

**Testimony by Deputy Assistant Secretary for
Democracy, Human Rights, and Labor Kara McDonald
Senate Foreign Relations Committee
Subcommittee on Europe and Regional Security Cooperation
Hearing on “Bolstering Democracy in Georgia”
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Chairwoman Shaheen, Ranking Member Johnson, distinguished members of the Subcommittee, thank you for the opportunity to speak about bolstering democracy in Georgia.

Chairwoman Shaheen, I too want to recognize your sustained, personal leadership on this issue. Ranking Member Johnson, I had the privilege as Deputy Chief of Mission of hosting you in Chisinau, Moldova during your 2014 visit with the late Senator McCain. Thank you both for your bipartisan leadership in bolstering democracy in the region and in Georgia. We appreciate the subcommittee's engagement and welcome opportunities to work with you.

President Biden has been clear about the central role our values will play in our foreign policy. This agenda to strengthen democracy, counter backsliding, and protect human rights is our best means to support Georgia's stability, prosperity, and Euro-Atlantic aspirations.

Georgia has been a regional leader in democratic development and tackling corruption, in the face of Russian pressure and the occupation of a fifth of its territory. The parliamentary elections of 2012 saw the first fully democratic transfer of power since the country's independence. The adoption of sweeping labor reforms last September, and laws on anti-discrimination and the rights of persons with disabilities are positive advancements for human rights. And the constitutional and electoral reforms last summer paved the way for potentially more pluralistic and power-sharing governance.

A series of negative developments and trends trouble us, however, and urgently call attention to the work that remains in protecting and advancing Georgia's democratic gains.

Ruling party concentration of power in state institutions, judicial cases widely considered politically-motivated, and pressure on select media and respected civil society leaders—undermine confidence in Georgia's democracy, risk fueling

corruption, and increase vulnerability to external influence. Georgians themselves must have confidence in their institutions and parties' adherence to democratic principles if Georgia's democracy is to succeed.

I will touch briefly on these democratic vulnerabilities in turn and what the U.S. government is doing about them.

The OSCE/ODIHR election observation mission found that while last fall's parliamentary elections were competitive, there were flaws—allegations of irregularities, voter pressure, a blurring of the border between the ruling party and the state, and a lack of effective legal redress for election complaints.

While parliament passed amendments last year enhancing the competitiveness of elections, the overall environment leading up to last fall's elections was fraught, despite intensive U.S. government and European Union engagement. Inappropriate use of force by police against protesters and journalists in June 2019 and insufficient accountability for this police conduct, arrests of opposition figures, marred 2018 presidential elections, and public distrust in the judiciary to provide due process contributed to the tension. Political polarization between Georgian Dream and opposition parties continued through the post-parliamentary election period, and escalated recently with the arrest and detention of United National Movement leader Nika Melia. The current political impasse thus needs to be seen in this broad context.

The OSCE/ODIHR mission specifically highlighted concerns about ruling party dominance in election commissions and shortcomings in the electoral complaints and appeals process, both during the pre-election and immediate post-election periods. Although parliament had passed electoral reforms in the summer of 2020 based on some ODIHR recommendations, parliament did not adopt critical and longstanding ODIHR recommendations regarding the integrity of the electoral complaints and appeals process.

The courts in turn did not serve as an effective check over election administration bodies when reviewing appeals against decisions of election commissions following the first round of the elections. Credible domestic election monitors reported that the election administration and courts rejected most of their pre- and post-election complaints, undermining public confidence in the process.

Citing violations leading up to and on October 31, opposition parties boycotted the runoff elections on November 21, leaving 17 of Georgia's parliamentary seats

uncontested. Moreover, the majority of the eight opposition parties that won seats have refused to take their seats in the new parliament.

The people of Georgia must have confidence in the electoral process and their elected leaders, and deserve a swift resolution of the impasse. To that end, the U.S. government is engaged in intensive efforts behind-the-scenes, as my colleague described, to engage the Georgian Dream and opposition parties in a results-driven dialogue. We are also urging the government to fully implement the OSCE's election reform recommendations, and our assistance, including USAID's work with Georgia's political parties, domestic nonpartisan monitoring groups, and the Central Electoral Commission, and DRL's support to citizen dialogue with the parties on electoral reforms, supports that goal.

Politicization of the judiciary; detentions, investigations, and prosecutions widely considered to be politically motivated; and insufficient accountability for the Georgian police use of force against protesters and journalists in 2019, also contribute to democratic vulnerability and reduce Georgia's resilience to stress on its democratic institutions.

We continue to urge judicial reform and provide technical assistance to the courts so that they may serve as a check on executive branch abuses and curb ruling party dominance of the judiciary. This includes the undue influence of powerful judges on other judges, and use of the disciplinary, promotion, and appointment system to exert influence on judges. Such dynamics also raise the risk of vulnerability to corruption. USAID assistance supports judicial reform, and the development of an independent, accountable, and people-centered justice system. That assistance also builds the capacity of the judicial corps and improves access to justice for underrepresented communities. Georgia's judiciary should be independent and protective of all Georgians, regardless of party.

Finally, I want to say a word about pressure on civil society and select media, and access to information, all essential elements of democracy. Georgia suffers from a significant deterioration in the ruling party's conduct toward respected civil society leaders, and an increasingly polarized national media environment that undermines opportunities for compromise, power-sharing, and consensus.

Disinformation and misinformation, both domestic and foreign, fuel division among Georgian communities. This is why the United States supports programming to strengthen independent and free media, and counter

disinformation through informed media campaigns, media literacy, and building Georgia's capacity to protect its information space.

The vulnerabilities I outlined play to Russia's interests and open the door for other influences harmful to the Georgian people's choice of a democratic path.

Restoration of Georgia's role as a regional model of democratic development is becoming more and more urgent. We will work intensively with Georgia to bolster its democratic institutions and processes, their effectiveness and independence, and the ability of media and civil society to operate freely and contribute to democratic resilience. In the end, it is up to Georgia's leaders and political parties to restore Georgia's democratic reputation and earn the confidence of their constituents. The people of Georgia deserve no less.

Thank you, and I welcome your questions.