

Georgian Dream's Election Campaign and Place of Judiciary in its Election Program

Tamar Ketsbaia¹

The 2024 parliamentary elections, aside from their historical significance, are particularly interesting given the pre-election period. The ruling party consistently presents itself as if it does not even contemplate losing its majority, not even theoretically. Consequently, they have avoided addressing how they would transfer power if necessary and instead continue their extensive election campaign. According to party leaders, they may fall one or several votes short of a constitutional majority, and to prevent this, it is crucial to mobilize their voters in the largest numbers possible.

The serious approach of Georgian Dream towards the elections is evident in the meetings they hold across Georgia's regions, where the party's honorary chairman, Bidzina Ivanishvili - who is praised as the "father of the nation" and the "chief guarantor of peace" by party members - also participates, albeit from behind a bulletproof glass barrier. Disturbing such an important figure, especially given the threats against his life - as claimed by members of Georgian Dream themselves² - is seen as reckless brinkmanship, despite the strict security measures in place.

All prominent figures of the ruling party, including incumbent Prime Minister Irakli Kobakhidze, who previously claimed that the constitution he authored had no flaws, are urging voters to grant them a constitutional majority to enact crucial for the country amendments to the constitution. This appeal is particularly intriguing given that Georgian Dream already held a constitutional majority as a result of the 2016 parliamentary elections and has been in power for 12 years. Consequently, a legitimate question arises: what has prompted the emergence of this apocalyptic scenario that they are now presenting to their voters?

Why is Georgian Dream Seeking a Constitutional Majority?

Banning Collective "National Movement"

The Georgian Dream outlines four main reasons for seeking a constitutional majority. First and foremost, this majority is seen as necessary to declare the "Collective National Movement" unconstitutional. The ruling party promises voters that this step will distance the National Movement from politics, referring to it as "the beginning of the end for the National Movement," a process which according to their pledge should have begun 12 years ago.

¹ Research Institute Gnomon Wise, The University of Georgia: Email: t.ketsbaia@ug.edu.ge

² "Irakli Kobakhidze - Bidzina Ivanishvili is the main guarantor of peace in the country and he could be the main target of provocative plans. Therefore, we need to exert maximum precaution", - "Georgian Public Broadcaster". 04.09.2024.

Accessed at: <https://1tv.ge/news/irakli-kobakhidze-bidzina-ivanishvili-aris-qveyanashi-mshvidobis-mtavari-garanti-provokaciuli-gegmebis-mtavari-adresatic-sheidzleba-is-iyos-shesabamisad-chven-gvmartebs-maqsimaluri-sifrtkhile/>

Additionally, Bidzina Ivanishvili's statement, delivered with regret and featuring in the Georgian Dream's political council statement,³ is worth noting: "When the same political force holds power for more than three terms, it inevitably casts a shadow on the political process. In a healthy political system, governments should be replaced by parties that are better than their predecessors, but in the current situation, this is impossible. A full-fledged election in Georgia can only happen once the Collective National Movement is replaced by a healthy opposition."

With this rhetoric, reflecting on democracy Georgian Dream—despite its openly stated intention to stay in power at least until 2030—reassures the public that they understand the need for government change. However, they argue that no better political force currently exists. Their plan, as they suggest, is to ensure a worthy replacement in the next parliamentary convocation, but their priority is to first eliminate the opposition. For those closely following the activities of the Georgian Dream, this plan might evoke memories of Bidzina Ivanishvili's pledge to "surprise Europe with democracy."

Protection of Traditional Values, Family Sanctity and Interest of Minors

The Georgian Dream also seeks a constitutional majority to enshrine guarantees for the protection of traditional values, the sanctity of family, and the interests of minors. Defining marriage in the constitution has become a central part of their pre-election campaign for the second time in 12 years, and it could be said that this approach has been seen as favorable for the Georgian Dream

Specifically, in the lead-up to the 2016 parliamentary elections—which, as we know, resulted in the Georgian Dream retaining power with a constitutional majority—a request was made by an initiative group to hold a referendum on marriage.⁴ This request was registered with the Central Election Commission. However, after the fourth president of Georgia, Giorgi Margvelashvili, rejected the idea,⁵ the issue was removed from the agenda.

It's worth noting that this campaign, aimed at narrowing the definition of marriage in the constitution, began under then-Prime Minister Irakli Gharibashvili⁶ in 2014, during discussions on the anti-discrimination law. He referred to it as the "right of the nation."

Ultimately, Gharibashvili's big desire was fulfilled by then-Chairman of the Constitutional Commission and current Prime Minister, Irakli Kobakhidze. In 2017, the constitution was amended to define marriage as a

³ Statement of the Georgian Dream's political council, official Facebook page of the Georgian Dream, 20 August 2024. Accessed at: <https://www.facebook.com/photo/?fbid=1070769791080485&set=a.488868739270596>

⁴ "Awaiting President's response about marriage referendum", "Radio Liberty", 9 August 2016. Accessed at: <https://www.radiotavisupleba.ge/a/qorwinebis-shesaxeb-referendumze-prezidentyan-shexvedra-chaishala/27910645.html>

⁵ "Referendum on marriage will not be held", "Radio Liberty", 9 August, 2016. Accessed at: <https://www.radiotavisupleba.ge/a/27911183.html>

⁶ "Prime Minister's Initiative: Enshrine in the Constitution that family is an union between a man and woman", netgazeti.ge, 28 March 2014. Accessed at: <https://netgazeti.ge/news/30511/>

union solely between a man and a woman. According to the explanatory note of the constitutional bill, the change was made due to societal debate over the institution of marriage.⁷ The justification reads: "Expanding the definition of marriage often becomes a subject of speculation and manipulation, which fuels homophobic sentiments in society. To prevent such speculation, it was deemed appropriate to define the concept of marriage at the constitutional level." Therefore, according to the Georgian Dream, much like their stance on banning opposition parties, this constitutional restriction is framed as a measure to protect rights and democracy.

However, as part of the 2024 pre-election campaign, the approach has shifted. The ruling party no longer cloaks its intentions in legal or rhetorical nuances. This time, the promise goes far beyond defining marriage. It is now framed as a critical step to halt the spread of what they call "pseudo-liberal ideology." According to the Georgian Dream's political council and its leaders, "After the adoption of the constitutional law, no one will ever be able to impose on us so-called same-sex marriage, the legalization of civil partnerships, child adoption by same-sex couples, gender reassignment surgeries, the legal introduction of any gender other than male or female, the promotion of pseudo-liberal ideology in educational institutions and through the media, or other vices that have already led many countries to serious consequences," as expressed by the ruling party.⁸

Restoration of Territorial Integrity

The Georgian Dream also manipulates one of the most sensitive topics—the potential return of the temporarily occupied territories—and, therefore, argues for the need for constitutional changes. According to their claim, given the geopolitical situation, there is a high likelihood that Georgia will peacefully regain these territories, which will require corresponding amendments to the constitution.

In response, the occupiers have made it clear that they are waiting for an "apology" but categorically rule out any revision of the 2008 decisions.⁹ Despite these statements, the ruling party insists that this process is realistic, and if anyone might attempt to disrupt it, it is the "Collective National Movement." Bidzina Ivanishvili reassures voters that there is no guarantee the opposition will not resist such an important matter, as he claims they are controlled by the "Global War Party" and that it is not in their interest for Georgia to peacefully regain those territories.

Acknowledgment of Special Role of the Georgian Orthodox Church

The history of Georgian elections clearly demonstrates the significant influence of the Orthodox Church as well as relationship with the Patriarchate of Georgia on political outcomes. Therefore, it is unrealistic to expect that the Georgian Dream's election campaign would be devoid of promises directly or indirectly tied to this influence.

⁷ Draft Law on Amending the Constitution of Georgia N 07-3-52/9, explanatory note. Accessed at: <https://info.parliament.ge/file/1/BillReviewContent/152295?>

⁸ Statement of the Georgian Dream's political council.

⁹ "Lavrov on the occupied South Ossetia: Decisions of 2008 are not subject to revision", "Radio Liberty", 4 October 2024. Accessed at: <https://www.radiotavisupleba.ge/a/33146076.html>

Recognizing the electoral advantage of linking the need for a constitutional majority to issues concerning the Orthodox Church, Georgian Dream intended to include it in their four-point agenda. Discussions about declaring Orthodox Christianity the state religion began circulating in society. However, the proposal proved less attractive to the Patriarchate, as they sought tangible guarantees rather than merely appealing rhetoric.

It wasn't until the meeting in Ambrolauri on August 31 that Bidzina Ivanishvili announced an agreement had been reached: the constitutional status of the Orthodox Church would be further strengthened, and the mission of Orthodoxy as a pillar of Georgian state identity would be explicitly enshrined in the Constitution. Ivanishvili also emphasized that this change would not compromise the Church's independence, as its autonomy would be fully reinforced by the constitution, likely one of the key points in the extended negotiations.

Impeachment of the Fifth President of Georgia Vol. 2

In an effort to secure a convincing majority, Georgian Dream attempted to create another focal point: the impeachment of the President of Georgia. The ruling party promises its supporters that, on behalf of Georgian voters, they will send the "traitor" president home—a president who rose to power with their own campaign's support and whose term is nearing its end.

However, since 100 votes are required to impeach the president, this promise takes a back seat, as the real goal is a constitutional majority (113 seats). With such a majority, they assure voters that "simple issues" like impeachment would be handled without obstacles.

Putting National Movement's Government on Trial for 2008 War

Finally, one of the most significant points: Georgian Dream is asking for 113 mandates in order to prosecute Mikheil Saakashvili and members of his government for their role in starting the 2008 war and its aftermath. This promise is a key agreement with Georgian Dream's voters and forms the cornerstone of their pre-election campaign.

At its core, the Georgian Dream campaign revolves around the themes of war and peace, framing their potential defeat as equivalent to war. Bidzina Ivanishvili is portrayed as the only leader in the history of independent Georgia under whom there has been no war and will be no war—credited with providing 12 years of uninterrupted peace. He is even depicted as a leader who could have prevented the 2008 war. In contrast, Georgian Dream's rhetoric paints the "Collective National Movement" as a dangerous force, claiming that if they had been in power in 2022, they would have undoubtedly led the country into war.

As part of this campaign, billboards have appeared with the slogan, "No to War, Choose Peace." On one side, they depict Ukrainian towns with buildings destroyed by war, and on the other, images of Georgia, showcasing structures built or restored under the Georgian Dream government. According to the ruling

party, these billboards are necessary because the National Movement is allegedly concealing the truth about what is happening in Ukraine.

Furthermore, an organization affiliated with Georgian Dream, "United Neutral Georgia," has even called for the prosecution of voters who support the "Collective National Movement." Their statement reads: "We can identify every voter of criminal parties, and they must understand that voting for criminals is a crime! Each of these individuals should be held accountable for undermining our country and perpetuating chaos."¹⁰

In another time and context, such a statement might have been dismissed by voters as absurd. However, given the promises made by the ruling party, it no longer seems so humorous. Its aim is clear: to instill fear and the notion that voting for the opposition could not only result in a wasted vote but could even bring legal repercussions. Although the Prime Minister publicly ruled out the possibility of punishing voters, he emphasized the broader sense of responsibility, subtly signaling that if Georgian Dream secures a fourth term with a majority, he will govern solely for "his people."¹¹

Presentation of Election Program and Silence about Judiciary

The statements made at regional meetings are a direct continuation of the "No To War, Choose Peace" campaign. While discussing economic and other indicators, the ruling party places special emphasis on peace and the role of its policies in navigating this challenging geopolitical situation. They stress that similar results would be unattainable if the current opposition were in power, implying that the country would be at war. Thus, alongside promises of improving various indicators, Georgian Dream continually reminds voters that all achievements will be lost if the opposition is not defeated in the elections, which, by extension, guarantees peace.

On October 7, 2024, Prime Minister Irakli Kobakhidze presented the Georgian Dream's election program.¹² He stated that due to time constraints, it would be difficult to present the entire document, so he focused only on the key issues.

During the 70-minute presentation, the judiciary was not addressed, reportedly due to lack of time. However, topics such as air pollution and sports achievements were discussed, raising the question of why judicial reforms and future plans in this area were excluded from Georgian Dream's messaging.

¹⁰ "United Neutral Georgia" demands to put voters of the "Collective National Movement" on trial", "Radio Liberty", 15 October 2024. Accessed at: <https://www.radiotavisupleba.ge/a/33159291.html>

¹¹ "Irakli Kobakhidze – Each voter has to understand his/her own responsibility as much as possible, although for us punishing voters would be unimaginable", "Channel 1", 16 October 2024. Accessed at: <https://1tv.ge/news/irakli-kobakhidze-titoeulma-amomrchevelma-sakutari-pasukhismgebloba-maqsimalurad-unda-gaiazros-tumca-amomrchevlis-dasja-chventvis-aris-warmoudgeneli/>

¹² "Presentation of the Georgian Dream's Election Program", official Facebook page of the Georgian Dream, 7 October 2024. Accessed at: <https://www.facebook.com/GeorgianDreamOfficial/videos/1804110443727943>

It could be inferred that by omitting the judiciary from its main talking points, the ruling party aims to create the impression that the highest standards in this area have already been achieved and further improvement is unnecessary. If this is indeed their belief, it is curious why they did not highlight it as one of their major accomplishments, which could have garnered additional political support. Instead, the honorary chairman of the party only briefly mentioned improvements in the judiciary and the prosecutor's office during campaign events in Rustavi and Telavi.

This vague reference to judicial achievements is even more surprising given that, since 2012, Georgian Dream has consistently emphasized judicial reforms. They frequently touted statistics like the reduction in crime rates, the increase in acquittals, the decline in administrative detention, and changes in the rates of imprisonment, fines, and bail. These claims were made by Georgian Dream representatives, Bidzina Ivanishvili himself, pro-government Imedi TV, and even judges.¹³ Notably, Judge Levan Murusidze, who was appointed for life, participated in political debates on Imedi TV.

A second possible explanation for the lack of focus on the judiciary could be growing concerns about the system's independence and increasing politicization, which might not be easily countered with statistical data (some of which has worsened). This theory is supported by the fact that, during the pre-election campaign, the judiciary issue was briefly revived when an IPSOS France survey measuring public perceptions was presented by Imedi TV and then proudly cited by Bidzina Ivanishvili at a meeting in Zugdidi on October 15.¹⁴

According to an Imedi TV report, the IPSOS survey conducted in the summer of 2024 showed that "61% of respondents rated the judiciary as very good or mostly good in terms of independence."¹⁵ To gain more insight, a journalist asked Professor Jan Van Dyke, the author of the study, for further details. He presented charts titled "Independence of Courts and Judges." Unfortunately, the data presented did not clarify the specific question posed to respondents. However, the charts showed that 10% of respondents chose the answer "very good," 51% - "mostly good," 18% - "mostly bad," 10% - "very bad," and 11% did not give an answer.

Based on these charts, Professor Van Dyke explained that "61% of the Georgian population believes judges are independent from the government." He also noted that this figure has increased since the first survey in 2018, attributing the improvement to reforms implemented by the government since 2012.

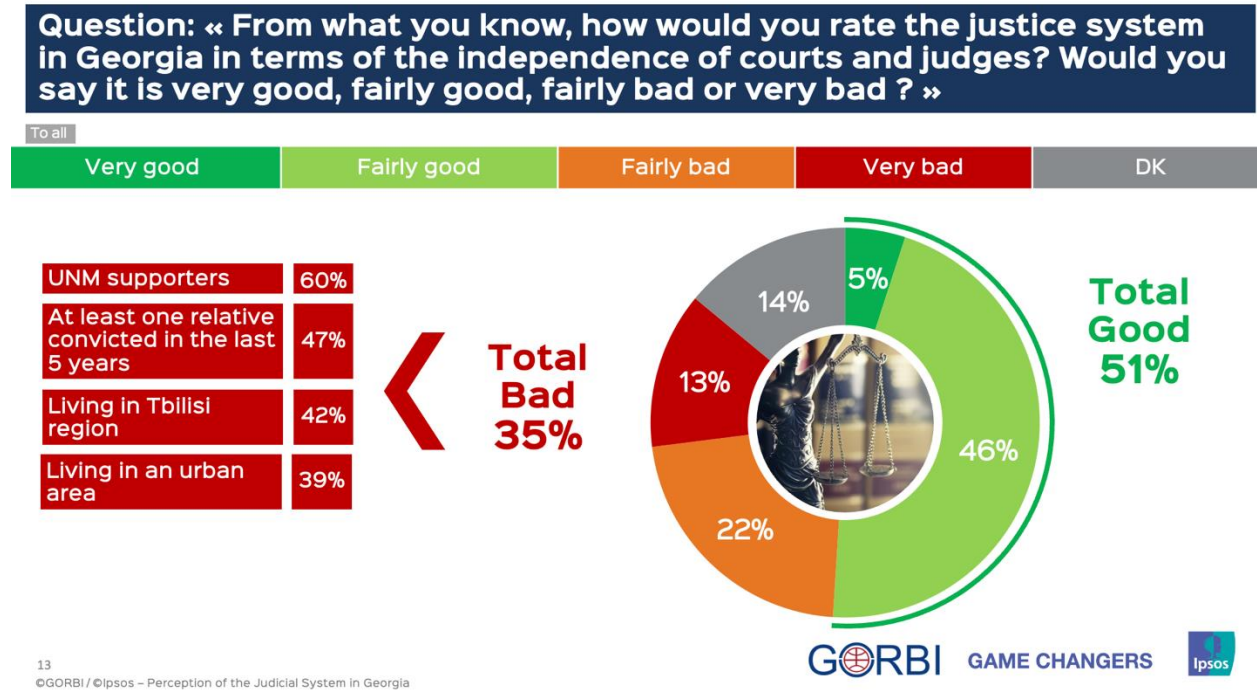
¹³ Tamar Ketsbaia – "What does identical statistical data presented by Bidzina Ivanishvili, the Georgian Dream Political Council and TV Imedi say and how accurate is it". Factcheck newspaper, 24 June 2019. Accessed at: <https://factcheck.ge/ka/story/38129-ras-gveubneba-da-ramdenad-zustia-sasamartlo-sistemastan-dakavshirebit-bidzina-ivanishvilis-gartuli-ocnebis-politsabchosa-da-telekompania-imedis-mier-tsarmodgenili-identuri-statistikuri-monacemebi>

¹⁴ Georgian Dream's campaign regional event in Zugdidi, official Facebook page of the Georgian Dream, 15 October 2024. Accessed at: https://www.facebook.com/watch/live/?ref=watch_permalink&v=904029234414102

¹⁵ "IPSOS Survey – State of the Georgian Judiciary" TV Imedi, 12 October 2024. Accessed at: <https://www.imedi.ge/ge/video/171884/ipsosis-kvleva>

The author is supposedly referring to the public opinion poll conducted by the consortium of IPSOS France, Amicus Curiae, Professor Jan Van Dyke and Georgian Opinion Research Business International GORBI at the end of 2018. According to this survey which is publicly available,¹⁶ we can identify the possible

Picture 1:



Source: Survey conducted on behalf of the Ministry of Justice – Perception of Georgia’s Judicial System by the Population (2018, p. 13).

The charts illustrate that, according to the 2018 survey, 51% of respondents rated the judicial system as either fairly good or very good in terms of the independence of courts and judges. This is 10 percentage points lower than the 2024 survey figure.

However, the question referenced in these charts does not explicitly mention independence from the government, which both the author of the study and Bidzina Ivanishvili emphasize in their statements. In fact, the survey separately measures public perceptions of judicial independence from both the executive branch and political forces. For example, in the 2018 survey, a specific question was asked about the extent to which the judiciary in Georgia is independent from executive power. Here, 12% of respondents believed the judiciary was independent, and 33% partially agreed, bringing the total to 45%. Additionally, 22% of respondents completely rejected the notion of judicial independence from executive influence. These

¹⁶ “IPSOS France, Amicus Curiae and Professor Ian Van Dyke Research: 51% of the population of Georgia and 55% of court users assess judicial independence positively” – Ministry of Justice – News archive, 15 February 2019. Accessed at: <https://archive.justice.gov.ge/News/Detail?newsId=7860>

results do not align with the findings presented in the previous chart. Furthermore, the 2018 study also assessed the impact of government reforms on public perceptions.

Given these discrepancies, selectively presenting one data point as the main conclusion—and claiming that respondents were specifically referring to independence from the government—suggests a manipulative use of the data. Framing the research this way undermines the intended purpose of such surveys, which should provide comprehensive insights rather than reinforce a particular narrative.¹⁷

It is also noteworthy that, during an event in Batumi on October 10 and again at a meeting in Zugdidi on October 15, Bidzina Ivanishvili stated that "Georgia ranks among the top ten in Europe in terms of judicial independence from government interference."¹⁸ However, he did not specify the source of this claim, making it difficult to verify. We can, however, refer to the World Justice Project's (WJP) Rule of Law Index. Its latest report from 2023 offers a starkly different conclusion.

In particular, "according to a detailed review of the 2023 index's sub-factors, there are clear concerns about government influence in the judiciary, both in the implementation of criminal and civil justice. The data also highlight the judiciary's limited ability to hold the government accountable".¹⁹

At the events held by the ruling party, when discussing the judiciary and human rights, Prime Minister Irakli Kobakhidze highlights the end of systematic torture and inhumane treatment, the reduction of the prison population by 2.5 times, and a tenfold decrease in deaths within penitentiary institutions. It is unsurprising that the ruling party focuses on these issues, as they are among the key factors that brought Georgian Dream to power in 2012. Prisons and prisoner welfare remain such important topics that, in order to boast about these improvements, Georgian Dream has already announced a second amnesty, affecting thousands of people.

Notably, the explanatory note for the draft law "On Amnesty," introduced in July,²⁰ justifies its necessity due to the rising number of prisoners in recent years. Specifically, the explanatory note²¹ states: "Given the challenge of the higher number of inmates in Georgia compared to the European average, it is appropriate, as a one-time, temporary, and special measure, that persons accused and convicted of certain crimes under the Criminal Code of Georgia be exempted from criminal liability and punishment, as well as reducing sentences for certain crimes and shortening probationary periods for those on probation and those conditionally pardoned."

¹⁷ For additional information, please see the following analytical paper: Tamat Ketsbaia – "Trust in the Judiciary", Research Institute Gnomon Wise, 02/06/2023. Accessed at: <https://gnomonwise.org/ge/publications/analytics/127>

¹⁸ Georgian Dream's campaign regional event in Batumi, official Facebook page of the Georgian Dream, 10 October 2024. Accessed at: <https://www.facebook.com/GeorgianDreamOfficial/videos/1104742667905818>

¹⁹ Tamar Ketsbaia – "Georgian in the Rule of Law Index", Research Institute Gnomon Wise, 12.04.2024. Accessed at: <https://gnomonwise.org/public/storage/publications/April2024/Kbj3GrEXcHMo0cJJ6Et6.pdf>

²⁰ Draft Law of Georgia on Amnesty N07-3/460/10. Accessed at: <https://www.parliament.ge/legislation/28908>

²¹ Draft Law of Georgia on Amnesty N07-3/460/10, explanatory note. Accessed at: <https://info.parliament.ge/file/1/BillReviewContent/366897>

When criticizing the President, members of Georgian Dream expressed sympathy for the prisoners whose release was delayed due to presidential inaction. The ruling party has portrayed the amnesty as an act of compassion. However, as the justification makes clear, the move was primarily intended to improve the statistics that the authorities proudly emphasize at every opportunity.

These statistics remain crucial because, even today, when discussing prisons and related issues, Georgian Dream continues to remind voters of the rule of the "Collective National Movement," evoking fears of a return to that era.

It is safe to say that the Georgian Dream's campaign is being conducted in a crisis mode. Despite the ruling party's insistence that they aren't even considering the possibility of losing the majority, their actions suggest otherwise. They are framing their unprecedented, months-long mobilization as an effort to secure a constitutional majority, but their messages and strategies tell a different story.

Rather than presenting a comprehensive review of their 12 years in power, the ruling party positions it not the time to talk about their achievements. According to them, the choice is between war and peace, making everything else secondary. Given this context, it is unsurprising that the issue of judicial reform has been sidelined, with the only major promise being the pursuit of "restorative justice" through the punishment and eventual ban of the "Collective National Movement."

While the goal of securing a constitutional majority may seem unrealistic, these promises cannot be dismissed as mere populism. It would be naive to think that they are simply intended to win over voters on emotional issues, only to be forgotten after the election, as has happened with many unfulfilled or poorly realized promises over the past 12 years. The issues that Georgian Dream is now using as leverage for a constitutional majority are, in fact, a logical continuation of the policies they have steadily pursued in recent years. By prioritizing these issues, the ruling party seeks public legitimacy to entrench authoritarianism, after which matters like judicial reform and other promises will become mere formalities.