



MAP OF AUTHORITARIANISM IN GEORGIA

MAP OF AUTHORITARIANISM IN GEORGIA

January, 2024



GEORGIAN DEMOCRACY INITIATIVE (GDI)

Research Institute - Gnomon Wise

Research co-authors:

Giorgi Mshvenieradze
Democracy Defenders, chairperson

Vasil Zhizhiashvili
Georgian Democracy Initiative, researcher/lawyer

Shota Qobalia
Human rights expert

RESEARCH EDITOR:

Davit Zedelashvili
Research Institute - Gnomon Wise, Researcher

The work is based on a specially developed methodology that investigates authoritarian and illiberal practices in Georgia. To view the methodology, please follow this link.

TABLE OF CONTENTS

1. Authoritarian Practices	5
1.1 Capture and Consolidation of Executive Power	5
1.2 Sabotage and Disruption of Constitutional Mechanisms of Accountability	11
1.3. Informal Practices: Self-Enforcement of Incumbent Leaders to Maintain Power Through Abusing Democratic and Constitutional Processes	14
2. Illiberal Practices	20
2.1. Violation of Individual Autonomy and Dignity, Alongside Growing Dependence on Authority	20
2.2. Amplifying Privileges for Regime Loyalists/Dominant Groups ..	29

1. AUTHORITARIAN PRACTICES

1.1 Capture and Consolidation of Executive Power

The appropriation and solidification of executive authority, coupled with the deliberate undermining and dismantling of constitutional mechanisms of accountability, constitute two interconnected authoritarian processes shaping Georgia's current political landscape, which is at a critical stage. The systematic authoritarian tactics employed by the de facto ruler of the nation have already resulted in detrimental consequences, not only domestically but also internationally, staining Georgia's image as a democratic state with aspirations towards Euro-Atlantic integration in the eyes of the global community.

The Capture of executive power typically entails employing a range of strategies and tactics to centralize authority in the hands of one individual and/or a political party. While the details of authoritarian practices may vary across states due to specific political contexts, noticeable similarities in the behavioral patterns of authoritarians and the methods they employ can still be observed. In Georgia, authoritarian attempts to seize power impact not only the three branches of government—executive, legislative, and judicial—but also individual institutions. Over 11 years of governance, following the victory in the 2012 parliamentary elections, the ruling party succeeded in consolidating control and aligning virtually all significant institutions within a singular power vertical, subjecting them to the personal interests and desires of the non-formal ruler, Bidzina Ivanishvili.

Bidzina Ivanishvili initiated the process of seizing and consolidating executive power by appointing individuals to key positions based not on their professional qualifications but more on their loyalty to him in the past and/or their employment history within his companies. Consequently, members of Ivanishvili's inner circle (such as Irakli Gharibashvili, Otar Partskhaladze, Shalva Tadumadze, Anzor Chubinidze, Grigol Liluashvili, and others), were placed in strategically significant roles.¹ Bidzina Ivanishvili's departure from "active politics" has never become an obstacle in his unilateral decision-making concerning the appointment and dismissal of key figures. He continues to exert significant influence as the primary decision-maker, a fact emphasized by numerous statements made by leaders of the ruling party.²

At the beginning of his administration, Ivanishvili directed his focus toward the

1 Transparency International - Georgia; *Ivanishvili's Companies – A Forge of government Officials*

2 Transparency International - Georgia, *National Integrity System Assessment*. June 26, 2020

Prosecutor's Office and the State Security Service, recognizing that the Capture of these institutions would serve as an effective means of the full capture and consolidation of governmental control. For this purpose, in 2013, an individual closely associated with Ivanishvili's family, Otar Partskhaladze, assumed the role of the Prosecutor General. However, Partskhaladze was soon compelled to vacate the position following the news of his conviction for theft in Germany.³ Despite Partskhaladze's brief tenure as chief prosecutor lasting only a month and a half, it gave rise to suspicions regarding his potential utilization by Ivanishvili in the execution of informal and corrupt dealings (notably concerning cases involving the beating of the former head of the "Omega Group" and Audit Service, Lasha Tordia). These suspicions were further aggravated by subsequent events. On September 14, 2023, the United States imposed sanctions on Otar Partskhaladze,⁴ citing his collaboration with the Russian Federal Security Service. Partskhaladze, labeled as a Russian-Georgian oligarch, further enhanced the narrative surrounding Georgia's escalating autocratization.

The government sought to retain its grip on the Prosecutor's Office by rejecting the proposed reform for the election of the Prosecutor General. By allowing the majority of the total number of the Members of Parliament to appoint the Prosecutor General, this rule facilitated unilateral decision-making by the ruling party. To maintain the status quo, the government refused to lift the block off the "Charles Michel Agreement"⁵ signed between the parties on April 19. This agreement suggested altering the process of appointing the Prosecutor General to require a qualified majority vote from parliament members. Such a modification would enable all political factions in the Parliament to participate and endorse the selection of the Prosecutor General. The proceedings concerning the amendments to the rule (Suspension of these changes by the authorities after the first reading), as well as statements made by the representatives of the ruling party, clearly suggest the informal leader's determination to retain absolute control over the Prosecutor's Office.⁶

Therefore, the Prosecutor's Office, which ideally should uphold principles of legality, justice, impartiality, and political neutrality, is currently being utilized as a tool to target opponents of the informal ruler. This is evidenced by politically motivated prosecutions against them and by the role of the Prosecutor's Office in concealing

3 *Statement of the Prosecutor General of Georgia*, Otar Partskhaladze, available on the official website of the prosecutor's office at:

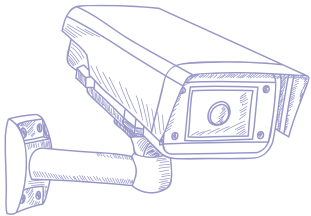
4 *Imposing Further Sanctions in Response to Russia's Illegal War Against Ukraine*; Fact Sheet, Office of the spokesperson, September 14, 2023; available at:

5 *'A way ahead for Georgia'*, Proposal by President of the European Council Charles Michel to the representatives of Georgian political parties

6 *Statement by Irakli Kobakhidze* regarding the issue of appointing the Prosecutor General;

criminal activities involving government officials and their associates.

A notable illustration of "successful" authoritarian tactics lies in the extensive control held by the informal ruler over the State Security Service. The authoritarian sustains his political dominance by covert monitoring and eavesdropping on citizens, opposition figures, and even diplomats, acquiring personal data about them in the process.⁷ Through adopting tailored legislation, the Georgian Dream effortlessly secured influence over the State Security Service. A significant instance of this is the 2016 decision by the Constitutional Court of Georgia⁸ which deemed unconstitutional the State Security Service's technical access to telecommunication networks that was creating the environment for unchecked monitoring of communications and data collection.



Additionally, it was determined that providing the State Security Service with the opportunity for covert monitoring was deemed impermissible, as its investigative role inherently generates a professional

interest in acquiring as much information as possible. Following this determination, the Parliament of Georgia enacted legislative amendments, passing the draft law in its third reading. However, instead of rectifying the flaws, these changes not only reinforced the ruling party's influence but also ran counter to specific provisions of the European Directive, particularly the Network and Information Systems (NIS) Directive.⁹ With the approved changes, the government granted the operational-technical agency direct access to the information systems of legislative, executive, or judicial bodies, as well as the telecommunications sector. Moreover, it enabled indirect access to protected personal and commercial information within these systems. Additionally, the head of the State Security Services was authorized to suspend any decision taken by the agency, thereby heightening the risk of the State Security Service attaining complete control over the institution.

Even independent regulatory bodies, such as the Energy and Communications Commissions, could not escape the informal ruler's ambitions to consolidate executive power. In 2019, under the Georgian Dream administration, Davit Narmania, the former Mayor of Tbilisi, was appointed as the chairman of the National Energy and Water Supply Regulatory Commission of Georgia. In November 2023, "Transparency International Georgia" released an article titled "Alleged Cases of

7 A joint *statement of non-governmental organizations* ; *Statement of Diplomatic Corps*

8 See the decision of April 14, 2016, №1/1/625, 640 of the Constitutional Court of Georgia.

9 CDL-PI(2022)028-e Georgia - Urgent opinion on the Draft Law on the Amendments to the Criminal Procedure Code adopted by the Parliament of Georgia on 7 June 2022, issued on 26 August 2022 pursuant to Article 14a of the Venice Commission's Rules of Procedure.

High-Level Corruption - an Updated List,"¹⁰ highlighting concerns about the Energy Commission's loyalty to the government and allegations of corrupt practices among its staff. The government's engagement in corrupt activities is a key factor contributing to the complete capture of a state. Furthermore, despite being tasked with preventing such crimes, the Office of the Prosecutor General and the State Security Service refuse to take effective action, allowing cases of elite corruption to go uninvestigated.

As for the activities of the Georgian National Communications Commission, it is noteworthy that during the process of selecting the commission's chairman, the relevant legal norms were disregarded,¹¹ leading to Kakha Bekauri's appointment to the position for a third term. Bekauri did not meet the legal requirements for holding the position, however, previously served as the director of "Channel 9," a television station owned by Bidzina Ivanishvili's family. Bekauri initiated the proposal for adopting additional regulations for television and radio raising substantial concerns regarding the potential infringement on freedom of expression.

By appointing an individual as the commission's chairman, one with close ties to the party and Bidzina Ivanishvili, the regulatory commission effectively became a mouthpiece for the Georgian Dream rhetoric. Its primary function is the suppression of critical media and the purification of the media landscape from dissenting voices. On August 23, 2022, the commission granted a lawsuit to Georgian Dream and penalized three channels, "Mtavari Arkhi", "Formula," and "TV Pirveli", for airing the "Home to Europe" clip. As per the commission's ruling, "Formula" and "TV Pirveli" received warnings, while "Mtavari Arkhi" was fined 118,689 GEL.¹²

As previously noted, the appropriation and centralization of executive authority by an individual or a faction are always linked to elite corruption. Consequently, in an authoritarian and/or hybrid regime, the governing authority has to control the agencies tasked with combating high-level corruption. Given that one of the 12 recommendations from the European Commission for Georgia was to enhance the autonomy and effectiveness of the anti-corruption agency, the ruling party had to establish an anti-corruption bureau. Despite the implementation of legislative amendments, the Georgian Dream devised a strategy wherein, on one hand, it withheld investigative authority from the Anti-Corruption Bureau, keeping it within the purview of the Prosecutor's Office and the State Security Service, and on the other hand, tasked the Prime Minister with appointing the bureau's head.¹³

10 <https://transparency.ge/en/blog/alleged-cases-high-level-corruption-periodically-updated-list>

11 Transparency International - Georgia, *Kakha Bekauri does not meet the qualifications for membership/ chairpersonship of the Georgian National Communications Commission*, December 11, 2017

12 *The Communication Commission's decision* of August 23, 2022;

13 The Law of Georgia "On Amendments to the Law of Georgia on Conflict of Interest and Corruption in Public Institutions";

Given this arrangement, it is evident that the anti-corruption bureau will lack the necessary power to address elite corruption, which aligns solely with the political agenda of the government.

A notable instance of the capture of power involves the substantial influence exerted over the Central Election Commission. Research conducted by "The International Society for Fair Elections and Democracy (ISFED)" and "Transparency International - Georgia"¹⁴ highlighted concerning findings regarding the 2020 parliamentary elections. The research uncovered a widespread scheme aimed at mobilizing voter support for the ruling party through illegal methods, underscoring the exploitation of state agencies for electoral and partisan objectives. The utilization of tactics for electoral fraud was preceded by a series of legislative amendments aimed at enabling the ruling party to seize control of the Central Election Commission (CEC) as an independent and impartial electoral body. The degradation of the norms governing the election of the chairman and professional members of the Central Election Commission (CEC) in recent years, marked by numerous legislative amendments introduced by the parliamentary majority, has led to the discrediting of the CEC in the eyes of the Georgian public over the 11 years of Bidzina Ivanishvili's shadow rule. Consequently, trust in the CEC has declined significantly not only domestically but also in the eyes of the international community. To exemplify, one can compare the old and the present norms governing the selection process of candidates for the CEC chairman and professional members. Prior to the recent amendments to the election code, the election of the CEC chairman and non-party members required the support of 100 deputies, thereby necessitating a consensus among political parties. The ruling party could independently select candidates with 76 votes, but this mandate lasted only 6 months, after which a new competition had to be announced. However, with the new amendments,¹⁵ the ruling party stripped the President of the authority to establish a selection commission for CEC candidates and, subsequently, present preferred candidates to the Georgian Parliament. This authority was granted to the Chairman of the Parliament, who also is a member of the ruling party. Currently, the approval of candidates requires the support of only 76 out of 150 deputies, despite the parliamentary majority consisting of 84 deputies, well exceeding the necessary number of votes.

The events concerning the National Bank of Georgia unfolded dramatically as well. The takeover of the institution began with legislative changes to the organic law "On the National Bank of Georgia" initiated by members of the parliamentary

14 International Society for Fair Elections and Democracy (ISFED) and Transparency International - Georgia: *State resources at the service of the ruling party*: Proven methods of vote buying and illegal mobilization of voters in Georgia;

15 <https://parliament.ge/en/media/news/tseskos-formirebis-tsesshi-tsvlilebebis-shesakhebnanonproektebs-saprotseduro-sakitkhta-da-tsebis-komitetma-mkhari-dauchira>

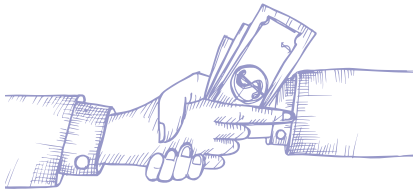
majority. The amendments introduced a high-ranking position of the First Vice President would assume the responsibilities of the president if deemed necessary. The appointment of Natia Turnava, the former Minister of Economy, to the position created by the Georgian Dream has yielded the intended results. The imperative to bring the National Bank of Georgia under control during the process of capturing and consolidating power for an informal leader was highlighted by the United States' decision to impose sanctions on Otar Partskhaladze, a key figure in Bidzina Ivanishvili's inner circle and former Prosecutor General, due to his collaboration with the Federal Security Service of Russia. Natia Turnava's decision, to adopt an exceptional rule to protect Otar Fartskhaladze¹⁶, highlighted that today, the authoritarian's strong inclination supersedes the law - prioritizing the desire to dominate and exploit the government for political gains, even at the risk of destabilizing the banking and financial systems of Georgia.

16 <https://civil.ge/archives/560006>

1.2 Sabotage and Disruption of Constitutional Mechanisms of Accountability

In the pursuit of capturing and consolidating executive power, the primary strategic goal for any authoritarian is to weaken and dismantle the constitutional mechanisms of accountability. Typically, during such periods, the authoritarian seeks to eliminate democratic checks and balances within the executive branch. This often involves weakening parliamentary oversight and undermining the judiciary. The concentration of political decision-making in the hands of one individual, Bidzina Ivanishvili, has weakened parliamentary supervision over the years and effectively stripped the Parliament of its legislative functions. The members of the parliamentary majority failed to defend their independence,¹⁷ practically undermining the effective implementation of parliamentary oversight and accountability mechanisms over the executive branch. As for the opposition within the parliament, despite legislative improvements aimed at regulating parliamentary oversight, the ruling party has erected artificial barriers for opposition MPs. This is evidenced by instances of terminating mandates for opposition MPs,¹⁸ obstacles encountered in establishing investigative commissions and conducting their work effectively, as well as the lack of accountability from the government and other officials accountable before the Parliament, etc.

As mentioned previously, in the process of consolidating executive power, it becomes imperative for authoritarians to control the judiciary. Otherwise, the courts may attempt to restrain the excessive power of the executive using the available legal means. Consequently, authoritarians seek to secure influential administrative positions within the general court system and concurrently exert influence over individual judges and their decisions through corrupt practices. In Georgia, the subjugation of the courts began with the appointment of judges, who are exposed to corruption, to the High Council of Justice. These judges quickly gained influence within the council by demonstrating loyalty to the government. Subsequently, the excessive broadening of the powers of the High Council of Justice facilitated the informal ruler's takeover of the third branch of government. For over a decade, the judiciary has been under the control of a small yet influential group of judges, now commonly referred to as the "judicial clan." This group creates conditions supportive of corruption within the court system, enabling politically motivated decisions and contributing to the concentration of power in the



¹⁷ Transparency International - Georgia; *Parliamentary Supervision in Georgia*; 2020

¹⁸ Ibid.

hands of one individual. In addition to politically motivated cases, a significant example is the decision by the US State Department to impose sanctions on Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze for their involvement in significant corruption.¹⁹ As stated in the State Department's decision, these individuals abused their positions as court Chairmen and members of Georgia's High Council of Justice, undermining the rule of law and the public's faith in Georgia's judicial system.²⁰ It is evident that the influence of the informal leader on the court is substantial, to the extent that despite the implementation of multiple waves of judicial reforms, the court remains discredited to its core, and public trust in it deteriorates with each passing day.

It is also important to acknowledge the efforts made to control the Constitutional Court, especially through legislative amendments enacted in 2016, the complete enforcement of which would have meant paralyzing the court²¹. Fortunately, certain changes were deemed unconstitutional by the composition of the Constitutional Court during that period²². It should be noted that the amendments were preceded by the criticism of the former Minister of Justice, Thea Tsulukiani, due to the decisions made by the court and by a warning from her that the government would take care of the "healthiness" of the court²³. In addition, the selection of individual members of the Constitutional Court has repeatedly become the subject of criticism²⁴. As a result, in recent years, the Constitutional Court, in politically sensitive cases, failed to fulfill the function assigned to it, to protect the Constitution and the rights of the complainants. For example, the court did not suspend the implementation of amendments related to the state inspector's service and deliberately facilitated the violation of Londa Toloraya's (former state inspector) constitutional rights.

When examining authoritarian practices in Georgia, it's essential to highlight the attack on the State Inspector and the Public Defender, which reflects tactics commonly employed by authoritarians. These tactics aim to assert control over every

19 *STATEMENT BY SECRETARY ANTONY J. BLINKEN*: Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption;

20 Ibid.

21 see Venice Commission's critical opinion on that changes, CDL-AD(2016)017-e Georgia - Opinion on the Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings, endorsed by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016) [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)017-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)017-e), See also the statement of the Coalition for an Independent and Transparent Judiciary https://www.coalition.ge/index.php?article_id=80&clang=1

22 Decision N3/5/768,769,790,792 of the Constitutional Court of Georgia of December 29, 2016 in the case "Group of Georgian Parliamentarians (Davit Bakradze, Sergo Ratiani, Ronald Akhalaia, Levan Bezhashvili and others, total 38 MPs) and Georgian citizens Erasti Jacobia and Karine Shakhparoniani against the Parliament of Georgia

23 <https://kvira.ge/223150>

24 <https://netgazeti.ge/news/440558/>

institution and minimize their independence to eliminate any potential resistance. The reasons behind these actions are closely linked to a draft law proposed by the parliamentary majority, which abolished the position of the State Inspector and, instead, established a Special Investigative Service and a personal data protection service.²⁵ While such a decision might have been deemed appropriate in another context, the timing of the ruling party's actions raises suspicions, particularly as they closely coincide with the State Inspector's decision to fine the Ministry of Justice and the Special Penitentiary Service for acquiring and disclosing the personal data of the third president of Georgia.²⁶ The recent actions of the Special Investigative Service only serve to intensify suspicions that the elimination of the State Inspector position was driven by political agendas and the ruling party's thirst for retribution. Instances, such as the closure of Misha Mshvildadze's case,²⁷ clearly suggest that the service refuses to thoroughly investigate incidents of violence against opponents of the ruling party.

It is important to highlight that the new law "On Personal Data,"²⁸ despite incorporating positive changes, presents several risks regarding its scope. Specific provisions within the law, particularly those concerning the regulation of processing special categories of data, create opportunities for arbitrary actions by public entities and leave room for the potential abuse of power by the authorities.

In conclusion, the strategies employed by the ruling power to capture and consolidate power within the executive branch have been described as dangerous and detrimental to democratic governance. These authoritarian tactics, ranging from electoral manipulation to constitutional amendments and judicial control, pose significant threats to democratic principles. The accurate identification of such tactics used by the authorities is one of the decisive factors for safeguarding democratic values, since protecting democracy necessitates collective action, emphasizing the importance of global collaboration in upholding democratic principles everywhere and at all times.

25 <https://parliament.ge/en/media/news/parlamentma-sakhelmtsifo-inspektoris-samsakhuris-shesakheb-kanonshi-tsvlilebebi-ganakhortsia>

26 *The State Inspector's decision on the legality of obtaining and publicizing the personal data of the third president of Georgia, Mikheil Saakashvili.*;

27 *Statement of the Special Investigation Service of Georgia*;

28 *The Law of Georgia On Personal Data Protection*

1.3 Informal Practices: Self-Enforcement of Incumbent Leaders to Maintain Power Through Abusing Democratic and Constitutional Processes

Authoritarian political regimes prioritize maintaining indefinite power, often exploiting democratic institutions intended to check government authority. Conversely, in democratic systems, these institutions aim to restrain government overreach and fairly distribute power, but authoritarian leaders can subvert them to retain control. The subsequent chapter delineates the informal practices of the Georgian government, showcasing the exploitation of democratic and constitutional processes.

1.3.1. Public Sector Employment in Exchange for Electoral Mobilization

Since 2013, we have witnessed a consistent rise in public sector employment, leading to increased budget allocations for their salary. In 2021, the proportion of public sector employees among the overall workforce reached 36%, the highest level since 2012.²⁹ Notably, the expansion of Legal Entities under Public Law (LEPLs) and Non-entrepreneurial (non-commercial) legal entities (N(N)LEs) has significantly contributed to bureaucratic growth. For instance, data from 35 municipalities show a 5% increase in municipal N(N)LEs employees in 2020,³⁰ a trend sustained through 2022.³¹ Moreover, the number of freelancers hired by ministries and public institutions, along with associated costs, continues to rise annually. With reference to data from 2019, the remuneration costs for freelancers in the public sector experienced an average annual increase of 12% by the end of 2013, significantly outpacing the country's economic growth rate by approximately threefold.³²

The growth of public sector employment heightens the reliance of the population on the state budget, facilitating electoral mobilization through repression and coercion while affording the government the means to offer public sector jobs to individuals in exchange for their support. As a result of state-led electoral mobilization efforts, hiring freelancers on a contractual basis in LEPLs and N(N)

29 Institute for Development of Freedom of Information, *Salary Increases in the Public Sector and Bureaucracy*, 2022, p. 4;

30 Institute for Development of Freedom of Information, *Employees, and Remuneration Expenses of Municipal N(N)LEs and LLCs*,

31 Institute for Development of Freedom of Information, *Salary Incre in the Public Sector and Bureaucracy*, 2022, p. 4;

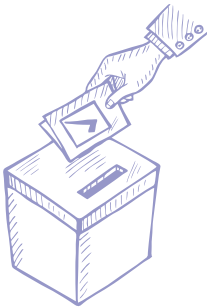
32 Institute for Development of Freedom of Information, *Practice of Contract Employment in Ministries and LEPLs*, 2022, p. 4

LEs within the public sector is notably straightforward. Unlike in the cases of civil servants, contract employment involves a simplified selection process where decisions are made solely through interviews conducted by authorized individuals on contractual terms which specify a simplified competition process.³³

An instance illustrating the mobilization of individuals in the public sector, particularly within LEPLs and N(N)LEs, for electoral objectives is evident in the disclosures made by whistleblower Ioseb Gogashvili, the former Deputy Head of the State Security Service (hereinafter referred to as the "Gogashvili files"). These documents reveal a systematic evaluation of public school principals based on their political alignment, which ultimately determined whether they were retained or dismissed. By August 1, 2021, the six-year terms of 1,003 principals had elapsed, resulting in 891 of them being appointed as acting principals while the remainder were terminated. Documents disclosed by the whistleblower indicate that the Resource Center and State Security Service issued negative assessments of 95 out of 112 principals based on political considerations. These findings underscore the significant influence of evaluations conducted by the State Security Service and the ruling party in the dismissal process for school principals.³⁴

The directive for N(N)LEs' directors and their staff to compile lists of potential supporters of Salome Zurbishvili and transmit them to the ruling party during the 2018 presidential elections serves as a notable instance of pre-election mobilization involving N(N)LEs funded by public entities.³⁵

Another instance of pre-election coercion within the public sector occurred with the abolishment of the position of the so-called "village governor" from municipal staff lists in regions like Samegrelo and Zemo Svaneti before the 2017 local self-government elections, followed by the subsequent transfer of individuals to labor contracts. This change was met with disapproval from the village governors, who perceived it as an attempt to tie their continued employment to the electoral performance of the ruling party in specific villages rather than their diligent execution of assigned public duties.³⁶



33 Institute for Development of Freedom of Information, *Salary Increases in the Public Sector and Bureaucracy*, 2022, p. 1

34 Transparency International Georgia and International Society for Fair Elections And Democracy, *State Resources at the Service of the Ruling Party: Proven Methods of Voter Bribery and Illegal Mobilization in Georgia*, 2022, p. 41

35 Transparency International Georgia, *Misuse of Administrative Resources during Georgia's 2018 Presidential Elections*, 2018, p. 25

36 Transparency International, *Misuse of Administrative Resources during 2017 Local Self-Government Elections in Georgia*, 2017, p. 13

The yearly rise in public sector employment, particularly in LEPLs and N(N)LEs, along with instances of mobilization and pressure on public officials before elections, indicate the utilization by the government of individuals employed in positions funded by the state budget to pursue its political objectives, often ensuring their retention in the public sector or offering new positions as incentives.

1.3.2. Trade-off: Granting Freedom from Repressive Tools for Electoral Mobilization

Prior to elections, the ruling party frequently abstains from employing repressive measures in return for electoral mobilization, a practice conflicting with principles of the rule of law and ensuring an equitable and competitive electoral landscape.

This translates into measures taken by the authorities such as releasing convicts and individuals serving conditional sentences, reinstatement of suspended or revoked driving licenses, termination of criminal proceedings or reduction of charges, improvement of sentence-serving conditions, deferment of compulsory military service for conscripts, and other illicit actions. These activities were corroborated by actions taken by authorities ahead of the 2018 presidential and 2020 parliamentary elections, information regarding which surfaced through the aforementioned "Gogashvili files".

An exemplary instance of such practices can be found in the statistics of probation revocations by the Standing Commission for Conditional Sentences in 2018, which averaged 40 cases per month. However, in November-December, both preceding and following the second round of the presidential elections, probation was revoked for over 3,000 individuals.³⁷ Additionally, the Standing Commission convened 13 times in November and December 2018, whereas previously it met once a month.³⁸ Moreover, the count of positive decisions regarding the restoration of driving licenses by the Standing Commission did not surpass 50 per month until November 2018; however, in November alone, the number of cases exceeded 200.³⁹ The instances outlined above are further substantiated by narratives presented in critical media coverage of "Gogashvili's files". In a segment by "TV Pirveli," one individual confirmed to journalists that a fine imposed by the patrol police was indeed waived.⁴⁰ Likewise, in a TV segment by "Mtavari Arkhi," a citizen attested that

37 Transparency International Georgia and International Society for Fair Elections And Democracy, *State Resources at the Service of the Ruling Party: Proven Methods of Voter Bribery and Illegal Mobilization in Georgia*, 2022, p. 18

38 Ibid, p. 19.

39 Ibid, p.. 27.

40 *Nodar Meladze's Saturday*, "TV Pirveli", 22.10.2021, 12:55 min.

their sentence was not mitigated in exchange for electoral support.⁴¹ Additionally, in a report by the "TV Formula," a family member of an individual corroborated the cancellation of tax debt in return for political backing.⁴²

Furthermore, three months ahead of the 2021 local self-government elections, the exemption from fines totaling 76 million GEL imposed on individuals and legal entities for violating government-imposed COVID-19 prevention measures, such as isolation, quarantine, and mask-wearing, is also noteworthy.⁴³ A comparable pattern occurred prior to the 2020 parliamentary elections, where several months beforehand, 42,000 farmers had their debts towards LTD "Georgia Melioration", amounting to up to 8,000,000 GEL accrued between 2012 and 2019, entirely waived.⁴⁴

1.3.3 Utilizing Regime-Affiliated Enterprises for Electoral Mobilization

The utilization of government-affiliated businesses for electoral gains occurs consistently throughout all elections conducted during the governance of the ruling party. This implies that significant donors to the ruling party include individuals whose companies secure sizable state procurement contracts and substantial funding from other state programs.

For instance, in 2021, legal entities contributing to the ruling party and firms linked to individual donors secured tenders totaling approximately 320 million GEL and obtained simplified procurement contracts worth 19 million GEL. These companies, along with donors directly or indirectly associated with them, contributed around 4.5 million GEL to the ruling party during the same period.⁴⁵ Another case in point is LLC "Boran", which won tenders and received simplified procurements amounting to roughly 35 million GEL from 2013 to 2022 while in 2017 and 2020 shareholders of the company donated a total of 90,000 GEL to the ruling party.⁴⁶

According to research conducted by Transparency International Georgia, significant donor groups have emerged within the ruling party's contributors over the years,

41 " *How "Georgian Dream" uses people and in what ways it collects votes*, "Mtavari Arkhi", 7.10.2021.

42 *TV Company "Formula"*, 7.11.2021

43 International Society for Fair Elections And Democracy, *2021 MUNICIPAL ELECTIONS FINAL MONITORING REPORT*, 2021 p. 44

44 Transparency International Georgia, *Utilization of Administrative Resources in the 2020 Georgian Parliamentary Elections*, 2020, p. 42, available at:

45 Transparency International Georgia, *Funding of Political Parties in Georgia in 2021: Incomes, Expenses and Financial Control*, 2022;

46 Transparency International Georgia, *a Company with links to the Georgian Dream wins tenders in Imereti*;

consistently providing substantial financial support to the Georgian Dream. These groups are noted for their tendency to donate funds to the ruling party on the same day or within a short timeframe, raising suspicions of this collective action being orchestrated by external entities, a practice prohibited under the Georgian election law.⁴⁷



The practice of awarding tenders and state contracts to businesses closely affiliated with the government has raised significant concerns, particularly when coupled with their subsequent financial contributions to Georgian Dream before elections. This combination gives rise to credible suspicions of a potential corruption scheme, placing the ruling party in an advantageous position over its competitors. Such actions undermine the principles of fairness and competitiveness in the electoral environment.

1.3.4 Direct Electoral Bribery

Throughout their governance, the ruling party has been implicated in multiple instances of voter bribery. This practice encompasses both direct monetary and non-monetary inducements at polling stations and efforts to sway voters through other initiatives such as state projects, social programs, and charitable endeavors.

An illustrative example of this phenomenon is the decision made by the Minister of Education and Science of Georgia regarding the secondary enrollment of entrants in September 2013, just one month before the presidential elections. Specifically, between September 11th and 13th, all entrants who had not met the minimum entry requirements in four subjects and were unable to enroll as students were afforded the chance to re-register and gain admission to higher education institutions.⁴⁸

Another notable instance of voter bribery on an unprecedented scale occurred with Prime Minister Mamuka Bakhtadze's initiative to waive debts in November 2018, just before the second round of the presidential elections. Specifically, the Prime Minister announced that approximately 600,000 citizens would have their existing debts to banks, online credit organizations, and various financial institutions written off, totaling approximately one and a half billion GEL.⁴⁹ Minister of Finance,

47 Transparency International Georgia, *Utilization of Administrative Resources in the 2020 Georgian Parliamentary Elections*, 2020, P. 6

48 Transparency International Georgia, *Report on the Misuse of Administrative Resources ahead of 2013 Presidential Elections*, 2013, p. 10

49 GULA, ISFED, TI, The initiative to write off debts represents an unprecedented case of alleged vote buying, <https://www.transparency.ge/ge/post/valebis-chamoceris-iniciativa-amomrchevelta-uprecendento-masshtabis-shesazlo-mosqidvas> 2018

Ivane Machavariani, stated that the "Cartu Bank" would ensure the full repayment of debts for 600,000 individuals listed on the so-called black list.⁵⁰

Prime Minister Irakli Gharibashvili's statement on September 15, 2023, to waive the outstanding debt of up to 40 million GEL for approximately 30,000 students whose status had been suspended due to financial debt is yet another instance of manipulation of public opinion.⁵¹ Although the statement was not made during the pre-election period stipulated by legislation, it occurred shortly after the information about the possible corrupt actions of the Prime Minister emerged and the sanctioning of the former Prosecutor General Otar Partskhaladze by the USA.⁵² This decision appears to have been aimed at diverting public attention and manipulating public opinion.⁵³

50 *On.ge, Minister of Finance: Kartu Group Absorbs Debt for 600,000 Individuals, 19.11.2018*

51 The official Facebook Page of the government of Georgia: *Government of Georgia | Facebook*.

52 Investigative journalism Nodar Meladze's Saturday: *Gharibashvili's Vacation in America: Government Plane Usage Under Journalistic Investigation - YouTube*.

53 *Civil.ge, The US Issues Sanctions against Otar Partskhaladze, September, 2023, Civil Georgia | US Sanctions Ivanishvili Crony for Channeling Russia's Influence*

2. ILLIBERAL PRACTICES

2.1. Violation of Individual Autonomy and Dignity, Alongside Growing Dependence on Authority

2.1.1 Mass Illegal Surveillance and Eavesdropping

Amidst autocratization, the drive to preserve and augment power characteristic of the political system is inherently linked to the imperative of systematic control of public processes. Effective oversight necessitates identifying potential threats and actors to the authoritarian regime in advance. The digital era offers unprecedented and adaptable technological means for comprehensive surveillance, heightening the risk of constitutional rights infringement. This danger was notably realized within the Georgian context.

On September 13, 2021, media outlets disseminated information regarding extensive illegal covert surveillance and eavesdropping conducted by the State Security Service between 2013 and 2021. The case involves approximately 58,000 files containing processed and archived data on the private communications and personal lives of journalists, politicians, representatives of religious organizations, diplomats, civil activists, and other individuals. The authenticity of the information within these files has been corroborated by individuals who examined the collections in question. The systematic nature and content of the distributed materials reveal the State Security Service's ongoing crime of infringing upon individuals' privacy.⁵⁴

The State Security Service, operating as a specialized entity directly accountable to the government, is tasked with safeguarding state security within the nation. Under the relevant legislation, the State Security Service is permitted to conduct covert eavesdropping and surveillance of individuals under two specific circumstances: 1. investigation of a particular crime;⁵⁵ and 2. effective execution of counter-intelligence operations.⁵⁶ From the contents of the disseminated recordings and the individuals identified therein, it is evident that the State Security Service conducted covert surveillance outside the legally protected public interests, driven by political motives. The motives behind the actions of the State Security Service include the elimination of political adversaries, determination of the action scheme of government critics, and possession of compromising information on public figures, among others.

54 *Civil.ge: "Classified Files Exposed - Alleged Eavesdropping of Priest By the SSS"*, September 13, 2021.

55 Chapter XVI' of the Criminal Procedure Code of Georgia.

56 Article 9, Law of Georgia "On Counter-intelligence Activities".

Furthermore, the legislation overseeing covert eavesdropping and surveillance lacks adequate legal protections to uphold individuals' right to privacy, thus heightening the risks of authority abuse by the service. Specifically, the law governing counterintelligence operations lacks provisions outlining a specific list of crimes warranting the use of electronic surveillance measures. Moreover, the law fails to delineate the concept of state security or specify the nature of the threats under consideration. The criteria for defining individuals deemed as threats are also ambiguous. Additionally, the legislation does not stipulate the standard of evidence necessary to initiate surveillance, a requirement typically outlined in the Criminal Procedure Code for alternative legal grounds. Furthermore, initial authorization for electronic surveillance is granted for a duration necessary to accomplish its objectives, yet capped at 90 days. However, this period can be extended indefinitely, each time not exceeding 12 months.⁵⁷

The service is authorized to conduct electronic surveillance aimed at obtaining counterintelligence information with the written consent of one of the parties involved in the electronic communication. However, this authorization bypasses the court, potentially leading to unwarranted infringement upon an individual's rights. While a party to a communication may consent to the disclosure of personal information, electronic surveillance of other parties based solely on the consent of one participant constitutes an unjustified violation of their fundamental rights.⁵⁸

It's worth emphasizing that until this moment, the authorities have not identified or prosecuted the individuals responsible for the wrongdoing. Furthermore, initially, obstacles were erected in granting victim status to individuals whose privacy rights were violated by the existence and disclosure of material collections. Victim status in the mentioned case was only granted by the state after the civil sector announced its intention to file a case in the European Court of Human Rights.

The intentional failure by the state to conduct effective investigative actions in the mentioned case exacerbates substantiated public concern that the mass eavesdropping and surveillance conducted by the State Security Service from 2013 to 2021 is linked to the current political force's strategic objective of consolidating social and political power through informal, and potentially illegal, means.

57 Article 13, sup-paragraph 5 of Article of the Law of Georgia "On Counter-intelligence Activities".

58 Social Justice Center, *Covert Eavesdropping Within the Scope of Counter-intelligence activities (Institutional and Legislative Analysis)*, 2021, p. 17.

2.1.2. Restriction of Freedom of Expression, Media Control, Persecution, and Repression of Journalists

An evident signal of the state's autocratization process is the increasing imposition of arbitrary limitations on freedom of expression and the targeting of media outlets and journalists critical of the government. Authoritarian regimes typically create an information void within society, laying the groundwork for enhancing centralized social control mechanisms.

The desire of the ruling political power to diminish the legal domain safeguarded by freedom of expression is evident not only in legislative proposals and administrative actions but also in public statements directed against journalists by the highest state officials.⁵⁹

For instance, the remarks made by Irakli Kobakhidze on July 25, 2022, in response to a question from a journalist of "Mtavari Arkhi": "You are no longer a woman... you have lost the face of a woman... when you speak, wipe your mouth... you have a mouth like Saakashvili and became exactly what your leader is in every regard. You resemble Saakashvili even with your mouth."⁶⁰ Such statements from individuals in prominent political positions undoubtedly fuel negative sentiment and hostility towards journalists in society.

In 2013, prompted by the government of Georgia, the Parliament of Georgia deliberated on the imposition of administrative sanctions for insulting religious sentiments.⁶¹ This instance exemplifies the government's arbitrary legislative efforts to curtail freedom of expression. Despite widespread recognition that the proposed law fundamentally conflicted with constitutional and international legal norms, the government still included it on the political agenda aiming to garner support from conservative segments of society.

According to the annual report by "Reporters Without Borders", the state of press freedom in Georgia during 2021-2022 has deteriorated to unprecedented degrees as Georgia dropped from 60th to 89th place in the global ranking of the Press Freedom Index.

One manifestation of the state's repressive approach towards the media is the initiation of criminal cases against media managers and founders who engage in government criticism.⁶² In this context, it is important to highlight the cases initiated

59 Georgian Democracy Initiative, *Human Rights in Georgia, 2022*, Chapter 1.3.

60 Georgian Democracy Initiative, *Human Rights in Georgia, 2022*, Chapter 1.3.

61 Georgian Democracy Initiative, *Freedom of Expression in Georgia*, p. 9.

62 Georgian Democracy Initiative, *Report on Media Freedom in Georgia as a submission for the thematic report of the Special Rapporteur on freedom of opinion and expression and sustainable development*, 2023, p. 3.

by the Prosecutor's Office on highly contentious grounds, as well as the decisions made by judicial authorities, which often lack substantial justification. Particularly notable is the case of the former general director of "Mtavari Arkhi", Nika Gvaramia, where the majority of charges brought by the prosecution are associated with his managerial decision in 2015. Local and international organizations have disputed the existence of sufficient grounds for both criminal and civil liability regarding the managerial decisions made by Nika Gvaramia.⁶³

As per the assessment of the Public Defender, the arrest lacked a justified legal basis and was politically motivated, resulting in a violation of Article 18 of the European Convention on Human Rights.⁶⁴

The adverse consequences stemming from the implementation of politically motivated repressive legal measures against media managers extend beyond the managers themselves, affecting the freedom of critical opinions within society as a whole. Such an exercise of public authority creates a chilling effect, dissuading individuals from expressing dissenting views against the government due to the fear of anticipated repercussions.

One of the prominent indications of Georgia's autocratization process regarding freedom of expression in recent years is the Strategic Litigation Against Public Participation (SLAPP).

SLAPPs are groundless defamation lawsuits brought by politically or financially influential individuals, not with the intent to safeguard honor, dignity, or business reputation, but rather to silence politically engaged citizens and erect financial hurdles for them.

Approximately 31.5% of SLAPP disputes are instigated by city mayors, with 13% initiated by deputies, another 13% by ministers or heads of state agencies, and 8% by police officers. Furthermore, 26% of these disputes are initiated by individuals or institutions allegedly closely associated with the Georgian Dream.

It is important to highlight that SLAPP lawsuits target entities engaged in civic activism and public oversight. Consequently, in numerous instances, the defendants are individuals fulfilling the role of so-called watchdogs, exercising public scrutiny over governmental actions. Primarily, these individuals include members of the media, journalists, civil activists, and organizations.

In the context of unwarranted constraints on media freedom, The findings and

63 Transparency International Georgia, *The Analysis of the Criminal Case: The Prosecution of Nika Gvaramia*, 2021.

64 Georgian Democracy Initiative, *Report on Media Freedom in Georgia as a submission for the thematic report of the Special Rapporteur on freedom of opinion and expression and sustainable development*, 2023, p. 4.

adverse trends exhibited by the regulatory body, the National Communications Commission of Georgia, are noteworthy. The Commission's rulings regarding fines or labeling broadcasters as violators, in certain instances, fail to adhere to reasonable standards of justification and deviate from established practices.⁶⁵

Particularly troubling is the National Communications Commission's endeavor to overstep its jurisdiction by regulating profanity. While the control of profanity felt within the realm of broadcasters' self-regulation (until October 2023), the regulatory commission has arbitrarily taken on the task of actively regulating programs with similar content.

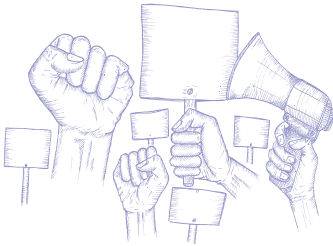
The commission, in its regulation of programs including profanity, cited the decision of the Constitutional Court of Georgia of November 10, 2009, which deemed the prohibition of appeals to the court unconstitutional. However, the court did not imply, either directly or indirectly, that a third party or administrative body should possess the same authority. Consequently, the authority for an administrative body to unilaterally determine that a particular program violates someone's interests and contains profanity was arbitrarily appropriated by the National Communications Commission of Georgia until the changes of October 2023.

65 Georgian Democracy Initiative, *SLAPP Cases in Georgia*, 2023.

2.1.3 Restrictions of Freedom of Assembly and Protest Mobilization

The democratic advancement of the state is intricately linked to the responsible exercise of the right to assembly and protest by society. However, in the process of state autocratization, where the government prioritizes retaining or expanding power, it frequently finds itself compelled to curtail the right to assembly and obstruct protests. This necessity can be categorized into two groups: 1. Instances where participants of assemblies or demonstrations strongly protest against the ruling political power on matters of fundamental political significance. In response, the ruling power applies illegitimate or disproportionate coercion to demonstrate authority and instill fear, thereby violating the negative obligation arising from the right to assembly or demonstration. 2. Physical attacks on demonstrations perpetrated by radical groups within society. Despite the predictable nature of these attacks, the government remains inactive, failing to protect the demonstrators' freedom of assembly and expression. This inertia is typically motivated by a desire to garner the sympathy of the majority or to penalize groups in conflict with the government.

One incident that falls under the first category of violations of the right to assembly and demonstration is the event of June 20, 2019, often referred to as "The Gavrilov



Night". On this day, public protests ensued following a symbolic speech delivered by Russian Duma deputy Sergey Gavrilov from the chair of the Parliamentary Speaker. The protest, sparked by the controversial decision to allow a representative of the occupying country to speak from the legislative body's podium, escalated throughout the day, culminating in multiple demonstrations outside the parliament

building. While protestors attempted to forcefully enter the parliament and engaged in confrontations with the police, giving law enforcement a reason to intervene in the demonstration, the actions of the police both at the outset and during their intervention exceeded the existing legal frameworks.

Despite the mandate in Georgian legislation, authorities failed to issue a clear warning to protestors regarding the potential disruption of the protest or the potential use of force in cases of resistance. Moreover, the utilization of special means, along with their intensity, manner, and objective, was inherently problematic. Footage released depicts instances of rubber bullets being targeted at protestors' faces and heads from close range, suggesting that the intention behind such actions was to inflict harm rather than disperse the rally.

As a consequence of the crackdown on the rally, a total of 240 individuals sustained injuries, including 80 policemen and 38 journalists, with the remaining being peaceful protesters. Three participants of the rally, including an 18-year-old individual, lost an eye as a result of being shot with rubber bullets.⁶⁶

The unjustified restriction of the right to assembly and demonstration by groups critical of the government, including journalists, representatives of the civil sector, and opposition forces, has become a widespread practice. In many instances, the measures implemented by the state are founded on a disingenuous interpretation of legislation.⁶⁷

May 17, 2013, serves as a prime example of the second type of unjustified restriction of the right to assembly and demonstration, characterized by government inaction. On the International Day Against Homophobia and Transphobia, members of the LGBTQI+ community assembled in Tbilisi, only to be met by thousands of individuals, including clerics, who subjected them to verbal and physical abuse. Despite the altercation and ensuing injuries sustained by participants of the rally, the police failed to intervene.

Regarding this incident, the European Court of Human Rights, determined: "The Georgian authorities failed to take measures to protect the LGBT demonstrators from the mob, despite being informed about the dangers associated with this event." Additionally, there is evidence, particularly video recordings by independent journalists, confirming that the authorities did not take appropriate measures to prevent acts of violence.⁶⁸

Moreover, the Court further found that the police officers humiliated a plaintiff by resorting to offensive remarks during the beard-shaving process, which was filmed on a mobile telephone, clearly expressing prejudice against the latter based on his association with the LGBT community. In these circumstances, the Court considered that the inappropriate conduct of the police officers went against the State's substantive negative obligations.⁶⁹

In the process of autocratization, the ruling power, leaning on plebiscite legitimacy, consistently prioritizes prevailing popular sentiment over equality among individuals. This elucidates the government's unlawful inaction witnessed annually concerning the safeguarding of minorities' right to assembly and demonstration.

66 [Civil.ge](#), The Gavrilov Night, *Chronicle of an unannounced raid*, 4/07/2019.

67 [Civil.ge](#) HRC Report on Assemblies and Manifestations in Georgia in 2023, p. 3.

68 *WOMEN'S INITIATIVES SUPPORTING GROUP AND OTHERS v. GEORGIA*, ECtHR, 15 December 2021, Para. 77.

69 *Ibid.* Para. 78

2.1.4 Instrumentalizing Drug Policy for Electoral Mobilization and Heightening Dependence on the Regime

Despite multiple rulings by the Constitutional Court, the government persists in its reluctance to implement the lenient drug policy, which would prioritize offering support services to address issues associated with drug use rather than penalizing drug users. Human Rights Watch highlights Georgia's notably severe drug policy, and the pending legislative reform aimed at implementing public health-centered strategies for addressing drug use and fundamentally altering current punitive practices remains unresolved.⁷⁰

Rather than reforming the lenient drug policy, the government appears to be leveraging drug-related offenses for political gain, as demonstrated by its enactment of the Amnesty Act following the 2020 elections, resulting in the release of approximately 700 individuals convicted of drug offenses. Those convicted of drug crimes often receive conditional sentences.⁷¹ The contents of "Gogashvili's files" and the corresponding media reports reveal a pattern of the government incentivizing voters prior to elections by offering reduced penalties for drug offenses, restoration of certain rights, and waivers of fines.⁷²

2.1.5. Instrumentalizing Social Service System for Electoral Mobilization and the Dependence of People on the Regime

During the governance of the Georgian Dream political party, we have witnessed recurring exploitation of social assistance systems for electoral mobilization across various elections. This strategy is aimed at fostering a greater dependency of the population on the regime.

For instance, following the announcement of the results of the first round of the 2018 presidential elections, certain initiatives were introduced by the Prime Minister of Georgia, Mamuka Bakhtadze, and other state officials. These promises included: salary hikes for military personnel, border police, and coast guard; raises for school principals, teachers, and school administration staff; and a fivefold increase in support for families with socially vulnerable adolescents under the age of 16, among others.⁷³

70 Human Rights Watch, *2020 Events in Georgia*

71 Social Justice Center, *Drug Policy in Georgia: 2022 tendencies* p.8

72 Transparency International Georgia and International Society for Fair Elections and Democracy, *State Resources at the Service of the Ruling Party: Proven Methods of Voter Bribery and Illegal Mobilization in Georgia*, 2022;

73 International Society for Fair Elections and Democracy, *The Programs Announced by the Authorities*

Furthermore, on August 6, 2020, Prime Minister Giorgi Gakharia declared that the government would subsidize the consumption of 200 kilowatts of electricity and gas from the state budget between November and February. Additionally, each child under the age of 17 would receive a one-time assistance of 200 GEL, and all socially vulnerable students (up to 150 social points) would have their semester fees covered.⁷⁴ On June 26, 2021, Prime Minister, Irakli Gharibashvili, announced that families with multiple children, as well as those planning to have a child, would be eligible for a 5-8% state subsidy if they decided on a mortgage loan. It is noteworthy that the government endorsed the corresponding resolution for this initiative on August 2, 2021, just a day before the official launch of the pre-election campaign for the local self-government elections.⁷⁵ Such an initiative by the Prime Minister would be regarded as an exploitation of administrative resources, may it have taken place one day later. Effectively, the ruling party circumvented the legislation regulating the pre-election campaign period.

Given the challenging social conditions in Georgia, leveraging social policy for electoral gain seeks to sway voter preferences and runs counter to the principles of fair and competitive election campaigns.

The examples highlighted above illustrate the government's utilization of such informal tactics in elections held across various periods, undermining democratic processes and enhancing the ruling party's prospects for maintaining power. This severely diminishes public trust in the fairness of election outcomes. Additionally, it's crucial to note that these practices are primary tools for influencing and manipulating election results. Yet, they may not be adequately captured in election monitoring reports, particularly those conducted by international missions that typically focus on observing election day activities. Therefore, allocating a mandate and sufficient resources for long-term observation missions is imperative to ensure that these practices are documented in authoritative reports on monitoring election outcomes.

Ahead of the Runoff Elections Amount to Abuse of Administrative Resources, November 9, 2018

74 Transparency International Georgia, *Abuse of Administrative Resources Before the 2020 Parliamentary Elections in Georgia*, 2020, pp. 39-40

75 Georgian Young Lawyers Association, *2021 Local Self-Government Election Long-Term Observation Mission: Interim Report*, 2021, p. 8

2.2 Amplifying Privileges for Regime Loyalists/Dominant Groups

In the process of autocratization, the governing authority seeks to consolidate its power not solely through formal institutional means but also by broadening its reach into informal social spheres. This involves engaging in mutually beneficial relationships with influential institutions or groups that wield substantial social authority, impact public discourse, and to some extent, shape societal values. In this dynamic, the government seeks electoral backing, while groups having social authority aim to secure legal and material benefits in return. Additionally, it is important to highlight that the government's entanglement with such groups compromises the principle of ethical neutrality in public governance. In the Georgian context, two primary entities with social authority stand out: 1. The Autocephalous Orthodox Church of Georgia, and 2. The groups operating outside the law, often referred to as "Thieves in Law."

The Constitutional Agreement signed on October 14, 2002, provides the formal legal framework for the close association between the predominant religious entity, the Autocephalous Orthodox Church of Georgia, and various ruling political entities. However, it's worth noting that this relationship often surpasses the boundaries set by the Constitutional Agreement. The dominant religious group wields influence over both the legislative process and administrative practices.⁷⁶

In December 2013, during the drafting process of the Local Self-government Code, the Catholicos-Patriarchat of all Georgia expressed concerns about the proposed bill, warning that it could endanger the unity of Georgia, and emphasized that the Church could not endorse it. Following this position, government officials engaged in consultations with the Patriarchate. Subsequently, they announced that "several provisions had been revised." Eventually, the draft law was amended to a version deemed acceptable by the Patriarchate, which entailed transforming regional associations of municipalities into regional advisory councils within the Local Self-government Code.⁷⁷

In June 2016, the Ministry of Education and Science approved the standard of the school subject "Society and I" after a year-long review. The initial draft version of the document included a chapter entitled "My Beliefs and Convictions", as well as discussion topics "Why violence cannot be justified in the name of religion, why we should respect people of different beliefs", etc. It also discussed concepts of tolerance, minority, and gender." However, following consultations with the

76 Tolerance and Diversity Institute, *Freedom of Religion and Belief in Georgia (TDI) 2010-2019*, 2020, chapter 1/2.

77 Ibid, p. 29.

Patriarchate of Georgia, the Ministry acceded to their request and removed the issues and terms negatively assessed by the Orthodox Church from the document.

A concern within Georgia's legislation revolves around the preferential treatment given to the Orthodox Church in comparison to other religious organizations, as notably evidenced by the provisions delineated in the Law of Georgia "On State Property." Specifically, while the Orthodox Church of Georgia enjoys privileges allowing it the direct purchase or gratuitous acquisition of state property, other religious associations are deprived of such opportunities.

As an illustration, in 2013, the N(N)LE Evangelical-Protestant Church attempted to enclose its place of worship in their possession located in Gori, in order to safeguard it from potential harm. However, as the property was not legally owned by the church, the state authorities prohibited the fencing. In response, representatives of the Evangelical-Protestant Church sought assistance from the Office of the Public Defender of Georgia. However, the Ministry of Economy and Sustainable Development clarified to the Public Defender that, according to the Law of Georgia 'On State Property,' a legal entity under public law, such as the church in question, is not permitted to acquire state-owned property.⁷⁸

During the 2016 elections, the Georgian government integrated homophobic and xenophobic rhetoric into its political agenda, advocating for the prohibition of same-sex marriage and the restriction of agricultural land sales to foreigners. This rhetoric aligned closely with the position of the autocephalous Orthodox Church of Georgia on these issues and was intended to resonate with conservative segments of society.

Another significant group possessing social authority in Georgia is the "Thieves in Law" (known to the general public as the criminal underworld). Collaboration with this group has become integrated into the government's agenda amid escalating autocratization. This collaboration between authorities and the criminal subculture becomes particularly pertinent during pre-election periods, where influencing voter sentiment becomes a crucial factor in retaining power.

The relationship between the government and the criminal subculture operates on a principle often referred to as "Carrot and Stick". As the organization "Prevention for Progress" points out, it frequently involves offering a release from prison for a family member or friend of a representative of the criminal underworld in exchange for actions favorable to the government. Another tactic involves distributing narcotics among members of the criminal subculture as a means to incentivize support for the ruling party.⁷⁹ In contrast, the second aspect of the "Carrot and

78 Ibid, p. 48.

79 Prevention for Progress, *Impact of Criminal Authorities and Informal Groups on the Electoral Process* 2022, p. 10.

Stick" principle entails that refusal to comply with official orders could serve as grounds for criminal prosecution, leading to harsher penalties or even inhumane treatment within penitentiary institutions.

For instance, on April 25, 2022, the media reported a confrontation between the criminal figure known as "Revaz Jvaski" and the director of the N9 penitentiary facility. According to the family members of "Revaz Jvaski," government officials sought assistance from him for electoral purposes, which he declined. Consequently, the director of the N9 penitentiary facility verbally disparaged "Revaz Jvaski." Subsequently, following retaliatory actions from "Revaz Jvaski," individuals dressed as civilians physically assaulted him. "Revaz Jvaski" attempted multiple suicide attempts following the events.⁸⁰

80 TV First, Tamta Dolenjashvili's special report / Nodar Meladze's Saturday, *Prison Director Assaults 'Thief in Law': Video Evidence from Revaz 'Jvaski's' Cell*, April 2, 2022.

