

Georgia

by Lincoln Mitchell

Capital: Tbilisi
Population: 4.5 million
GNI/capita, PPP: US\$7,510

Source: The data above are drawn from the World Bank's *World Development Indicators 2015*.

Nations in Transit Ratings and Averaged Scores

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	4.75	4.50	4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50
Civil Society	3.50	3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Independent Media	4.25	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00
National Democratic Governance	5.50	5.50	5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50
Local Democratic Governance	5.75	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25
Judicial Framework and Independence	4.75	4.75	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00
Corruption	5.50	5.00	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50
Democracy Score	4.86	4.68	4.79	4.93	4.93	4.86	4.82	4.75	4.68	4.64

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

Civil war and two separatist conflicts impeded the establishment of healthy democratic institutions during Georgia's first 12 years of post-Soviet independence. In 2003, flawed parliamentary elections sparked a campaign of street protests known as the Rose Revolution, forcing President Eduard Shevardnadze and his Citizens' Union of Georgia (CUG) out of office and clearing a path to government for opposition politician Mikheil Saakashvili and the United National Movement (UNM) in the new elections that followed.

President Saakashvili's administration introduced important economic reforms, developed infrastructure, and made notable progress in battling corruption during its first years in office. However, the UNM government failed to create the strong democratic institutions it had promised. Power remained concentrated in the executive branch at the expense of transparency, inclusiveness, judicial independence, and as the years passed, civic and media freedoms as well. In 2008, Saakashvili was provoked into a brief but costly war against Russia that resulted in the Russian occupation and recognition of the separatist territories of Abkhazia and South Ossetia.

The UNM dominated Georgian politics from 2004 until 2012, when growing dissatisfaction with the ruling party's consolidation of power led to a groundswell of support for the opposition Georgian Dream (GD) movement, founded by billionaire Bidzina Ivanishvili. The GD defeated the UNM in the October 2012 parliamentary elections, and Ivanishvili became prime minister, marking Georgia's first-ever orderly and democratic transfer of power. Saakashvili served out his second and final term as president, and an election in October 2013 awarded the presidency to the GD's Giorgi Margvelashvili. In addition, constitutional amendments passed over the preceding years took effect, shifting power from the presidency to the prime minister and Parliament. Prime Minister Ivanishvili, who had previously pledged to leave office as soon as Georgia was "out of danger,"¹ resigned that November and was replaced by Internal Affairs Minister Irakli Garibashvili.

The GD took several steps to fulfill its campaign promises in 2013, pushing through legislation to strengthen judicial and media independence, a controversial amnesty law that eased substantial overcrowding in the country's prisons, and an amended labor code designed to meet international standards.

The controversial investigation and prosecution of former UNM officials for alleged bribery and abuse of office that began in late 2012 continued through 2014, peaking with the July indictment, in absentia, of former president Saakashvili. Critics of the GD government portrayed the prosecutions as an abuse of the judicial system, while supporters characterized them as an effort to bring the rule of law back to Georgia.

Also in 2014, local elections were held in June, with 11 cities directly electing mayors for the first time. Tbilisi had already done so in 2010. The voting was assessed as reasonably free and fair, but not without accusations of abuse of power by the GD.² The ruling party won the elections across the board, but by relatively modest margins.

In early November, popular Defense Minister Irakli Alasania was fired amid an investigation of his ministry, sparking more accusations that the government was using prosecutions for political purposes. Following Alasania's dismissal, Foreign Minister Maia Panjikidze and Minister for European and Euro-Atlantic Integration Aleksii Petriashvili resigned.

National Democratic Governance. During 2014, new laws were passed to protect minority rights and reduce surveillance, though critics argued that they were insufficient. Parliament continued to expand its role in lawmaking and governance. However, tension between the prime minister and president regarding their respective powers persisted, and the sudden departure of the ministers of defense, foreign affairs, and European and Euro-Atlantic integration in November raised questions about the stability of the government. *Georgia's rating for national democratic governance remains unchanged at 5.50.*

Electoral Process. Local elections held in June were considered relatively free and fair, with a total of 12 cities directly electing their mayors. However, the GD expanded its dominance of elected offices, winning control of every local legislature and succeeding in every mayoral election. Observers noted some violations during the campaign, including abuse of administrative resources, as well as persistent barriers to participation by minorities. *Georgia's electoral process rating remains unchanged at 4.50.*

Civil Society. Civil society organizations continued to play an important role in Georgia's political and democratic development in 2014. They acted as valuable watchdogs and engaged in several successful advocacy campaigns around issues such as surveillance and human rights. The prime minister repeatedly made statements that were very critical of civil society, but the government took no serious steps to restrict activism. *Georgia's civil society rating remains unchanged at 3.75.*

Independent Media. Georgia's media outlets have grown somewhat more independent from their owners and collectively carried a diversity of political views and opinions during the year, though partisan bias remains a problem. As with civil society, the prime minister made statements that suggested a degree of contempt for the press, but the government did not seek to translate these views into practical restrictions on media operations. *Georgia's independent media rating remains unchanged at 4.00.*

Local Democratic Governance. An amended code on local self-government was adopted in February, increasing the autonomy of several cities, and the subsequent elections in June brought more democracy to the local level than had ever been experienced in the past, with more mayors directly elected and multiple parties represented in local legislatures. However, local self-governance bodies still have a limited ability to raise and spend money, as most power remains concentrated in the central government. *Georgia's local democratic governance rating improves from 5.50 to 5.25.*

Judicial Framework and Independence. Although the human rights environment in Georgia has improved in recent years, including with respect to prison conditions, the spate of prosecutions and investigations aimed at the government's political opponents continued to stoke concerns about the rule of law during 2014. An antidiscrimination law passed in May included protections for sexual orientation and gender identity, but a track record of enforcement had yet to be established. *Georgia's rating for judicial framework and independence remains unchanged at 5.00.*

Corruption. Aggressive enforcement of anticorruption policies during the period of UNM government greatly reduced low-level graft, most notably in the civil service, but a number of problems persist. Following the 2014 local elections, some civil servants were reportedly forced to resign, replaced by individuals without formal qualifications. Payment processes in the public sector lack transparency, as do certain large government tenders. *Georgia's rating for corruption remains unchanged at 4.50.*

Outlook for 2015. Several major factors will shape Georgia's political and democratic trajectory in 2015. The first is the continued fallout from the cabinet shakeup that occurred in November 2014. It is possible that as new ministers take office, the government will regain its stability, and former defense minister Alasania and his allies in the Our Georgia–Free Democrats party will become a major opposition force. However, it is also possible that the government will target the three former ministers with criminal prosecutions.

In 2014, Georgia continued, albeit slowly, to roll back some of the limits on civil liberties from the UNM era, but the GD government frequently complained about the media and civil society. If these complaints are turned into government actions or restrictive legislation in 2015, Georgia will begin to reverse the advances it has made over the last two years.

The influence of informal political power, specifically that of former prime minister and GD founder Bidzina Ivanishvili, threatens to weaken Georgia's formal institutions of government. Ivanishvili, who currently holds no elected or appointed office, has been a behind-the-scenes actor since resigning in late 2013. He appeared to be assuming a larger role in November 2014, when the changes to the cabinet occurred, as he made more media appearances and public statements than in previous months.

MAIN REPORT

National Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.50	5.50	5.75	6.00	6.00	5.75	5.75	5.50	5.50	5.50

After a two-year period of considerable political change, conditions were relatively stable in 2014. The complicated cohabitation of a Georgian Dream (GD) prime minister and a United National Movement (UNM) president had ended in late 2013 with the completion of President Mikheil Saakashvili's second term.³ There were no national elections in 2014, and for the first time since 2011, Georgia started and ended the year with the same prime minister and president.

However, this stability was threatened in early November, when Defense Minister Irakli Alasania was dismissed and two other cabinet members, Foreign Minister Maya Panjikidze and European and Euro-Atlantic Integration Minister Aleks Petriashvili, resigned in protest. Alasania's Our Georgia-Free Democrats party quit the GD coalition, leaving it with a narrow majority in Parliament.

In addition, the constitutional division of executive power remained a matter of dispute.⁴ Prime Minister Irakli Garibashvili and President Giorgi Margvelashvili, despite being members of the same GD coalition, feuded for much of the year over issues of jurisdiction regarding various functions of government as well as specific duties, such as signing a European Union (EU) Association Agreement in June and representing the country at the UN General Assembly in September. Garibashvili exercised influence over issues—including the naming of ambassadors—that are not, strictly speaking, part of his constitutional mandate.

By the end of 2014, President Margvelashvili had moved closer to establishing an independent political profile. Notably, he vetoed a controversial bill aimed at postponing the dismantling of the previous government's surveillance systems,⁵ and in November he gave an important speech in Parliament, staking claim to his autonomy and calling for further democratic reform in Georgia.⁶

The prime minister is clearly the head of government and the more powerful of the two executive leaders, but the ongoing ambiguity underscores both structural problems with Georgia's political institutions and the enduring importance of informal political power. The role of informal power is particularly acute with regard to former prime minister and GD founder Bidzina Ivanishvili, who left office in late 2013 but personally chose both his successor and the GD candidate for president. Ivanishvili's true influence in Georgia is a matter of much speculation, but he remains a key figure in politics, especially on issues of major significance, despite having no position in the government.

Also during 2014, Parliament continued to solidify its important role in legislation and policymaking. The legislature had atrophied to little more than an

extension of presidential power in the latter years of UNM rule, but this trend has been reversed over the last two years. There are genuine political debates and influential minority voices in Parliament, though it is controlled by the GD and its powerful speaker, David Usupashvili.

Parliament is increasing its ability to hold the government accountable and obtain official information, but its relationship with the public is not as clear. The 150-seat body uses a mixed electoral system, with 73 members elected in single-member districts and 77 through nationwide proportional representation. Once elected, many members have little contact with their constituents, particularly if they were elected on the national list, or with representatives of civil society. Moreover, because the GD has a majority, the opposition UNM can provide some oversight and draw attention to problems but it can very rarely craft or pass legislation.

As noted above, the GD government has been slow to dismantle the widespread surveillance systems put in place by its UNM predecessor. A civil society campaign called “This Affects You” worked throughout 2014 to draw attention to the problem and pressure the government to change the laws on surveillance of various kinds. This resulted in an August 2014 law that strengthened constitutional safeguards and brought Georgia’s legal framework closer to European standards.⁷ Full implementation of this law will be essential for the country’s democratic future. There has been increasing concern about the government’s commitment to the spirit of the legislation, as amendments passed in December effectively weakened it.⁸

The government continued to grapple with other aspects of the UNM legacy in 2014. On 28 July, the prosecutor’s office filed charges against former president Saakashvili. The charges, which were expanded after the initial filing, ranged from abuse of power and misuse of government resources to improperly using force to break up peaceful demonstrations in 2007.⁹ The case, combined with arrests and detentions of several other high-ranking former officials, including former Tbilisi mayor Gigi Ugulava in July,¹⁰ has led many foreign observers to accuse the government of engaging in a political witch hunt, or of being obsessed with punishing the previous administration. This view is buttressed by the high level of partisan rancor that still characterizes Georgian politics, with the ruling party regularly claiming that the opposition is seeking to disrupt political life,¹¹ and the opposition attempting to portray the government as authoritarian. Although the charges do raise concerns regarding selective punishment and the potential consequences for future rotations of power, the GD faces the difficult task of balancing these concerns with the need to address genuine elements of criminality in the late UNM period.

Questions of political stability are complicated by the breakaway territories of Abkhazia and South Ossetia. Both are *de jure* parts of Georgia and recognized as such by the overwhelming majority of the international community. Georgia, however, exercises no sovereignty over either territory in practice. Instead, they are occupied and supported by Moscow, which endorses their claims to be independent states. In 2014, Russia signed treaties with the two entities that will strengthen its

control. Georgia and Russia fought a brief but intense war over Abkhazia and South Ossetia in 2008, and the possibility of another conflict cannot be ruled out.

Russia's moves have been designed in part to hamper Georgian integration with Euro-Atlantic institutions, but the Kremlin's invasion of Ukraine in early 2014 for similar reasons appeared to reinforce Georgia's long-standing policy orientation. In late June, the country signed its Association Agreement with the EU as planned.

Electoral Process

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.75	4.50	4.75	5.25	5.25	5.00	5.00	4.75	4.50	4.50

Local elections were held in Georgia on 15 June 2014, with runoffs occurring through mid-July. The governing GD bloc swept the polls, winning control of every local legislature in the country. In addition, GD candidates won every directly contested mayor's race, including in Tbilisi, where David Narmania defeated UNM candidate Nika Melia in a runoff.

The period leading up to the elections featured active campaigning by the five major parties. However, while the contest was considered relatively free and fair, it was never viewed as particularly competitive, with most observers recognizing that a victory for the GD was a foregone conclusion. The ruling bloc received only about 51 percent of the overall vote, but no other political grouping was in a position to mount a serious challenge. This represented a repetition of the pattern set by the UNM, which also controlled virtually all executive offices and legislatures for much of its time in power.

The preelection period was not without incident. GD rhetoric, particularly from the prime minister, was occasionally extreme and suggested that the government sought to destroy rather than simply defeat the UNM. Garibashvili said cohabitation would always bring "wrangling and sabotage," warned that it would be "damaging" for the population of a municipality if a non-GD party won control, and insisted that "we will not allow victory of any other political force in any self-governed city and municipality."¹² Although these comments were made in the heat of an election campaign, it is not hard to see how they could be interpreted as something more than mere rhetoric. The use of the word "allow" suggested a willingness to take extraordinary measures. The UNM asserted that the GD engaged in widespread harassment of opposition activists throughout the election period, though this was not supported by independent observers.

An election monitoring report by three prominent Georgian nongovernmental organizations (NGOs)—the International Society for Fair Elections and Democracy (ISFED), the Georgian Young Lawyers' Association (GYLA), and Transparency International (TI) Georgia—stated that campaign violations such as abuse of administrative resources, vote buying, voter intimidation, and detention of political activists were less common than during the 2012 parliamentary campaign, but much more common than during the 2013 presidential race.¹³ The monitors'

evaluation of election day itself was less mixed and indicated that the local elections were generally well run. They noted that most reported violations “were of a procedural nature.”¹⁴

Of the three sets of nationwide elections over the past three years, only the 2012 legislative elections were competitive to the point that they resulted in a rotation of power, as the then opposition GD defeated the UNM. That balloting occurred in a climate of media restrictions and harassment of the opposition, but the results were broadly accepted by the Georgian people, not least because then president Saakashvili accepted his party’s defeat and successfully urged the rest of the UNM to do the same. Both the 2012 and 2013 elections were generally evaluated as free and fair, particularly the presidential election.

There are no formal mechanisms that limit the freedom of Georgia’s voters. The media, while not always independent, are diverse enough that different views can be expressed, and candidates are allowed to campaign relatively freely. The military and domestic security forces do not overtly intimidate voters. However, the belief that casting ballots against the government will create problems for individual voters is not easy to dispel, particularly among older citizens. This creates a structural advantage for the ruling party that can only change over time and with proactive government policies.

Because Abkhazia and South Ossetia are effectively controlled by Moscow and have not been part Georgia’s political life for years, citizens living there have no way to vote in Georgian elections. Moreover, residents of these territories who are not ethnic Georgians have little interest in Georgia’s elections. People displaced from the territories and living elsewhere in Georgia are able to vote in national elections.

Elections remain dominated by ethnic Georgians. Few representatives of the minority Armenian or Azerbaijani populations run for office, and there are still some barriers to participation by these groups. A 2014 preelection observation group from the National Democratic Institute (NDI) noted “an element of disregard for minority rights.” Citing the U.S. State Department’s human rights report on Georgia, the observers said “there continue to be political, civic, economic and cultural obstacles to the integration of ethnic minorities. Several religious minorities have reported on restrictions on their right to assemble and insufficient government responses to their persecution. Many minorities continue to lack Georgian-language skills, which makes their participation in elections difficult.”¹⁵

Civil Society

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.50	3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75

Georgia has a vibrant civil society in which NGOs enjoy a strong degree of political freedom, are able to criticize the government without fear of repercussions, and at times play an important role in holding the government accountable and producing information that is useful for the media, the government, and society in general. In

addition to a broad range of NGOs, the Orthodox Church is an important actor in Georgian civil society. Labor unions, formal business-based groups, and other interest groups remain comparatively weak.

Although NGOs are fairly strong, funding sources are largely limited to foreign donors and a handful of wealthy Georgian individuals, including, most significantly, former prime minister Ivanishvili. He remains by far the richest man in the country and is a major contributor to various philanthropic causes, as well as to his own NGO, Citizen.

The legal environment allows for civil society to work without harassment. Laws regarding foreign funding and registration are not onerous. Notably, several NGOs, such as Georgia's Reforms Associates (GRASS) and the Georgian Democracy Initiative, are run or supported by individuals who had been prominent members of the UNM government.

Civil society in Georgia represents a reasonably broad range of political views, though it is still dominated by English-speaking elites concentrated in the capital. These individuals move between civil society and government depending on what party is in power, and their organizations tend to be quite professional. Many such leaders have years or decades of experience working in and around civil society. They have often benefited from years of trainings and workshops sponsored by international donors and NGOs, and are able to pass much of that knowledge down to their younger colleagues. Most major NGOs have competent boards and appropriate governing structures. Nonetheless, the relatively narrow band of society from which NGO leaders are drawn raises questions of representation, and it is not clear whether even the best NGOs can claim to speak for ordinary citizens. There are very few NGOs in Georgia based on mass membership or interest groups. Instead, the most influential organizations operate more on a think-tank or watchdog model.

The extent to which the government seeks and considers input from NGOs varies substantially. Civic groups are generally free to advise and criticize the government, but it is less clear that the government responds to these comments. There were some examples of active collaboration and successful pressure during 2014. Parliament consulted with NGOs on an antidiscrimination bill and the legislation to reform surveillance practices. The "This Affects You" campaign, organized by an NGO coalition, sought to raise awareness that the surveillance apparatus established under UNM rule had not been dismantled with the change of government in 2012. After several months of meetings and public statements, Parliament strengthened antisurveillance laws in August.¹⁶

At the same time, the government, and specifically the prime minister, has made some disturbing comments regarding NGOs and their role in political life. During a meeting with students in August, Garibashvili said Georgia had a "very low quality" of civil society development, and argued that NGOs often "fail to distinguish" between objective criticism of the government and partisan advocacy.¹⁷ Such remarks have not, thus far, been followed by any government efforts to restrict NGO input or activity, but they remain a cause for some concern.

Georgian NGOs are well treated by the media. Their statements and reports are often cited in news stories, NGO leaders are frequently sought out for comments on current events, and their expertise is generally valued and appreciated by journalists. NGOs, in turn, regularly use the media to promote their work and views.

During 2014, NGOs that are sympathetic to Russia and widely believed to be funded by Moscow began to make a larger impact on Georgian political life. They organized events in support of the Russian invasion of Crimea, called for closer relations between Georgia and Russia, and generally sought to move Georgia away from its Euro-Atlantic course. Although the actual influence of Eurasian Choice and other such groups should not be overstated, they are an indication of ongoing Russian efforts to reshape Georgian politics.¹⁸ They also almost certainly represent the views of some minority of Georgians, and in that respect they contribute to a more pluralist civil society in the country.

The Georgian Orthodox Church remains extremely powerful and influential in civic and political affairs. It is, broadly speaking, very well regarded in Georgian society and is therefore able to influence public opinion and put pressure on the government. The patriarch is by far the most popular figure in Georgia. He was the only person whose popularity exceeded 90 percent in two NDI polls in 2014; no government or opposition figure topped 70 percent in either poll.¹⁹

The church has used this public support primarily to oppose legal and other protections for LGBT (lesbian, gay, bisexual, and transgender) Georgians, even as many NGOs press for equal rights. In May 2014, despite sustained and vocal resistance from the church, Parliament passed an antidiscrimination law that included sexual orientation and gender identity among the banned grounds for bias. However, the extent to which it will be implemented in practice remains unclear, as discrimination against LGBT people is a persistent problem in Georgian society.

Independent Media

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.25	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00

Georgia has some of the most progressive media legislation in the region and a wide range of media outlets. Historically, political influence over private media, particularly broadcasters, has been a major problem, with nearly all outlets taking a strong position either supporting or opposing the government. The media landscape includes a range of national and local television and radio stations, newspapers, and websites. Television remains the primary source of news and information for most Georgians. Eastern Partnership Media Freedom Watch, a project run by NGOs from the countries of the EU's Eastern Partnership initiative, gave Georgia the highest media freedom ranking among the six states based on data from the first half of 2014.²⁰

Despite their record of political polarization, Georgian media outlets collectively present a range of views, and partisan bias appears to be decreasing. According to a

media monitoring effort for the 2014 local elections conducted by three Georgian NGOs, “Georgian media is making notable progress towards the unbiased and balanced reporting but is lacking analytical coverage of the events.”²¹

Similarly, after monitoring political talk shows during the election period, the Caucasus Research Resource Center (CRRC) of Georgia found that a variety of candidates had access to the programs, and that hosts “asked important questions about the discussed issue, tried to get different positions and comprehensive information from the guests. There were very rare cases of using hate speech or politically incorrect vocabulary by the hosts.”²²

As with civil society groups, the government has at times expressed frustration with how it is treated by the media. At a June 2014 press conference, Prime Minister Garibashvili criticized certain outlets and journalists, accusing them of serving the interests of the UNM. He called on them to cover government performance “correctly” and stop “circulating lies and creating tension in the society.”²³

The government has not translated this rancor into policy or law, but it reflects a climate in which the commitment to media independence may be more vulnerable than it seems. Representatives of opposition-oriented media outlets, such as the television station Rustavi 2 and the magazine and website *Tabula*, have reported cases of intimidation by the government, particularly in the period surrounding the elections, though these assertions have not been echoed by most Georgian NGOs working on media or election-related matters. Other allegations focus on politicized interference by outlet owners. In December, 20 journalists, editors, and producers resigned from Maestro TV to protest the firing of senior news anchor Nino Zhizhilashvili and plans for a new program hosted by a government public-relations consultant.²⁴

The Georgian Public Broadcaster (GPB) has long been a source of controversy. In the past, it has acted more as a state news channel than as a public-service station that gives equal time to different opinions. In 2014, disputes over the GPB’s leadership and board composition as well as accusations of pro-government bias continued to plague the broadcaster.

The internet is an important source of information for many Georgians. Numerous websites provide political content and a variety of viewpoints, and users themselves participate vigorously in social-media discussions on political affairs. However, according to the Institute for Development of Freedom of Information, online media face challenges including “financial sustainability, professionalism of journalists and lack of necessary skills and resources for creating diverse content.”²⁵

Newspapers tend to be more of a secondary source of information, but many have an online presence that expands their influence and allows them to compete with television stations, at least among Georgians who have internet access. Newspapers and newsmagazines, like other media outlets, carry a broad range of opinions.

In recent years, there has been considerably more transparency regarding ownership of media outlets, though shareholders continue to conceal their identities through shell corporations in some cases. This had been a particularly murky issue

in the late Saakashvili era. In addition, while some outlets still display a political bias, their ties to politicians or government officials are much less direct than they were even two or three years ago. TI Georgia reports that although the owners of several media enterprises have or had links to the GD or UNM, “no major outlet that covers news and current affairs appears to be owned, controlled or bankrolled by current political actors.”²⁶ The organization found similar conditions in a related report on regional media.²⁷

Both reports note that media ownership remains highly concentrated in Georgia. Several owners of television stations, for example, also own radio stations or newspapers. This concentration limits pluralism and independence, and weakens the role played by market forces, as many of the outlets are effectively subsidized by the owners’ other businesses, including enterprises outside the media sector.

Local Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.75	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.25

Georgian legislation outlines three levels of government: national, regional, and local. The country is divided into nine regions, whose governors are appointed by the national government. Tbilisi, the capital, is a self-governing city that held direct elections for mayor for the first time in 2010. In 2014, the country’s 11 other self-governing cities—Akhalsikhe, Ambrolauri, Batumi, Gori, Kutaisi, Mtskheta, Ozurgeti, Poti, Rustavi, Telavi, and Zugdidi—directly elected mayors for the first time, though unlike Tbilisi, they still fall under the regional divisions.

The new Local Self-Government Code, passed in February 2014, raised the status of Akhalsikhe, Ambrolauri, Gori, Mtskheta, Ozurgeti, Telavi, and Zugdidi to self-governing cities, meaning that in addition to directly electing their mayors, they now have a more direct role in self-government.²⁸ The legislation also slightly altered the relationship between these cities and the central government, for example by tasking the prime minister’s office, rather than the regional governor’s office, with legal supervision of a city’s activities. TI Georgia praised some aspects of the new code, but expressed reservations about others, including the fact that it was adopted just a few months before the June elections.

Legal amendments adopted in 2010 increased the independence of local governments by granting greater financial guarantees, but the funding provided to individual administrative units is comprehensively unequal in per capita calculations. Local self-governing units continue to lack the financial resources to fulfill their responsibilities.

In addition to the nine regions and Tbilisi, there are two autonomous republics. One, Adjara, remains under government control. The other, Abkhazia, has been ruled by a separatist government and supported by Russia since a conflict in the early 1990s. South Ossetia is similarly outside Tbilisi’s control, but in legal terms it is divided among four of the nine regions. The head of Adjara’s regional government is

elected by the local Supreme Council, or legislature, but proposed by the president of Georgia. The president currently has extensive authority to dismiss Adjara's legislature and government. Income tax is the key revenue source for Adjara, which also has the ability to plan and implement regional development policies.²⁹

In the June 2014 local elections, every local legislature, 59 *gamgebeli* (county executives), and 12 mayors were directly elected. The balloting reflected both the strengths and the weaknesses of local democratic governance in Georgia. The elections were hotly contested by 24 parties or coalitions, and more than 16,000 people ran for either legislative or executive office. However, only five parties received more than 3 percent of the party-list vote, and the ruling GD bloc dominated the field with 50.8 percent. The GD also won control of every legislature and mayoralty in the country, though eight mayoral races and 13 *gamgebeli* contests required a second-round runoff.³⁰

The local elections were an example of local-level democracy in Georgia, but the country remains relatively centralized, with most key decisions made by the prime minister and Parliament. Most localities have little ability to raise enough of their own revenue to implement major policies or programs. Moreover, the dominance of the GD, while less comprehensive than that of previous ruling parties, inevitably limits substantive policy debate and democratic participation at the local level.

Local politics are also still hampered by Soviet-era political mores. Local power brokers often dominate their areas, and many local officials are accustomed to taking their cues from the central government; both phenomena restrict the autonomy of municipal governments in practice.

Following the GD's victory in the 2012 parliamentary elections, numerous local officials who had been elected as UNM representatives came under pressure to switch their support to the new ruling party.³¹ This continued through 2014, with reports that the government urged local candidates from the UNM to switch parties or withdraw their candidacies.³² The pressure naturally receded after the GD won control of all the legislatures and executive positions, but over the last two years it has severely compromised the independence and strength of local self-governance and local democracy.

In a sign of public disengagement from local government, turnout in the June elections was quite low at 43 percent, down by almost 20 points from the 2012 parliamentary elections. Turnout for the local second-round voting was just 36 percent.³³

Although Georgia's NGO sector is fairly strong and vibrant as a whole, most of the leading organizations are based in Tbilisi and focus their energy on the national government. There are exceptions to this pattern, notably in Batumi, where many of the larger national NGOs maintain offices and programs. Nevertheless, the relative weakness of local civil society leads to a climate in which local officials generally do not seek input from citizens, and problems like cronyism tend to develop. In the municipality of Kvareli, for example, it emerged a few months after the June elections that the new *gamgabeli*, Ilya Mzekalishvili, had appointed numerous relatives and friends to administrative offices.³⁴

Judicial Framework and Independence

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.75	4.75	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00

Georgia's constitution and relevant laws guarantee a relatively high level of political rights and civil liberties, including the freedoms of assembly and speech. The constitution states, "Everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.... Everyone has the right to freedom of speech, thought, conscience, religion and belief. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible."³⁵

In May 2014, Parliament passed an antidiscrimination law that prohibits discrimination on the grounds of race, color, language, gender, age, citizenship, native identity, birth, place of residence, property, social status, religion, ethnic affiliation, profession, family status, health condition, disability, political or other beliefs, sexual orientation, gender identity and expression, and "other characteristics." The inclusion of gender identity and sexual orientation was strongly opposed by the Georgian Orthodox Church. As with all laws of this kind, its effectiveness will depend on the extent to which it is implemented in practice and violators are successfully prosecuted. At present, LGBT Georgians still encounter discrimination and do not yet enjoy full equality.

The most prominent rule of law issue in Georgia during 2014 was the spate of arrests and prosecutions of former UNM officials. Former Tbilisi mayor Gigi Ugulava was charged and detained while trying to leave the country in July. Several others were charged with crimes including bribery, corruption, and abuse of power. Former president Saakashvili was also charged in July, partly for his role in the violent dispersal of peaceful demonstrations in 2007. He was not arrested because he remained outside of Georgia, but in September the property of several of his relatives was seized by prosecutors.

Former prime minister Vano Merabishvili was convicted of several different offenses, including obstruction of justice, in separate verdicts in February and October, receiving prison sentences of up to five years.³⁶ Also in October, former defense minister Bacho Akhalaia received a sentence of 7.5 years in prison for charges including torture.³⁷

Although the government had previously faced criticism from abroad for the allegedly politicized nature of these prosecutions, the charges against Saakashvili drew the most attention. European and U.S. authorities were almost unanimously critical of the move, and politicians warned Georgia against using the legal system as a means to exact political retribution.³⁸ Domestic reaction to the charges against Saakashvili was divided. A statement by five major NGOs, led by TI Georgia and GYLA, declared that the "Prosecutor's Office does not simply have a right but also a duty to investigate possible crimes by former and present officials and to bring

charges against the relevant individuals. Calling high-ranking officials to justice can be considered a means for the prevention of future abuses.” The statement also stressed that it is “fundamental that law enforcement agencies and the Prosecutor’s Office in particular clearly demonstrate their adherence to the principles of political neutrality, independence and rule of law.”³⁹

The concerns surrounding the UNM leaders’ cases stem in part from low confidence in the judicial system, which continues to face significant challenges. According to a report by the EU’s special adviser on constitutional and legal reform and human rights in Georgia, the country “is clearly benefiting from the increased judicial independence, better substantiated judgments, increased transparency in the court rooms and a democratically elected High Council of Justice. Despite this, progress in judiciary remains fragile.”⁴⁰ In May, a statement by the UN Office of the High Commissioner for Human Rights (OHCHR) offered a similar assessment, with particular regard to the rights of defendants facing trial: “The acquittal rate is now starting to get more realistic, as the judges grow used to being more independent both from the Executive and from the prosecutors, for example by showing a greater inclination to demand that prosecutors properly justify their requests to place defendants in pre-trial detention.”⁴¹ The change in the acquittal rate is significant because from 2010 to 2012, the conviction rate exceeded 99 percent, meaning an arrest meant almost automatic conviction.

Nonetheless, the judiciary does not yet enjoy full independence from the executive branch in practice. This is partly a legacy of the previous government that the current administration has sought to address, but there still is work to be done in this area. As the EU’s special adviser noted, “Judicial independence remains fragile and responsibility of individual judges needs to be strengthened; law-enforcement institutions still require significant reform, including establishment of an effective and independent mechanism for investigation of the complaints against law enforcement officials.”⁴² Because of these outstanding weaknesses, the possible influence of the government and of political considerations in the UNM prosecutions and arrests cannot be entirely discounted.

Although it is unlikely that Saakashvili will return to Georgia and stand trial in the foreseeable future, the handling of the preliminary stages of his case and those of other UNM politicians has already stoked controversy. Many defendants, including Ugulava, have been held in pretrial detention, and Saakashvili is technically being held in pretrial detention in absentia, a questionable legal status. Defendants claim that these detentions are politically motivated abuses of power, while the government argues, not without evidence, that detainees like Ugulava are flight risks. The government has consistently promised that the trials will be conducted in a manner consistent with the highest international standards,⁴³ but the highly polarizing nature of the arrests themselves means that any conviction will, rightly or wrongly, be condemned by many outside of Georgia, and receive a much more mixed reaction domestically.

An August 2014 report by the UN Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR),

identified two major positive steps in Georgia earlier that year: the adoption of a national human rights strategy and amendments to the prison code, both in April.⁴⁴ The prison code changes were designed to improve living conditions for inmates and strengthen protections for their rights.⁴⁵

The UN report also identified several shortcomings regarding human rights in the country. These included the “effectiveness of the enforcement mechanism” for the new antidiscrimination law; the committee emphasized its concern “about discrimination and social stigma, hate speech and acts of violence against lesbian, gay, bisexual and transgender persons and violation of their rights to freedom of expression and assembly.” The report similarly cited ongoing problems related to gender, such as “the underrepresentation of women in decision-making positions in legislative and executive bodies, including in the Parliament and Government; the significant gender wage gap; the prevalence of sexual harassment, including in the workplace; the number of cases of early marriage; [and] the practice of sex-selective abortions of female foetuses.”⁴⁶

Regarding the 2008 war with Russia, the committee expressed concern about the “slow progress in investigating, identifying and prosecuting perpetrators of human rights violations” committed during the conflict or in its immediate aftermath. Even as it called for more action on these and other crimes, however, the report acknowledged the danger of politicization: “The State party should pursue the investigation into past abuses while, given that such violations were committed before the 2012 elections, avoiding the appearance of political retribution.”⁴⁷

Corruption

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.50	5.00	5.00	5.00	5.00	4.75	4.50	4.50	4.50	4.50

Corruption in Georgia has become a highly politicized issue. The UNM government was very effective in some aspects of the fight against corruption. Within the first few years of its tenure, the Saakashvili administration nearly eradicated low-level graft in law enforcement and other state services. Authorities also zealously pursued organized crime syndicates, arresting some top suspects as others fled abroad. During this time, however, political leaders remained entangled with various nontransparent business and media interests, and many people close to the government became extremely wealthy, including former ministers.⁴⁸

In the years since the 2012 change in government, the earlier reduction in low-level corruption appears to have been sustained. According to public opinion research done in August 2014, only 2 percent of respondents listed corruption as one of their top three concerns. More significantly, 15 percent of respondents said it had become less of a problem since the 2012 elections, while only 12 percent thought it had gotten worse, and 62 percent thought it was about the same.⁴⁹

Georgia’s relatively free media and strong civil society act as checks on corruption. Cases of abuse of power by government officials are often widely

reported, and several NGOs, such as GYLA and TI Georgia, conduct research on the issue and effectively disseminate their findings.

The current government has focused its anticorruption efforts on the arrest and conviction of senior members of the previous administration. This is a very controversial and divisive approach, but it is not entirely without merit; there is substantial evidence of high-level corruption and abuse of power in the UNM government.⁵⁰ Still, many observers, particularly outside of Georgia, have argued that the leadership may be using the judiciary for political purposes. A spate of arrests in the Defense Ministry in late October and early November 2014 led to further accusations of this kind. The main target of the investigation was widely believed to be Defense Minister Irakli Alasania, one of the most popular politicians in Georgia and a man who was generally thought to be honest and not corrupt.⁵¹

Other corruption-related problems persist in Georgia, including a lack of transparency in government appointments. For example, in the months after GD candidate David Narmania took office as mayor of Tbilisi in 2014, a reported 155 city hall employees were replaced, including people working in nonpolitical positions.⁵² Public procurement is also an area of concern. The State Procurement Agency makes data available regarding tenders and other procurement issues, leading to a degree of transparency in this area. However, some NGOs have argued that too many procurements are handled through noncompetitive mechanisms.

Although information regarding salaries for officials are made public, bonuses are not regulated in any way. This creates an element of arbitrariness and presents opportunities for corruption and the politicization of the work of some government employees. A TI Georgia report on this question notes that “current legislation of Georgia fails to ensure that bonuses are given in exceptional cases,” and that the “current system renders the link between the volume/quality of performed work and the received bonus totally unclear.” The organization said this created “fecund grounds for abusing the official position and corruption.”⁵³

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