompted questions and criticisms for their rushed manner and lack of advance consultation with the Venice Commission or other international and domestic bodies. Despite the Venice Commission's urgent opinion to comprehensively reexamine the bill before adoption, <sup>168</sup> as well as a presidential veto, <sup>169</sup> the parliamentary majority nevertheless adopted the changes, raising worries among international partners over the establishment of this controversial new judicial standard. <sup>170</sup>
- Domestic CSOs voiced concerns over the new judicial reform strategy and action plan released by Parliament within the framework of the Justice Reform Working Group. According to the Coalition for an Independent and Transparent Judiciary, the plan, despite continuous recommendations from CSOs, "completely ignores the main problems in the justice system, namely, the concentration of power and informal, clan-based influence in the system." <sup>171</sup>
- The appointment of controversial judges to high judicial positions has been problematic in Georgia for several years. For example, the High Council of Justice (HCoJ) appointed a controversial figure as chairperson of the Tbilisi

Court of Appeals for a five-year term, ignoring calls for an alternative candidate.

**172 173** The Conference of Judges of Georgia, a self-governing body for common courts, elected two controversial judges to the HCoJ that also concern observers given the accusations of influence over Georgia’s judiciary.

**174**

**Corruption** 1.00-7.00 pts

**Looks at public perceptions of corruption, the business interests of top policymakers, laws on financial disclosure and conflict of interest, and the efficacy of anticorruption initiatives.**

**3.50**  
/7.00

- Medium and large-scale corruption is visible in Georgia, while the tendency for bribery and small-scale corruption is lower than the world average. The issue of high-level corruption was brought up in the EU’s fourth recommendation as solvable by strengthening Georgia’s Anti-Corruption Agency, Special Investigation Service, and Personal Data Protection Service. **175** According to Transparency International’s 2021 Corruption Perceptions Index, the overwhelming political influence on Georgia’s state and business sectors speaks to the degree of state capture. Georgia’s TI index score has gradually declined over the last three years (down to 46 by the end of 2021), indicating the institutionalization and structural embeddedness of high-level corruption. **176**
- The Council of Europe’s Group of States Against Corruption (GRECO) has been monitoring implementation of the 16 recommendations that were issued to Georgia’s Parliament, judiciary, and prosecution services in 2016. **177** Despite a deadline of June 2022, eight recommendations remained partially or fully unimplemented. Such an alarmingly slow pace reflects the government’s fragmented and passive response to anticorruption reform. **178**
- As Georgia’s official response to the COVID-19 pandemic ended, related corruption schemes were uncovered in 2022, showing a high number of simplified state procurements. One corruption watchdog found that “simplified procurement deals between state bodies and freshly founded firms were most prevalent in regional municipalities.” **179** These often involved no competition, with tenders awarded to party donors, **180** family, or close friends of City Hall

heads, highlighting worrying corruption practices at the regional level. Such tenders sometimes included millions of GEL divided across several tenders, **181** pointing to possible corruption mechanisms for the state to address.

- State agencies continued to refrain from publicizing unclassified procurement contracts. As watchdogs reported, the Interior Ministry, Government Administration, Presidential Administration, and State Security Service of Georgia (SSG), among a total of 18 government agencies, did not publish procurement contracts. **182** Hiding such information not only increases the risk of corruption schemes on the state level but also contributes to wider societal mistrust of government.
- Although positive steps were made in engaging CSOs to help Georgia address the EU recommendations on corruption, including their active participation in working groups, **183** the government's efforts in this direction have been inadequate. Attempts to create an anticorruption law and bureau are evaluated by watchdogs as inadequate to fulfilling EU recommendations, **184** and CSOs recommend that Georgia “create an independent centralized body that will handle all key anticorruption functions.” **185**
- Georgian watchdogs have raised alarms about the increase in public servant salaries by 10 percent annually, as set by the state budget law. CSOs argue that this annual increase in wages, combined with the current size of the bureaucratic apparatus, is the government's attempt to gain public sector loyalty. They called for a more detailed regulation and elaborated policy that takes into account corruption risks. **186**

## *Footnotes*

- 1** U. S. Embassy Tbilisi, “Deputy Assistant Secretary for Democracy, Human Rights, and Labor, Kara McDonald’s Remarks to Media at Parliament,” U.S. Embassy in Georgia, June 10, 2022, [https://ge.usembassy.gov/deputy-assistant-secretary-for-democracy-human....](https://ge.usembassy.gov/deputy-assistant-secretary-for-democracy-human...)
- 2** “Public Opinion Survey Residents of Georgia | September 2022,” International Republican Institute, November 7, 2022, [https://www.iri.org/resources/public-opinion-survey-residents-of-georgi....](https://www.iri.org/resources/public-opinion-survey-residents-of-georgi...)
- 3** “Public Opinion Survey Residents of Georgia | September 2022,” International Republican Institute, November 7, 2022, <https://www.iri.org/resources/public-opinion-survey-residents->

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- 4 U. S. Embassy Tbilisi, “Ambassador Degnan’s Remarks to Media at Parliament,” U.S. Embassy in Georgia, October 5, 2022, <https://ge.usembassy.gov/ambassador-degnans-remarks-to-media-at-parliam...>
- 5 “WJP Rule of Law Index,” accessed April 5, 2023, <https://worldjusticeproject.org/rule-of-law-index>. “The Appellate Court Upheld Nika Gvaramia’s Imprisonment on a Politically Motivated Case,” Transparency International Georgia, accessed April 5, 2023, <https://transparency.ge/en/post/appellate-court-upheld-nika-gvaramias-i...>

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Global Freedom Score

**58/100** Partly Free

Internet Freedom Score

**78/100** Free

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