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A New Type of De-Democratisation: The Influence of Covid-19 Pandemics on the Democratic Backsliding of Georgia

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Abstract

This thesis aims to study and analyse the dynamics of democratic backsliding in Georgia during the Covid-19 pandemic in 2020 while focusing mainly on government activities and initiatives. Since 2012, when the Georgian Dream political party secured a sweeping victory in the Parliamentary Elections, Georgia had found herself on the track of democratic backsliding, which continued up to 2020, when the country was plunged into Covid-19 management. Since the beginning of the Covid-19 pandemic, the Georgian government has got access to excessive emergency power first by imposing the State of Emergency and then making some of the most controversial and anti-constitutional amendments within the law, which included not only the amending the existing laws, but also introducing the regulations, decrees, and restrictions.

To achieve this goal of the paper and answer the research question - *Has Covid-19 accelerated the democratic backsliding process in Georgia in 2020, and how?* – I will try to provide an empirical study analysing the pandemic-related developments in Georgia in 2020. To reach the paper's objectives, I will study and analyse the laws, regulations, decrees, and restrictions issued in connection with Covid-19 management. First, I will provide the background context and the theoretical framework for the study. Then, the thesis will feature the methodological chapter, breaking down all the steps and methods I plan to employ. The final chapters will be dedicated to the empirical findings and conclusion.

Keywords: Covid-19 Pandemic; Democratic Backsliding; Emergency Power; Political Effects of Covid-19; State of Emergency.

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1. Introduction

1.1. Research Problem and Research Question

In the following paper, I intend to study the impact of Emergency Crises on the democratic development process in Georgia. It goes without saying that the unabating characteristic of the pandemic over the last two years and governments' approaches to tackle the issue have turned the topic into an utterly important subject for Political Sciences (Kolvani et al., 2021, p.1). The reason why this emerged as a crucial topic for research lies within the character of the governments' approaches themselves. Curfews, Lockdowns, and Derogations of certain individual rights became the new normalcy in 2020, leaving critical executive powers in the hands of the governments, mostly accompanied without formal accountability because of the emergency (ibid). Authors almost unanimously agree that democratic backsliding and violation of democratic norms have happened in most countries during the Covid-19 Pandemic (Repucci and Slipowitz, 2021; Kolvani et al., 2021; Kurlantzick, 2021; Casals, 2020; Bjornskov & Voigt, 2020; Mukherji, 2020; Seekings & Natrass, 2020; See also – Repucci and Slipowitz, 2022).

Usually, there are three main strategies for overcoming emergency crises: 1. Full Centralization and granting the emergency power to executive powerholders; 2. Decentralisation, so that local governments, in coordination with central governments, can handle the issue on a local level. 3. Establishing the State Capacity Frameworks, which will tackle the problem but will limit the usage of emergency power within the legal frame (Stasavage, 2020, pp. 9-12). Indeed, the second and third options are the most democratic ways to handle the emergency, even if the outbreak is severe. For example, Italy, which featured the worst pandemic outbreak in Europe at the beginning of 2020, chose a multilevel governance approach and, by granting the local authorities enough financial and legislative power, successfully overcame the severe outbreak (COE, 2020). According to COE's (ibid) evaluation, Italy did a great job in pandemic management by implementing ad hoc initiatives, investing in local governance, and not modifying the "ordinary division of competencies".

Contrary, the Georgian government adopted the first option and fully centralised the pandemic management (V-Dem, 2021), which is the bottom line of my research problem. Usually, complete centralisation of power has consequences, resulting in the accumulation of emergency powers in executive institutions, enabling them to abuse power anytime

(Stasavage, 2020, p. 10). This fact is even more alarming due to already existing democratic backsliding tendencies in Georgia, which started in 2012 and, so far, has included all the essential branches of the state power, including the Judiciary, Parliament, and Media.

In 2012 newly established “Georgian Dream Coalition” (GD) won the parliamentary election and, for the first time in the history of Georgia, replaced the previous government through democratic elections. Even though there were no doubts about Georgia’s pro-western orientation during Saakashvili’s government in 2004-2012, he and his party, United National Movement (UNM), didn’t contribute much to the democracy levels internally, as the constant abuse of power characterised his government; controlling media; oppressing and arresting political opponents; violent outbursts to break up the protests; strong police state etc. (Kelly & Kramer, 2021, p. 14-15). Therefore, the 2012 Parliamentary Elections and the electorate’s commitment to GD illustrated people’s new hope towards a new government (ibid, p. 16). This commitment resulted in almost no critical opinion when GD started “restoring justice” by arresting and prosecuting previous government officials (including several ministers, law-enforcement high officials and Saakashvili himself) and demonising the UNM (Gegeshidze & De Waal, 2021, p. 8).

After winning the elections in 2012, the Georgian Dream Coalition promised to bring depoliticisation and independence to the Judiciary System, which was (and remains) the least trusted public institution among the population (Shermadini & Kakhidze, 2018, pp. 10; 17; Abashidze et al., 2017, p. 10). At first, Georgian Dream followed the approved path of court-packing. They antagonised the old judges, including the dominant, elite group of judges, who were considered sidekicks of the previous government and had quite negative reputations due to their participation in politically-driven cases (Shermadini & Kakhidze, 2018, p. 16).

For these purposes, Georgian Dream in 2013 initiated the “First Wave” of Judiciary reforms, which the Venice Commission and NGOs assessed as a significant step towards depoliticisation and freedom of the Judiciary (Abashidze et al., 2017, p. 10).

Still, at the same time, GD started speculations about setting up an alternative Judiciary Commission to investigate the errors in high-profile political cases of the old judges during the previous government (Shermadini & Kakhidze, 2018, pp. 18-19). The result of such an approach was the division of the court: on the one side, there was the dominant group of

judges, led by the elite cohort with an “unworthy” reputation and on the other hand, there was the Association “Unity of Judges” new cohort of judges, supported by the GD government (Ibid, p. 21).

One might ask if there were already an existing elite group of judges with significant power in their hands, why did they try to replace them with new people? Why fix something if it isn't broken? – I think two reasons can explain this phenomenon.

First, the Georgian Dream came to power with a vision to “restore justice” (Gegeshidze & De Waal, 2021, p. 8), meaning that each and every notorious figure of the previous government was going either to jail or home. It was a pivotal issue for the GD to prove to the Georgian population that they were already fulfilling their promise to fire corrupted, politically driven judges who had ties with the previous government. Secondly, Georgian Dream thought that it would be easier to bring their own cadres into the Judiciary, who would be loyal to them anyways, without further ado.

What strengthens these beliefs of mine is how the “Second Wave” of Judiciary Reforms were carried out in 2014. Compared to the rather positive “first wave” of reforms a year earlier, the new package was a complete shift of pre-determined course (Abashidze et al., 2017, p. 10). Namely, Georgian Dream has introduced a “three years’ probation period” for all the judges before their final appointment (ibid). This meant that during the first three years after the appointment, any judge could be fired for as vague reasoning as failing the probation period (ibid). What this probation period meant and how one could complete it successfully, nobody knows, but we can only guess that it was connected to the politics of influence.

But when GD saw the opportunity to make an already well-functioning clan even stronger without stressing out about appointing new judges and securing their loyalty, they didn't think twice. Soon Georgian Dream decided to change the rhetoric towards the old judges and portray themselves not as the demons of the system as they did before but as martyrs and victims of the previous government (TI, 2020). This opened the door for further cooperation between the GD and the “Clan” of the judges who gradually took over the entire Judiciary System, and the ones who were serving the previous government adjusted to the new reality (ibid).

Cooperation with the “Clan” to take over the common courts was just the first step for GD, which was simultaneously accompanied by orchestrated attacks to undermine the independence of the High Council of Justice (HCJ), which is the strongest branch of the Judiciary System and has huge executive responsibilities (Appointment and dismissal of judges; Supervising the School of Judiciary; Providing the Judiciary exams etc.) (Shermadini & Kakhidze, 2018, p. 27). HCJ consists of 15 members, where nine members are judges appointed by other Judges; Parliament appoints five non-judge members, and one non-judge member is appointed by the President of Georgia (p. 28).

The first clear ramification that HCJ lost its independence was the harmony between the opinions of judge and non-judge members (TI, 2020). They practically rejected all the opposing ideas and went on with the pre-agreed decisions (ibid). Everything else after this happened as a chain reaction: “Third Wave” of Judiciary Reforms was delayed, which enabled HCJ to appoint about 150 judges through a flawed and illegal procedure (Abashidze et al., 2017, p. 11; TI, 2020); Brought up the legal loopholes to compromise the electronic case assignment through submitting several similar requests and then withdrawing all but one, assigned to the favourable judge (Shermadini and Kakhidze, 2018, p. 17); Didn’t eliminate the risk of “Conflict of Interest” resulting in the fact that HCJ members who also wanted to be appointed as judges by HCJ were participating in the decision-making process of the council. These developments also had a “spill-over” effect in Supreme and Constitutional Courts. In 2018 HCJ provided the list of candidates who were supposed to be appointed at SC to the parliament to vote on (TI, 2020). This list included the “Clan” members too. The selection process of the candidates was so illegal that several MPs of the GD left the party, resulting in the loss of the GD Super-Majority in the parliament. However, GD was still able to appoint 14 judges to Supreme Court, out of which the majority are connected to the “Clan”, therefore, to the government (ibid).

Similarly, since 2016 several members, including Eva Gotsiridze, who openly concurred with the restriction of “Freedom of Expression” for judges, have been appointed as judges of the Constitutional Court (Shermadini & Kakhidze, 2018, p. 55). Similarly, in 2020 Constitutional Court elected new Chief Justice, Merab Turava, who has close connections with the

government. Even though the ballot was secret, the number of votes he received equals the number of GD loyalist judges in the Constitutional Court (TI, 2020).

The judiciary is only a piece of the puzzle. Georgian Dream has successfully evaporated the common ground for political discussions and debates with the opposition. Soon after GD came to power in 2012, GD politicians personally targeted the UNM (previous governing and the biggest oppositional party) politicians by calling them the “destructive power” and prosecuting many of the high-ranking ex-authorities (Gegeshidze & De Waal, 2021, p. 10; Kelly & Kramer, 2021, p. 17).

Democratic Backsliding in Georgia took a new turn after June 2019 Protests, when thousands of protesters in Tbilisi (and other big cities, too) rallied and demonstrated in front of the Parliament, demanding the resignation of the Speaker of the Parliament and the changes in Electoral System, by switching from a mixed to a fully proportional system (Kakachia & Lebanidze, 2019). Though Georgian Dream initially promised to fulfil both of these demands, in November, Georgian Dream MPs, in a coordinated manner, intentionally refused to vote for the initiative, failing to endorse the amendment (ibid). There is a general opinion in the Georgian public and Political spectre that this was pre-planned development so the Georgian Dream could have the edge over its political opponents and the general public (ibid). I believe the Georgian Dream would never fulfil any of these promises, and I’ll explain why. Since the early 1990s, when Georgia regained its independence after 70 years of Soviet occupation, a mixed electoral system became the stronghold for every government. Although very disproportional and unfair in its essence, none of the governments really tried to change it. Why? Well, the mixed electoral system might have been unfair, but it was unfair to the opposition, while in the hands of the sitting government, it served as an effective weapon for retaining power. This is because it enables the sitting government to stream all their resources to the majoritarian poll and still secure the parliamentary majority, even if they don’t get more than 50% of proportional votes. To illustrate what I’m saying, the 2016 Parliamentary Elections of Georgia could be a good indicator. In the 2016 elections, Georgian Dream had 48% of proportional votes, yet, thanks to a sweeping victory in the Majoritarian poll, GD secured the constitutional majority in the parliament (winning 115 of 150 seats) (CEC, 2016). So, who wouldn’t try to keep such a powerful tool a year before the upcoming elections?

But why did the GD give a promise if they weren't going to keep it anyways? Didn't they know that it would bring yet another political crisis and the deterioration of democratic processes? – I guess that they knew it but didn't care much. For them, it was a primary target to put off the civic power concentration somehow and strike back after because the June 2019 protests started "bottom-up" (not vice versa, when most of the time political parties announce the protests), when on the morning of the 19th of June thousands of Georgian citizens witnessed how Russian Duma MP Sergey Gavrilov, was invited and seated in the chair of the Parliament's Speaker (2nd highest position in Georgia, after Prime Minister). And while there might be much polarisation in Georgia, one thing the entire country is very consolidated about is the strictly anti-Russian attitudes. So, my understanding of the situation is that at that time, GD couldn't confront such civil power directly without compromising (which included the resignation of the Parliament's Speaker and promise to switch to a fully proportional electoral system). Briefly, they gave a promise, killed the civil unity and stroke back in November, when consolidating around the idea would be harder than it was in June. You might ask why I put this information here and how it relates to my thesis topic. – Well, shortly after the November protests, Georgian oppositional parties boycotted the parliament (Chichua(b), 2019), and many of the skirmishes that took place during 2020 between the GD and opposition, including legislative clashes over imposing the State of Emergency, Electoral Law, and the Law on Public Finances of Political Parties started from June 2019.

Similarly, GD has successfully jeopardised two out of three major Georgian TV Canals, Rustavi 2 and Imedi TV (Ozturk, 2021; Topuridze, 2020; Wojlasiewicz, 2021), as well as both public broadcasters Public Broadcaster 1 and Adjara TV (Topuridze, 2020). Needless to explain that such developments are alarming not only because it endangers the freedom of media, which, in fact, is a constitutional right, but also in a country where around 70% of the population (Wojlasiewicz, 2021) considers TV as the primary source of information, it increases the risks of government-approved propaganda.

Considering all this preliminary information regarding the Governments' decisions and the Covid-19 pandemic, in the following paper, I will try to study how Covid-19 and the political implications following it has affected the backsliding processes in Georgia. Therefore, the

research question of the following paper is – *Has Covid-19 accelerated the democratic backsliding process in Georgia in 2020 and how?*

The main reason why I decided to choose Georgia as the central case for my paper is the specificity of Georgian (de)Democratization dynamics – Since the 2003 Rose Revolution, Georgia has been widely considered the success story of Post-Soviet Space with relatively strong institutions, transparency, and democratic consolidation – carrying the label of “beacon of democracy” with pride (DP, 2005). After setting out successfully, there was a wide expectance in Georgian society as well as in the international community that Georgia would commit to the idea of liberal democracy, but, as it was shown in the beginning, since 2012, the country has gone more backwards rather than forward on this road. It will be fair to say that on the road to democratisation, Georgia got stuck and took a U-turn (Kakachia & Lebanidze, 2019), which is already an interesting phenomenon. Suppose we add the factor of external (natural) disasters, like the Covid-19 Pandemic, which enables the government to use different leverages unaccountably. In that case, it becomes even more interesting to study the fluctuation of democratic dynamics in such a country. Because Covid-19 (and I would say that the Global Pandemic, in general) is a new phenomenon in Political Research, we still don’t have comprehensive studies on this topic, making this field a little bit of a “nomad’s land”. While this paper solely intends to analyse how the political effects of pandemics have influenced the democratic backsliding in Georgia, it proposes a particular perspective of a single case study and, by no means, intends to suggest a universal explanation for any other case that might be similar to those of Georgia. However, the paper can promote valuable insight into how global crises affect democratically troubled states.

1.2. Definition of the Key Concepts

Here I will provide the definitions of those concepts that play a crucial role in unfolding this paper’s objectives. True, these concepts are prevalent in political research and debate, but because of their constant overuse (and, in some cases, misuse, too), their definitions might vary according to the context. This is why I decided to provide definitions for each to avoid confusion and establish a common framework for understanding these terms (to clarify with what definition I use them in this thesis).

Democracy – Various authors have defined the concept of Democracy. One of the first understanding of this concept belongs to Robert Dahl (1971), who, in the context of the American Electoral System, assigned “democracy” to “Polyarchies” and defined it as the “continuing responsiveness of the government to the preferences of its citizens” (p.1). However, this definition requires the elements of the newer frameworks of democracy, which will be equally valid in the European context. For Russell Hardin (1999), democracy is the interplay between a liberal understanding of the terms and constitutionalism – it is the combination of free and fair elections; separation of power between different government bodies; protection of individual rights and providing economic prosperity through the market economy, which eventually is protected by either written or non-written constitution. In other words, “democracy works only when there are no deeply divisive issues that override the value of the order and other very generally advantageous values” (Hardin, 1999, p.1)

Global Pandemic – According to a dictionary of epidemiology (Porta, 2008), the pandemic is “an epidemic occurring worldwide or covering a vast area, across international boundaries, and usually affecting a large number of people”. However, Singer et al. (2021, p. 1) propose that the Pandemic doesn’t have a universal definition or precise “mathematical approach”, which might lead to certain limitations or different results in research. According to them, the main problem of the definition lies within the geographical aspect of the pandemic and what we mean by the outbreak of the virus – do we call a pandemic the explosion of a new virus or the outbreak of an already identified virus? (p. 2). Even though the WHO is not using the term pandemic in their formal communication anymore, they had defined the pandemic as the outbreak of a “new virus” and still use it non-formally to describe the severity of the epidemic (ibid).

Morens et al. (2009, cited in Singer et al., 2021) suggest two definitions of the pandemic – 1. Transregional definition – when several regions have the same virus, and the number of cases is more than “some threshold numbers”; and 2. Interregional definition – “an outbreak in which two or more non-adjacent regions experience epidemics” (ibid).

For the paper, I decided to stick with the ‘pandemic’ definition proposed by Epidemiology Dictionary with a slight modification to change the definition’s perspective from “any virus outbreak” to “new virus outbreak” (as was the case for Sars-COV2, Covid-19).

Emergency Power – According to Guillaume Tusseau’s (2011, pp. 500; 520) definition, an emergency is the sudden outbreak of specific circumstances that challenge the existing constitutional order and free the political or public power from all the constitutional constraints to tackle the challenge. However, in a situation like this constitution proposes a framework which enables the government to take over the emergency powers (in most cases, this framework is the State of Emergency), and there is a general expectation that the constitutional order will be reinstated as soon as the sudden outbreak is dealt with (p. 526). There is a public opinion that a State of Emergencies, even though it can be imposed in line with the current constitution, in general, affects the level of democracy negatively and “leads to the ‘liquidation’ of democracy” (Tingsten, 1934, p. 333 cited in Agamben, 2005, p. 7). Agamben himself (2005, p. 50), while opposing the idea that the State of Emergency cannot be a-priori considered as the revelation of dictatorship and strive towards „pleromatic statehood “, still holds onto the opinion that State of Emergencies widely deactivates the “distinction between public and private” and thus poses as “a space devoid of law, a zone of anomie”. Regarding the State of Emergency, Tusseau (2011, p. 500) mentions that pre-determined constitutional norms can be counter-productive since respective governments can use them for political gain.

Democratic Backsliding - as Bermeo (2016, p. 5) mentions, “at its most basic, [democratic backsliding] denotes the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy”, which includes dozens of processes inside the state itself. She denotes that nowadays, backsliding happens through the institutions that initially were legitimised to protect democracy (ibid). Besides, she outlines six forms of democratic backsliding, out of which two – ***Executive Aggrandizement*** (When elected governments weaken the equilibrium between checks and balances and bring forward unconstitutional changes) and ***Strategic Manipulation of Elections*** (Hinder and harass opposition; pack election commission; use government funds for the campaign; plan all this long before the election to be less recognisable for international monitoring missions) work together and are the most frequent strategies of recent democratic backsliding tendencies (Bermeo, 2016, p. 13).

2. Theoretical Framework

Even though democratisation and democratic backsliding have been the subject of social and political sciences' research for decades, that contributed to the existence of strong and established theories like Huntington's "Democratization Waves" (1991) or Linz's "Breakdown of Democratic Regimes" (1978), for my paper, I decided to go for two of the newest theoretical frameworks around this topic. First is the book "*How Democracies Die*" (2018) by Steven Levitsky and Daniel Ziblatt, in which the authors explain modern democratic backsliding from the American perspective. Second is Ireneusz Pawel Karolewski's (2021) *Putative Democratic Backsliding Theory*, which explains the same backsliding tendencies from the global perspective. These theories are complementary frameworks since they both come to, more or less, the same explanations for modern democratic backsliding. Using these theories will help me create a clearer picture of how things have been carried out in Georgia and determine the general pattern of how democratic processes have deteriorated (if so).

In the following chapters, I will briefly review the main concepts of these theoretical frameworks in a style of literature review, only I'll also put out the basic concepts which I will use as the main backbone of the further discussion in the paper. Once I'm done with this part, I will provide the operationalisation and analysis of how these three main concepts of these frameworks will be applied to the thesis in general and how they will be helpful in this discussion.

2.1. Levitsky and Ziblatt – *How Democracies Die* (2018)

The first theoretical framework I will use to reach the end goal of this paper is Steven Levitsky and Daniel Ziblatt's famous book "*How Democracies Die*" (2018). On the example of American Democracy and the first half of Donald Trump's presidency (2016-2018), Levitsky and Ziblatt outline the central question of their work that aims to determine whether "we [are] living through the decline and fall of one of the world's oldest and most successful democracies" (p. 8) or not. Even though the main emphasis is put on American Institutionalism and provides the agent-centred perspective, the authors did a great job of employing a comparative approach towards historical cases. The result of such an effort is the universal theoretical framework that suggests explaining how democratic backsliding happens in the post-Cold

War Era. As Andersen outlines (2019, p. 646), this framework tries to explain the nature of recent authoritarian crawling and fill in the limitations of Modernization and Economic Inequality theories ... “through the authoritarian behaviour of political elites, aided by the contingencies that history provides” (p. 650).

Moreover, based on Linz’s philosophy which he proposed in his famous book “The breakdown of democratic regimes”, Levitsky and Ziblatt offer four signs to identify authoritarian politicians: 1. Rejection of democratic norms and principles; 2. De-legitimation of political opponents; 3. Support or toleration of violence; 4. Censoring media and individual rights (p. 18).

The initial part of the book covers how strategies for democratic backsliding have changed over the years from the Cold War period till today. The main road to authoritarianism during the Cold War was bloody coups or revolutions that brought utterly different sets of principles, statehood, and regime overnight (p. 10). And all these were more than noticeable – soldiers and military equipment in the streets, martial laws intact, complete overthrow of the previous government and constitution (ibid). What changed the most, authors argue (pp. 9-10), is that coups and revolutions are not the most popular way for undemocratic changes anymore – in fact, democratic backsliding today is orchestrated by elected politicians, not only in the countries that struggled for democratic consolidation but in the countries that had democratic institutions not so long ago, like Poland and Georgia (p. 10). Unlike the coups, this type of change doesn’t have instant effects as they are more gradual – elected politicians first adjust little details, then go for something bigger, and eventually end up with the change of constitution (pp. 10-11). This contributes to the second trait of modern democratic backsliding – The ***processual characteristic*** when changes happen so slowly that the general public doesn’t notice it until it is too late (p. 46). This is because elections are still held during this time, the opposition is still around, the media has some level of autonomy and freedom of speech, etc. (ibid). But what is the first trait?

The first trait lies within the explanation of how undemocratic politicians cause democratic backsliding, and it is through ***Institutionalism***. This means that, at first, authoritarian governments undermine the state institutions that are supposed to be neutral and independent supervisors of checks and balances (p. 47). Capturing state institutions, court-packing, increasing the number of judges, adjusting the constitution, deteriorating the rule of law, and using intelligence services to spy on the opposition, journalists, and citizens – these

are the weapons in the hand of anti-democratic governments that they employ at the beginning of their purge (pp. 47-48; 52). Once the loyalty of the state institutions is secured, anti-democratic governments tend to start working on political opponents – let it be opposition leaders, pro-opposition businesspeople or media (p. 48). In that respect, Levitsky and Ziblatt outline three main strategies: 1. Buying their loyalty which includes direct bribes for political leaders, government payrolls for media holdings and favourable conditions on government contracts for businessmen (pp. 48-49); 2. Prosecuting or blackmailing political opponents and journalists (pp. 48-49); 3. Silencing the intelligentsia: artists, painters, writers etc., either by paying them off or blackmailing (p. 51).

As Levitsky and Ziblatt wittily mention, “one of the great ironies of how democracies die is that the very defence of democracy is often used as a pretext for its subversion” (p. 54). For these purposes, anti-democratic governments tend to capitalise on recurring or fictional crises (wars, revolutions, terrorist attacks, natural or medical disasters) big time (pp. 54-55) – Crises help anti-democratic governments in two ways: 1. People consolidate around their respective governments and are ready to ditch some of their rights, at least at the beginning of the crisis, in exchange of safety and security; 2. Governments are granted executive powers and other favours from the constitution to “manage the crisis”, often resulting in abusing power and passing new laws by bypassing the official procedures (ibid).

The third trait of modern democratic backsliding is connected to **Political Culture**, or as Levitsky and Ziblatt call it, “unwritten democratic norms” that contribute to the strength of democracy (p. 11). Contrary to popular belief that the *citizens* are the safeguards of democracy in their own countries, Levitsky and Ziblatt refuse this idea by calling it wrong because this idea preaches “that “the people” can shape at will the kind of government they possess” (p. 17). Instead, they give this credential of “democracy defenders” to party politics (p. 17) and outline two central “unwritten political norms” to sustain moderate party politics, therefore, democracy (pp.11) - 1. Toleration of rival parties – this means that political parties, no matter how they don’t agree with each other, acknowledge each other’s legitimacy as a political opponents and respect their opinions (p. 59-60) and 2. Forbearance – which denotes having respect towards democratic constraints (sort of “checks and balances”) in the process of decision-making (p. 61). As Levitsky and Ziblatt mention, these constraints (such as only two terms for the same president, constitutional norms etc.) make every politician angry, but democratic ones respect them nevertheless (ibid). The problem starts when elected

governments undermine these norms and contribute to the polarisation of party politics and electorate, resulting in not only the discreditation of oppositional parties but disrespecting the democratic checks and balances, making politics sort of a wrestling match, where the end goal is to win no matter what (p. 66).

To summarise, Levitsky and Ziblatt (2018) outline three main components of democratic backsliding: 1. Institutional State Capture, which refers to violating their independence and neutrality; 2. Processual characteristics of the undemocratic changes that happen step-by-step; and 3. Polarisation of Political Culture often resulted in the marginalisation of political opponents (therefore electorate) and disrespecting the democratic checks and balances.

2.2. Karolewski – Putative Democratic Backsliding Theory (2021)

Unlike Levitsky and Ziblatt, who evaluate the democratic backsliding tendencies on the example of the USA, Karolewski doesn't take a sole case as the landmark of his framework and provides a more universal and global perspective of modern democratic backsliding. At the beginning of his article, Karolewski puts out that old de-democratization theories, like Huntington's "Democracy Waves" or Fukuyama's "End of History", mainly focused on new democracies in Central and Eastern Europe after the collapse of the Soviet Union and targeted them as the possible subjects of democratic backsliding, meaning that, their entire framework was capitalised on thinking that only new democracies which have not reached enough consolidation can erode (p. 304). However, Karolewski argues (ibid) that those theories fail to explain why established democracies, like those in Western Europe and the USA, decline and says that democratisation is a general trend or "a process, which can occur in every democracy but not necessarily to the same degree" (p. 305), making it a game of "category of degree" rather than a "category of a kind" (p. 306).

Much like Levitsky and Ziblatt, for Karolewski, modern democratic backsliding has three main determinants: 1. Societal Aspect (referring to the role of the people and changes in society); 2. Institutional Aspect (referring to the position of institutions and changes in their autonomy/independence); 3. Processual Aspect (referring to the characteristic of the backsliding and how it happens) (p. 302).

Societal Aspect – this aspect refers to the role of ordinary citizens in the decision-making process and how they evaluate themselves (p. 308). According to Karolewski, during the democratic backsliding level of “audience democracy” increases (p. 307), which means that citizens become not the actors of the political decision-making, but the sole spectators of what’s going on, with the illusion that they control the government and government is accountable to them (p. 308). The outcome of such spectatorship is that they “can be easily manipulated into politics of insecurity and exclusionary identity politics” (Sata & Karolewski, 2019, cited in Karolewski, 2021, p. 309), leading them to “reporting potentially dangerous situations or spying on other citizens” instead of actual engagement in political and civil processes (p. 309). Karolewski additionally mentions that constant airtime for government leaders on TV or other media contributes to this kind of spectatorship because there is practically no room for alternative information, and the general public soaks into whatever the leaders provide them (pp. 309-310).

The institutional Aspect – refers to the state capture as a ramification of institutional democratic backsliding. This is when the government, instead of taking care of its citizens, engages in illegal activities, like corruption, lobbying, money laundering, court packing etc., to ensure the security of their or their partner's interests (p. 311). Karolewski outlines two types of state capture: 1. Party State Capture – when the ruling party takes over the state institutions with an end-goal to secure their interests and 2. Corporate State Capture – when the businesspeople and corporations are given benefits at the expense of the population (ibid). Even though there is a methodological and conceptual difference between these two types of state capture (corporate state capture strives towards more stability, so their flow of income is not endangered, whereas party state capture strives towards an entirely new institutional system that is fully adjusted to them (p. 312)), they have the same goal – to undermine the functionality of the state and to contribute to the creation of quasi-state either with an excuse to bring well-being and prosperity to a country (corporate state capture) or to bring power to the people (party state capture) (pp. 312-313).

Processual Aspect – what Karolewski means by the processual aspect of democratic backsliding is that it happens by a democratically elected government and has a gradual characteristic (p. 313). With this thinking, he agrees with Huntington’s (1996, p.8) and Levitsky

& Ziblatt's (2018, p. 10) opinion that coups and revolutions are not the most popular means of de-democratization anymore. The processual characteristic makes modern democratic backsliding hard to identify because undemocratic changes, at first, are intangible, whereas elections, that is considered to be one of the most critical indicators of democracy are still there, and opposition is free to participate in them (p. 314). What is hidden, though, is how government can manipulate the elections – it can be through jeopardising the electoral law, electoral commission, court packing etc., contributing to free but not fair elections (ibid). The most important feature of the processual aspect is that it contributes to the regress of the democratic system, which means that the state is backsliding not necessarily from democracy to dictatorship at once but one at a time, from democracy to semi-democracy or from semi-democracy to authoritarianism (p. 315).

2.3. Operationalisation and Analysis – Applying Theory to Discussion

One thing is how Covid-19 related pandemic exceptionalism and restrictions affected the democratic backsliding in Georgia in 2020, and the other is how all these processes fit within the theoretical frameworks that provide the normative basis and theoretical explanations for such developments. Here I will employ those three major concepts I identified in the previous chapters.

The first analysis point is what happens when anti-democratic regimes are hit by a wave of crises (wars, pandemics, or internal political crises). As Levitsky and Ziblatt (2018, p. 54-55) notoriously outline, crises, in general, help undemocratic governments to gain support from the population that unites around the state in times of hardship. Indeed, after the outbreak of Covid-19, the first few months of 2020 marked the soaring increase of Georgian Dream and the Government of Georgia's ratings, which were heavily damaged after the June/November 2019 protests and political crisis. For example: if in December 2019 (NDI - Public Attitudes in Georgia December 2019), 53% of the Georgian population believed that Georgia was moving in the wrong direction and 64% negatively evaluated the government's performance, in August 2020 (NDI - Public Attitudes in Georgia August 2020), despite rather anti-constitutional restrictions and measures, only 32% of the population had negative attitudes towards the

country direction, with 73% praising the government's efforts to tackle the pandemic (NDI - Public Attitudes in Georgia June 2020). Similarly, the approval rate of then Prime Minister Giorgi Gakharia skyrocketed from 21% in December 2019 (ibid) to 46% in December 2020 (NDI – Public Attitudes in Georgia December 2020). Besides, even though the GD-dominated Parliament had an approval rate of only 9% in December 2019 (NDI - Public Attitudes in Georgia December, 2019), in the 2020 Parliamentary elections, Georgian Dream still managed to secure 48% of votes (CEC, 2020).

Both Levitsky and Ziblatt (2018, p. 55), as well as Karolewski (2021, p. 305), outline that in most cases, modern democratic backslidings happen not due to wars, revolutions or coups, but they are carried out by democratically elected governments, who seize the opportunity to centralise excessive executive power in their hands and create a legal basis to rule on the decree. Similar developments as such could be spotted in Georgia in 2020, when the Government of Georgia imposed the State of Emergency, granted themselves excessive executive power that they wouldn't be authorised to have otherwise and created the Interagency Coordination Council, which had the right to rule on decree without the parliamentary approval (GeoGov, 2020). Moreover, since May, when the Georgian government halted the State of Emergency, all the pandemic-related legislative amendments, restrictions, and derogations were carried out by virtue of the "Law on Public Health" that granted the government anti-constitutional emergency powers (Korkelia, 2021, p. 14-15).

The third Analysis point goes to Institutional Backsliding, which according to Levitsky & Ziblatt (2018, p. 47) and Karolewski (2021, p. 313), is a continuation of an elected government's initiated state capture by packing the courts, silencing or sweeping the opposition, manipulating the elections, deteriorating the rule of law, etc. While it might be hard to entirely connect the similar developments in Georgia in 2020 to the pandemic empirically, it's clear that the pandemic-related panic and social confusion created fruitful ground for the Georgian government to play out some of the moves that would help them to centralise more power and control in their hands. For example: at the beginning of 2020, GD took advantage of Covid-19-related public confusion and filled the two vacant seats in the Constitutional Court with two GD-loyal judges through flawed procedures, out of which one ruled the constitutionality of their appointment later (TI(c), 2020). Similarly, at the beginning of the

pandemic, the Georgian Government not only authorised the Interagency Coordination Council to rule without parliamentary verification (GeoGov, 2020) but also didn't include any of the opposition political leaders within the council (ibid), taking out the last bit of possibility for the opposition to somehow have their say in these political processes and Covid-19 management. Moreover, at the beginning of the year, GD started criminal investigations against several oppositional politicians, resulting in the arrest of several political leaders (TI(a), 2020), which was later followed by the GD's attempts to initiate and endorse the "Law on Public Finances of Political Parties" directly threatening the boycotted opposition to strip their public fundings off (Gozalishvili, 2021). The most vivid illustrations of institutional backsliding in Georgia were the practice of approving and promulgating the legislative packages and amendments through anti-constitutional procedures when the GD-dominated parliament and Interagency Coordination Council either didn't give enough time to oppositional political parties to review the initiatives (Gozalishvili, 2021) or formulated the sanctions for breaching the pandemic laws and restrictions by virtue of non-existent offences codes.

Additional examples of institutional backsliding that had the processual characteristic like state capture of Adjara TV, the leak of top-secret files from the Georgian Intelligence Services, proving that the latter was spying on Media and CSOs (Publika, 2022), manipulating the elections through different financial and administrative leverages (annulling the sanctions for breaching the State of Emergency (რადიო თავისუფლება, 2021); granting more than 200 hundred IDP families flats and houses a day before the parliamentary elections (TI(f), 2020); using the ratings of technically independent Health Authorities (Tabula(a), 2020)) all contributed to the institutional backsliding of the country in 2020.

If Levitsky & Ziblatt (2018, p. 17) mention that a decrease in the tolerance and forbearance of rival parties contribute to the revival of democratic backsliding, Karolewski (2021, p. 307) believes that democratic backsliding majorly benefits from the "audience democracy", when the citizens become not the participants, but sole spectators of the political processes. By introducing extremely unpopular and disproportional measures like restrictions on the usage of a personal car, restrictions on public transport, selective restrictions on demonstrations and religious assemblies, introducing the lockdown and curfew from 9 pm to 5 am, the government of Georgia practically stripped the citizens of Georgia of all possibilities to

participate in social and political processes of the country, putting them into the role of the spectators and creating the image of a responsible citizen who stays at home. Such developments were followed by the government's response that it wouldn't include civil society and CSOs in the process of Covid-19 related decision-making (რადომ თავისუფლება, 2020), completely belittling the role of a citizen from a participant to a spectator of the processes.

In the following chapters, I will explicitly review each and every case of all three institutional, societal, and processual aspects of democratic backsliding in Georgia in 2020 during the Covid-19 pandemic.

3. Methodology

3.1. Research Design

The paper aims to measure if and how Covid-19 affected the dynamics of democratic backsliding in Georgia in 2020. While I acknowledge that democratic backsliding in Georgia, in general, cannot be the result of Covid-19 only, in this paper, I will explicitly focus on how natural disasters like the pandemic and its political effects can create a fruitful ground for further backsliding in a hybrid democracy of Georgia. Please note that this paper is explicitly on the Georgian case and doesn't aim to universally explain how democracies might erode during natural or health disasters.

The research strategy of the paper will be a Single Case Study. A single Case Study is an obvious choice for my paper due to the peculiarity and perks it provides to the research. According to Robert Yin (2009, p. 14, cited in Willis, 2014), a case study is a strategy that helps us to learn and analyse "the contemporary phenomenon in depth and within its real-life context" (ibid). This means that case studies help us to learn a certain concept in a more detailed way. Similarly, Robert Stake (2008, p. 443) notoriously mentions that the perks of the case study lie within its specificity and the unequivocal in-depth approach.

But what can the Single Case Study approach do for my paper? Well, if the case study is the analysis of a single, specific unit in a greatly detailed manner, then studying a case of a country

should not only be possible but also more than welcome due to its complexity. So, I'm going to fit my research topic (Covid-19 dictated democratic backsliding in Georgia) into a single case study research design and take advantage of its in-depth analysis in a real-life context by concentrating on the contributor factors.

This takes me to another important aspect of the thesis – design. The paper will be factor-centric research due to its defining characteristic. For factor-centric research design, the main goal is to explain how one concept's causal factors can affect another and explain the reasons behind the particular outcome (Gschwend & Schimmelfennig, 2007, p. 8). Factor Centric Research Design comes to the rescue when the primary goal of the research revolves around “theoretical interest in causal factors” (ibid, p. 9), and the usual questions that this type of design tackles are “does X cause Y and how” or “what effect does X have on Y and how” (ibid, p. 8). Similarly, in my thesis, I intend to explain the effects that Covid-19 Pandemic (Factor) had on democratic backsliding (outcome) in Georgia (case). Moreover, even the formulation of my research question is in line with the general formulation of the question that is used with this type of research design (ex: does x (Covid-19) cause y (democratic backsliding) and how?). But what I mean by factors is not generally Covid-19, but the political effects of Covid-19 and its strictly defined indicators, which I will put forward in the next chapters. The same applies to the outcome – democratic backsliding.

3.2. Methods

But how will I retrieve and analyse the relevant data that's so important for the thesis? Well, at first, I intended to conduct semi-structured in-depth interviews and focus groups among Georgian citizens and civil activists, asking them general and more detailed questions about their attitudes towards the Government's work during the Covid-19, implemented restrictions, democratic backsliding, challenges during the Covid-19, etc. But then I realised that such research would be very limited in getting unbiased information. What I mean is that if you go and ask civil activists and NGO representatives such questions, of course, they will try to give you legally and theoretically analysed answers. Although these answers might be true, they won't represent the population because not everyone has the same capacity and knowledge of the topics as these activists.

The idea of conducting interviews with random citizens of Georgia was similarly troublesome. This is because, by the time of writing this thesis, I lived either in Glasgow or Krakow, leaving me no other option but to communicate with people through the internet, and this could increase the limitation of the paper, reducing the scope of the interview only on those people who have access to the internet and knows how to use it. Besides, many NGOs (like CRRC or NDI) and GeoStat publish such surveys about social and political attitudes, and they already provide valuable (although) second-hand data, which I use in my research anyways.

This is why I decided to choose methods that would enable me to empirically study the process of democratic backsliding in Georgia and legally assess its aspects of it, but I also wanted to stay within the scope of qualitative methodology, firstly because I'm more competent in qualitative research than in quantitative, and secondly, because I plan to review and study a great number of legal documents, legislation, law, and decrees to point out the general patterns of democratic backsliding and discuss their compatibility with the Georgian Constitution.

because I plan to go through several legal documents and legislation to point out the general patterns and discuss their compatibility with the Georgian Constitution. (I will elaborate on this topic shortly, so let's head to the methods first).

The method I will employ to conduct my research is Content Analysis, but not with its traditional understanding. Here's what I mean – generally, Content Analysis is the study of qualitative sources like verbal speeches or text materials to identify general context or patterns within the communication messages (Prasad, 2008, p. 173). According to Nachmias and Nachmias (1976), content analysis is one of the best methods to draw conclusions from any type of written material, including folk songs, news, social media posts and private letters, or legal documents. Indeed, the variety of potential sources, alongside the method's ability to be employed with both quantitative and qualitative data, makes content analysis one of the most versatile research methods. As Prasad (Prasad, 2008, p. 176) outlines, content analysis determines the context and purpose of communication and can be widely used in providing legal evidence (as he rather wittily underlines content analysis is all about “who says what to whom with what effect (ibid, p.175)).

However, it has certain limitations too. My understanding of this method is that although it enables the researcher to determine the context and purpose of the content, it fails to provide the bigger picture (as Prasad (2008, p. 180) mentions, “its inferences are limited to the content of the [given] text only”). For example: If I learn a particular document (law), I can easily understand why and how the law was endorsed, but I won’t be able to argue its legality and constitutionality. So, what I’m going to do is to take advantage of the perks of Content Analysis (determining the context) and pair it with legal doctrinal research (a method that legal researchers use to assess different parts of a specific law and critically analyse how they fit within the general legislature of a country (Consultores, 2021) to reach the objectives of my paper.

How I will use the combination of Content Analysis and Legal Doctrinal Research in my paper is that first, I will establish two content categories for the sources: 1. Type of Legal Documents endorsed from February 2020 to December 2020 (I will classify whether these endorsed/issued documents were newly initiated laws, amendments of the existing laws, or the government regulations); and 2. Outcomes of these laws/amendments/regulations (where I will analyse the purposes (what they were banning) of these interventions). Unlike other instances when using content analysis, I will not code the retrieved data this time. Why? Because with this research, I don’t aim to determine why these interventions (laws/amendments/regulations) were introduced, nor do I plan to study which keywords or themes were given the greatest importance within the texts of these laws (Both are pretty much clear from the naming of these legislations anyways; all the proceedings mention that they’re implemented for Covid-19 pandemic management). Instead, I’m only interested in understanding what agendas these initiated laws were bringing, for how long, and how the government would implement them in real life so I can assess their effect on the dynamics of democratic backsliding in Georgia in 2020. Once I have answers to these questions, I’ll employ the Legal Doctrinal Research method to determine the constitutionality of these documents by comparing them to the Georgian Constitution and the General legislature of the country.

I will use the same combination of *Content Analysis-Legal Doctrinal Research* to study and analyse the Government-initiated restrictions and determine their legality in compliance with the constitution. The strategy here will be the same as mentioned above, first through content analysis of specific decrees (that promulgate the restrictions), I’ll learn the nature of

these restrictions by identifying to what extent these restrictions derogated the fundamental rights of the citizens and what were the end goals they were introduced for. Then, by applying Legal Doctrinal Research, I'll argue whether these measures and restrictions had a legal basis by cross-checking them through the Georgian Constitution.

While it might be tricky to study the nature of all the restrictions sufficiently, I believe I've one important advantage regarding the Georgian case. Throughout the entire year of 2020, I lived in Georgia, being actual observant of all the political and social processes, and making notes about all significant changes. This enables me to focus on the most discussed issues in Georgian public and politics in 2020 without losing track of research, thanks to my quasi-observation (if it can be called like this). Although, I might note that I, by no means, intend to use observation as a fully-fledged method of my paper. Firstly, because it would require extensive resources, such as being all over the place, making notes even for minor changes, etc., which I don't have, and secondly, because the right time for observation has already passed since the events described and analysed in this paper are from 2020 and I started working on this thesis two years after.

I understand that the combination of the methods I brought here might be non-traditional, but again, with this paper, I don't claim that I'm solving the universal puzzle in pandemic and democratic backsliding studies. All I try to do is to adopt the best possible combination of those methods, which will help me to clarify how the Political effects of Covid-19 have affected the democratic backsliding on the example of the Georgian case solely.

This takes me to another critical paragraph of this chapter – Concepts and Indicators.

3.3. Concepts and Indicators

First of all, I want to address that with this paper, I don't aim to a-priori determine the causal relationship between the two selected concepts, which I will unfold below. Instead, I aim to analyse how they co-exist and influence each other. This is why instead of strong research language (ex: Independent and Dependent Variables), I use more neutral language and simply denote my concepts as the "triggerer" and the "outcome". Using such neutral language will help readers acknowledge the purpose of the paper – to show how a natural disaster, like

Covid-19, standalone, created a fruitful ground for further deterioration of democratic principles in Georgia. If I didn't decide to use such neutral language and instead pursued strong research language, it might have aroused the expectation that this paper was examining all the important variables, including political culture and polarization, to create a universal theory-like narrative, how natural disasters can affect the democratic backsliding process in different countries.

A pandemic is a large topic with multi-dimensional aspects of research, including political, social, and economic outcomes. So when we discuss the pandemic's influence over a certain outcome, what's the actual scope we want to use for the pandemic analysis should always be the primary question before choosing the concept. In this case, I decided to sample down the pandemic's effects to political effects for a sole reason – I want to learn how it affected the democratic backsliding process in Georgia. And while we can discuss that democratic backsliding might have economic or social aspects (which is true), it primarily is still a political process dictated by the elected governments. This is why the **first concept** of my paper (**Triggerer**) will be – ***Political Effects of Covid-19***. I will learn this concept through these indicators:

Pandemic Exceptionalism - by this indicator, I will refer to such political processes when the governing body uses the Pandemic to carry out legislative amendments, introduce restrictions, violate certain human rights etc., through exceptionalism practices.

By exceptionalism practices, I mean the developments when: 1. The government creates the particular emergency council/body that centralises the executive power in its hands and gets the authority to propose sanctions, restrictions, and other measurements without Parliamentary verification; 2. The government uses fast-track procedures, fails to provide public access to initiated legislative amendments on time, or skips the constitutionally-determined procedural steps (for example: sending the initiative to a parliamentary hearing without getting the approval from relevant parliamentary committees) to introduce legislative amendments. Such practices minimise participation in decision-making outside the executive powerholders' circle; 3. The government employs double standards in its decision to introduce/revoke the State of Emergency according to its political needs. 4. The government employs the "rule on decree" practice.

Why is this Indicator valid? – As outlined in the Theoretical chapter, in many cases, it's the elected governments that take advantage of global catastrophes and health crises to get additional executive leverages, often in flawed procedures (bypassing the traditional, constitutional way of doing things) with an excuse to “save the democracy” (Levitsky & Ziblatt, 2018; Karolewski, 2021). Does this mean that the source of the problem is the government itself? – I believe it does. And what else can be better practice to study the problem rather than observing and analysing the source (and its actions) itself? This is why I reckon that by employing this indicator, I'll have a tremendous possibility to analyse (through methods which I described in the previous chapter) the Georgian government's exceptionalist practices (source) to measure what political effects Covid-19 brought to Georgia in 2020 (problem).

Restrictions - This indicator refers to the government-initiated measurements (regulations and restrictions) in relation to the Pandemic Management in Georgia in 2020. With this indicator, I will explicitly focus on restrictions that have directly affected citizens' fundamental rights and reduced their chances of social, political, and economic participation. These are the restrictions 1. Freedom of Internal and External Movements; 2. Freedom of Assembly and Demonstration; 3. Freedom of Religious Practice and Conscience; 4. Right to Education; 5. Right to a Fair Trial.

But one thing is to focus on the restrictions, and another is to connect them to the research topic sufficiently. If I intend to learn the restrictions in relation to the Covid-19 political effects on par with the first indicator (pandemic exceptionalism), then I will need to learn the nature of the restrictions comprehensively. This is why, in relation to the restrictions analysis, I decided to focus on four major measures, namely whether: 1. These sanctions had a constitutional character and whether they have been introduced in conformity with the Constitution of Georgia; 2. They had been applied universally to every citizen or had they favoured particular group(s), thus outlining the discriminatory character of the restrictions; 3. They had been proportional to the violation; 4. How these restrictions were executed and controlled by the law enforcement (police, labour inspection agency, Georgian army) units. Besides, I will dedicate an entire chapter to developments around pandemic-related sanctions and punishments, where I will review how the sanctions have been introduced and executed. Why is this indicator valid? – Restrictions have been the direct product/result of the political effects of Covid-19. Would there be restrictions if Covid-19 didn't start in the first place? – of

course not. In any other case implementing such restrictions would be considered a strict violation of fundamental rights, but due to the emergency characteristic of the pandemic, many governments, including the Georgian government, decided to promulgate a set of restrictions for effective pandemic management. Therefore, I argue that these restrictions are the direct product (or, say, the most vivid practical implementation) of the *political effects of Covid-19*, and their relevance/validity for this research is unquestionable.

As outlined in the introductory chapter, the pre-planned democratic backsliding process has been going on in Georgia since 2012, when the GD started undermining the democratic principles of Georgia according to a well-developed plan. Therefore, it's interesting to know how an abrupt phenomenon (no one could have predicted the outbreak of Covid-19 and the global pandemic even a week before) that is non-political in its purest essence changes the dynamic of already existing democratic backsliding once it (I mean the pandemic) gets the political characteristic. This is why the **second concept** of my paper (**outcome**) will be ***Democratic Backsliding***. To measure this concept, I will use the following indicators:

Executive Aggrandizement - This indicator refers to the marginalisation of the state institutions and norms, including constitutional, electoral, parliamentary, or procedural standards, in 2020 during the Covid-19 outbreak in Georgia. The main idea here is to determine whether the government (mainly the Georgian Dream as a political power) has used the pandemic-granted excessive executive power and social confusion to use additional administrative resources for their political goals. With this indicator I will explicitly focus on whether: 1. The government, president, or parliament exceeded their constitutional power to issue the decrees and laws favouring their political agenda; 2. The government used administrative resources, including the image and reputation of high-profile health authorities (such as the director of the NCDC; the director of the hospital of infectious diseases and other clinics) for their electoral gain; 3. The government took advantage of Pandemic-related confusion and fear of society to pack the courts, media and broadcasters with GD-loyal cadres; 4. The government exceeded its constitutional authority by introducing laws targeting the opposition and CSOs 5. The government took advantage of the pandemic-related obliterans and carried out a series of political imprisonments.

What makes this indicator (Executive Aggrandizement) valid for research purposes? – Well, executive aggrandisement happens when the government accumulates executive power in their hands. In this case, the pandemic pushed an utterly new agenda where the government could employ exceptionalism and take the lead in the fields where they usually don't enjoy the power. As Bermeo (2016) explains, Executive Aggrandizement is often considered a vivid illustration of democratic backsliding in previously democratic regimes. Therefore, I believe this indicator can be valid for the paper.

Relations with the Opposition, Media, and Society - With this indicator, I intend to determine how freely society, media and opposition were able to carry out their daily activities in 2020 in Georgia. For the societal aspect of this indicator, I will majorly capitalise on the attitude change of the Georgian population towards 1. The government's ability to manage the pandemic; 2. The necessity of the restrictions; 3. Most trusted institutions and public figures; 4. On their role in social, political, and economic life.

For the media aspect, I intend to concentrate on whether 1. Georgian media could work uninterruptedly regardless of the restrictions/lockdown/curfew; 2. The government affected the editorial policy of media/broadcasters, and how?

The political aspect of this indicator is a continuation of the *political imprisonment cases* from the previous indicator. Although here, I plan to analyse the relations of the Georgian Dream/Georgian Government with the opposition political parties and politicians. My main interest is to identify whether the government and the Georgian Dream respected the democratic principles of participation enough to include the opposition in the decision-making process around Covid-19.

Why is this indicator valid for my research? - The relations with the political opponents, freedom of media and ensuring the citizens' fundamental rights are among the most critical features of democratic states. The relations between the government and these three can technically determine to what extent the decision-makers support democratic developments inside the country. More pluralism means more democracy and vice versa; when the backsliding happens, usually, these three get the detrimental damage first. Because of this, I believe using this indicator to measure the level of democratic backsliding in Georgia during Covid-19 is legit.

3.4. Data Collection and Sources

Since the objective of the paper is to determine the democratic backsliding dynamics in Georgia throughout 2020 (during the Covid-19 outbreak) while putting the main emphasis on the Georgian government's activities (as the Political effects of Covid-19) as imperative, the primary sources for the paper will be parliamentary proceedings and the general law of Georgia.

The data time frame is strictly limited to the period from February 2020 to December 2020 since all the significant Covid-19-related legislative amendments, government regulations, and laws were either endorsed or initiated throughout this time frame.

The first batch of the sources for my empiric studies will be the parliamentary proceedings of laws and amendments that were either initiated or endorsed in 2020 in relation with the Covid-19 (with the purpose of managing Covid-19). The sources include the laws, parliamentary hearing briefs, explanatory notes for the parliamentary initiatives, etc. I will explicitly study five laws (either amended or initiated from scratch) that were majorly employed in the pandemic-related decision-making process; these laws are 1. Law on State of Emergency; 2. Law on Public Health (explicit focus on the March 2020 amendment); 3. Electoral Law; 4. Law on Public Financing of the Political Parties; 5. Law on Electronic Communications (in relation to the freedom of Media during the C-19).

The second batch of the sources includes the government regulations, decrees, and restrictions that didn't have to go through parliamentary hearings, "thanks" to the imposed State of Emergency and the newly created Interagency Coordination Council (the main decision-making body during the pandemic, with the rights to bypass the parliamentary verification process (GeoGov, 2020)) at first, and the modified "Law on Public Health" after the S.O.E. was revoked. Here I will study and analyse the regulations on five core and fundamental rights: 1. Freedom of Movement; 2. Freedom of Assembly; 3. Freedom of Religious Practice; 4. Right to Education; 5. Right to a fair trial. The idea of studying these regulations is to determine whether these restrictions were issued in compliance with the Georgian constitution and had proportionate and non-discriminatory characteristics, which are pivotal for maintaining democratic development even during emergencies (Edgell et al., 2021). Plus, I will analyse the two decisions made by the Constitutional Court of Georgia,

arguing whether 1. The amendments of the “Law on Public Health”, endorsed in March 2020 for pandemic-management purposes, were constitutional or not, and 2. The proposed penalty for not wearing the facemasks outdoors under the Article 42¹¹ of the Administrative Offense Code of Georgia was constitutional or not.

4. Literature Review

In the following chapter, I will review the literature written around Covid-19 and the Political Processes that have accompanied the actual pandemic. This chapter has a pivotal role in the paper since it outlines already existing knowledge and the gap that might exist in the field of expertise. The following chapter will be provisionally divided into thematic paragraphs to sort this tremendous amount of expertise to make it more understandable and easier to absorb. First, I will overview the literature that explicitly focuses on the issue of government-initiated restrictions/interventions and will represent both cohorts of authors, first, that don't consider reasonable and non-discriminative restrictions as the violations of democratic standards and second, that think any restrictions as the abuse of these standards.

Reviewing this literature and the authors help this paper in several ways: 1. It establishes the familiar narratives in the scholarship on what type of restrictions should be considered as the violation of democratic principles and what not amid the pandemic. 2. It proposes the common ground for the framework I will use to measure one of my indicators, “Restrictions”, for my paper.

Then I will move on to the authors that explicitly outline whether there has been a correlation between government-initiated restrictions and better health outcomes. This part of the literature review will contribute to the general knowledge and understanding of how regulations have worked during the pandemic. This part of the literature review will help me to outline familiar narratives about whether restrictions were imposed for explicitly better health outcomes in different countries or whether it was the case when respective governments saw the opportunity for their gain.

I will also cover the topic of democracy against authoritarian regimes regarding pandemic management. After the pandemic, the discussion that authoritarian regimes were better at tackling the pandemic has found its way into the literature and opinion papers. I will outline the pattern here and review the authors that took their time to research this assumption. I

acknowledge that this part of the literature review is not directly connected with the aim of this paper since I am not going to tackle whether democracies or authoritarian regimes were better in the fight against Covid-19. However, knowing this information helps to understand the general context regarding pandemic management, which is why I decided to integrate it into the paper.

Finally, I will concentrate on the topics that will contribute to my paper the most since they are the core features of the following research paper. I will review the literature focusing on the characteristics of democratic backsliding during the Covid-19 Pandemic in certain countries and the general context. I will also take time to include the authors that have explicitly written about the voters' behaviours during the pandemic-driven pre-election campaigns because Georgia had Parliamentary Elections in 2020.

4.1. Government-initiated Interventions and Democratic Standards

There are authors (Edgell et al., 2021; Casals, 2020; Cheihub et al., 2020; Sebhatu et al., 2020; Davis, 2020) who have focused on the characteristics of the government-initiated interventions and discussed whether they had been democratic standards violation or not. Authors like Cheihub et al. (2020, pp. 2-3) and Sebhatu et al. (2020, pp. 21202-21203) claim that every government-imposed restriction derogating fundamental human rights, let it be curfews, public institution closures, lockdowns etc., alongside brutal enforcement of the measures through police and national guards endangers entire democratic processes and can be considered as the violation of democratic standards. Davis (2020) goes even further and mentions that these measurements have been not only a violation of political principles but abuse of human rights too because due to prolonged lockdowns, increased power of police and implementation of different surveillance/tracking systems, fundamental rights such as accessibility to food and water, freedom of speech and expression, freedom of privacy etc. have been questioned. However, Edgell et al. (2021, p. 1) provide the political framework of what can be considered a violation of democratic principles and what not, for example, restrictions such as lockdowns, closure of public institutions, restricting mobility, change of the election dates etc. should not be considered as the violations of democratic standards, as long as they are non-discriminative and proportionate (p. 3). The same opinion can be drawn from Casals's (2020) article, which points out that to avoid the violent execution of Covid-19

measures and the deterioration of democratic standards, it is necessary to have precisely defined measures with a clear deadline and non-discriminatory character. If the restrictions comply with these requirements, derogations from fundamental rights, such as lockdowns or limitations on mobility, can be considered necessary (ibid).

According to the same political framework, Edgell et al. (2021, p. 3) provide seven types of democratic standards violations during the Covid-19 related restrictions, divided into two broader groups: Illiberal Violations (*1. Discriminatory Measures; 2. Derogations from non-derogable rights; 3. Abusive enforcement.*) and Authoritarian Violations (*4. No time limit for restrictions; 5. Limitations on the legislative – meaning ruling according to vaguely described special decrees without a “state of emergency”; 6. Official disinformation campaigns’ 7. Restrictions on media freedom*). However, there is a legal framework of what should and what shouldn't be targeted by national governments during disasters and emergencies – Article 4 of the United Nation's International Covenant on Civil and Political Rights (1966) clearly states that during the crisis, states have the right to limit some of the freedoms of the society, but to do so: 1. They need to inform the UN about these derogations; 2. States need to act within the framework of their respective constitutions; 3. Derogations should be “strictly required by the exigencies of the situation” and shouldn't be discriminatory (based on race, religion, ethnicity, gender etc.), and shouldn't question the right to life and right not to be slaved or tortured. UN ICCPR is a crucial document for drawing the operational limits in which certain governments are given the possibility to rule non-ordinarily during emergencies, though it provides precise criteria which should be followed. In this paper, I will look into whether UN ICCPR requirements (especially the ones specifying that restrictions should be constitutional, proportionate, and non-discriminative) have been adhered to by the Georgian government when imposing sanctions and restrictions on citizens' political, social, and economic lives in 2020.

4.2. Restrictions and Health Outcomes

Literature is quite rich when it comes to discussing whether there is a connection between restrictions and better health outcomes or not. This, alongside the debate about whether authoritarian or democratic regimes were more successful in dealing with the pandemic (which I will cover shortly), is the most argued point in the existing scholarship.

One cohort of authors (Dehning et al., 2020; Hsiang et al., 2020; Flaxman et al., 2020) believes that by imposing the restrictions early into the pandemic, governments have reduced the impact of Covid-19 transmissibility and contributed to better health outcomes. For example, Dehning et al. (2020, p. 5) argue that government interventions have been effective and vital in decreasing the transmission rate of the virus at the early stage of the Covid-outbreak. Their argument is based on their study of German government NPIs in March 2020, using the Bayesian model to validate their results (p. 1). Authors mention (pp. 1-2) that during the outbreak government has initiated three interventions, i.e., “change points” and the decrease of the virus growth rate from 0.43 to 0.25, to 0.15, to 0.09 matches the dates of these “changing points” with the delay of two weeks. According to them, their framework is universal and can be applied to any other country, which proves their point that there is a direct link between interventions and better Covid-19 health situations (p. 5). A similar opinion is shared by Hsiang et al. (2020, p. 265), who, based on the study of six countries and 1700 policies, declare that without the policies, all the states would have more cases than they had with the policies on, for example: according to them, China would have 465 times more, Italy would have 17 times more, and the USA would have 14 times more confirmed cases than they had at the time of the research (p. 265). Authors believe (p. 264) that at the beginning of the pandemic, many people were ignorant of the ongoing disaster, which created the necessity for government interventions, that, on the other hand, didn't let the Covid-19 transmission rate grow more and prevented/delayed approximately 61 million Covid-19 cases (p. 262). Using the dataset from 11 European countries, Flaxman et al. (2020) calculated how restrictions affected the transmission rate of the virus. They based their study on mortality data rather than confirmed case data because the former is supposed to be more reliable (p. 258). Through this study, the authors concluded that after imposing the restrictions, the infected person was 82% less likely to transmit the virus to other people. In general, lockdowns have decreased the transmission rate by 81% (p. 258). Flaxman et al. believe that interventions had similar effects in different countries, meaning that their efficiency has been clear and stable. This efficiency has made it possible to prevent about 3.1 million deaths across these 11 European countries since the beginning of the pandemic till May 4th (p. 260).

The second group of authors (Edgell et al., 2021; Sebhatu et al., 2020; Atkinson et al., 2020) stand with a different opinion since they found no significant evidence between the Covid-19

related restrictions and better health outcomes. After analysing the data from 144 countries, Edgell et al. (2021, p. 9) concluded that the leaders who are blatantly prioritising public health over democracy are feeding the executive aggrandisement because there is no direct correlation between the severity of the measures and Covid-19 mortality. Similarly, Sebatu et al. (2020, p. 21203) outline that violating fundamental human rights, such as banning mobility, and restricting public gatherings and mass events, have minimal impact on Covid-19 mortality. Atkinson et al. (2020, pp. 15-16) further argue that government-initiated NPIs (Non-pharmaceutical interventions) did not affect death rates and virus transmission pace. Their argument is based on their study of 23 countries and 25 U.S States, which showed that Covid-19 related death rates had effectively declined within the next 30 days after the respective regions/countries reached 25 total deaths (p. 12). As the study outlines, decreased death rates at an early stage of the pandemic were universal, and it had nothing to do with governmental interference because Covid-19 Infection Dynamics have stayed more or less the same in every studied region during and after the restrictions (p. 16). This result makes Atkinson et al. think that government-initiated restrictions were irrelevant regarding Covid-19 health outcomes (ibid).

4.3. Approaches of Covid-19 Management – Democratic vs Authoritarian

As mentioned, the debate about whether the pandemic has been managed better by democratic or authoritarian regimes has gained its importance in the existing scholarship. Reviewing the current knowledge around this topic is explicitly crucial in my case. As I mentioned, Georgia has chosen a more authoritarian and executive-centred strategy to tackle the pandemic (V-Dem, 2021). This part of the literature explains whether the assumption that authoritarians are more effective in combating the pandemic possesses any scientific proof and if this is the reason why some of the states adopted undemocratic measures. While this has been the issue of broader speculation, specific authors have outlined the characteristic of pandemic management by different political regimes. Cheng et al. (2020) provide the dataset, which is based on almost 13,400 policies across 198 countries, covers what type of policies governments chose, when and why they chose these policies and whom they targeted. Their preliminary results (p. 757) showed that at the beginning of the pandemic, the nature of adopted policies was different due to institutional and political factors, such as democracy

and authoritarianism, political partisanship, or the costs of restrictions. Alternatively, other reasons might be 1. Respect for Democratic Standards significantly limits the possibilities and political wills of derogating fundamental rights, or 2. Respect for Political Culture refers to citizens' attitudes and opposition towards the adopted restrictions, their nature and timing (ibid).

Cheihub et al. (2020, p. 1) briefly discuss whether democratic or non-democratic governments effectively tackled pandemics. According to them, at the beginning of the pandemic (from the 1st of March till the 1st of May) death rate in non-democratic regimes was 73 per million people, whereas, in democracies, it was 657 per million people (p. 5). Even though the authors don't bring forward a clear-cut assumption on this issue, they do mention that democratic regimes, after being significantly late than their authoritarian counterparts, have adopted a similar type of authoritarian restrictions that sounded unimaginable at first (pp. 2; 8). However, the vague and open-ended suggestion that democracies couldn't come up with better solutions and end up with the same type of restrictions as authoritarian regimes leave room for speculation that authoritarian regimes have been particularly effective in battling Covid-19. For example, in the Freedom House report about democracy in the world, Repucci and Slipowitz (2021, p. 4-5) address how authoritarian states, like China, have speculated and used propaganda to portray themselves as efficient crisis managers, compared to established democracies. This way, they were trying to sell the narrative that authoritarian regimes are more effective in crises and that strict censorship and control can be justified.

This speculation that authoritarians can manage crises better than democracies is challenged by the research of Cassan and Van Steenvoort (2021), who mention that after a year since the beginning of the pandemic death rate in democratic states is 3.7 times bigger than in those autocracies (p. 1). Authors suggest three hypotheses (pp. 1-2): first, referring to the efficiency of autocracies to establish restrictions mentioned as "efficient autocracies"; second referring to the falsification or underreporting of the Covid-19 deaths mentioned as "biasing autocracies"; third referring to the ineligibility of autocracies to properly measure and control Covid-19 related data, mentioned as "simply different autocracies". After the research and data analysis series, the authors concluded that autocracies are not as efficient in controlling the virus; they are just manipulating data, resulting in the omission of almost 400,000 thousand deaths (p. 6). This viewpoint is shared by Esarey (2021) too, who believes that "democracies have proved that they have the edge in many aspects of this crisis, including

the containment of spread and compliance with measures, designed to limit transmission ... [also] in preventing deaths”, and if authoritarians have less mortality rate than democracies, it is because they tend to hide the real statistics. However, I don’t plan to investigate this aspect in this thesis, and it’s the subject of further research.

The discussion of whether democracies or authoritarians were more effective is interesting, and it is logical to think that scholars would support either the first or the second assumption. However, we also have a clear outlier narrative offered by Petersen (2020), who neither explicitly agrees with the latter nor the former. He thinks (p. 1) that mortality rates and confirmed cases data cannot be valid criteria to assess pandemic management because they are out of the government's reach and includes other factors, like population behaviour, poverty, healthcare system etc. Instead, the efficiency of the pandemic management should be evaluated based on Sars-Cov 2 testing frequency because this is carried out explicitly by the governments (ibid). According to him (pp. 24-25), democracies were not so much more effective in Covid-19 management than authoritarian regimes, as has been suggested by the literature previously. Petersen explains that this is mainly due to the existence of different testing patterns in different countries, which outline that besides “testing democracies” and “non-testing autocracies”, there are also “non-testing democracies” and “testing autocracies” (ibid). This makes the correlation between effective Covid-19 management and regime type (ex: more democracy = more testing = better management) non-linear.

I think this is a fascinating perspective on the discussion of pandemic management and regime types. This is because such division into four categories that also includes the outliers of the discussion (non-testing democracies; testing autocracies) not only helps researchers to collect more relevant and reliable data for in-depth analysis but also takes the discussion out of monochromical debate, whether the democracies (in general) or autocracies are better in pandemic management. It provides more perspective to the debate and pushes the researchers beyond the shallow surface of distinction to analyse each case individually, not in bulks.

4.4. Covid-19 and Democratic Backsliding

The most important part of the discussion has been the democratic backsliding during the Covid-19 pandemic. A general overview of how the pandemic has affected the democratic

backsliding around the world is offered by Kolvani et al. (2021), who mention that (p. 2) these tendencies were visible both in hybrid (which are considered to be abuse-prone subjects) and established democracies, for ex: moderate violations of power happened in established liberal democracies like Belgium, Austria, or Slovakia, whereas significant abuses took place in countries like Poland and Croatia (ibid).

The general pattern in the scholarship is that many states have violated the usage of State of Emergencies. Casals (2020) argues that due to the non-existence of a universal Covid-19 management framework, all states took measures on a national level, which created the threat of democratic backsliding. Her main argument is that the “state of emergencies,” which has been declared by many states as an excuse to manage the pandemic, might be used to turn “ordinary powers [into] extraordinary in reach”. She then goes into the depth of the problem and outlines that additional threats can be derived 1. from how fast legislature can be changed during the pandemic, leaving no quality time for a proper review; for example, Denmark brought legislative changes to the Law on Public Health in 12 hours; and 2. “unofficial” state of emergencies or rule on the decree, which might push illiberalism to new heights, especially in countries like Hungary, where deterioration of democratic standards started a while ago (ibid).

A similar opinion about the “state of emergencies” is shared by Bjornskov and Voigt (2020), who argue that SOEs are used to limit political rights and civil liberties with an excuse of protecting public health (ibid). They mention that during the Covid-19 pandemic, governments around the world (democracies as well as autocracies) have violated a significant number of democratic standards by suspending the assembly of courts and parliaments so that “government policies cannot be challenged anymore” (ibid). Besides, they pressurised the media by imposing trivial and vague legislation about “fake news” and, on more than a hundred occasions, violated the freedom of speech of the media (ibid). According to the authors, invoking a state of emergency based on the excuse of public health management is even more questionable regarding the findings of the previous research, which show that SOEs are relatively ineffective measures to encounter disasters. However, governments are still more likely to set it on (or executive decrees, which can be considered the alternative to SOEs) if it brings significant benefits to them, such as: centralising executive power and control mechanisms (ibid).

If we go to the particular characteristics of the democratic backsliding during the Covid-19 besides the misuse of State of Emergencies, 2021 Freedom House reports (Repucci and Slipowitz, 2021) give us no reason to be optimistic, since, according to them (pp. 10-11) “the outbreak [of Covid-19] exposed weaknesses across all the pillars of democracy, from elections and the rule of law to egregiously disproportionate restrictions and freedoms of assembly and movement” which, on the other hand, created yet another challenge amid Covid-19 Pandemic – Transparency. Besides, media, independent journalists and activists who tried to circulate the information about the virus have been primarily targeted by their national governments by either prosecuting them or imposing heavy censorship on freedom of expression (pp. 11-12). The latter discussion point that governments have implemented strong censorship and police state elements in the pandemic-management process is addressed by Seekings and Natrass (2020) in the example of South Africa and Mukherji (2020) in the example of India.

Seekings and Natrass argue (p. 106) that South Africa’s Militaristic “Law-and-Order” approach violated democratic tradition. South African democracy has been in turmoil after, on the one hand, the government created the “National Coronavirus Command Council”, the body that bypassed the parliament without any legislative basis and, on the other hand, parliament remained relatively passive in taking care of the checks and balances between themselves and the NCCC (pp. 112-113). This breach of democracy was accompanied by a strict police regime and military activities that violently executed measures, resulting in deaths, injuries, and arrests of the people (p. 106).

Furthermore, in the example of India, Mukherji (2020) explains how democracies backslide toward competitive authoritarianism in the middle of the pandemic. He states that once considered the biggest democracy in the world, India, is now on its way to democratic erosion (p. 91) because, since the beginning of the Covid-19 Pandemic, the Indian government has violated democratic standards in numerous ways by 1. Stripping the parliament of its rights and promulgating the lockdown without official parliamentary review; 2. Oppressing media, activists, and freedom of speech; 3. Targeting minorities and marginalising their rights; 4. Using courts, including Supreme Court, for their gain; and 5. Not listening to medical experts and centralising the pandemic management further strengthened the power of executive government (pp. 92-93). On the example of five major democracies (The USA, India, Indonesia, Brazil, and The Philippines), Kurlantzick (2021, p. 13) argues how Covid-19

Pandemic has contributed to the executive aggrandisement of government officials, which included the assault of “independent judiciaries, bureaucracies, civil societies, electoral apparatuses and media” (for more see: Kurlantzick, 2021).

Amid this discussion, I was particularly interested in how scholars have covered the topic of democratic backsliding in Georgia – the country that is the main object of my study.

Gamkrelidze (2022, p. 67) argues that by imposing lockdowns and the State of Emergency, the Georgian Government found itself in a favourable position to use them for its political gain and “flatten political diversity through limiting the space for political pluralism”. The author denotes that the special council, created to manage the pandemic, bypassed the parliament’s power and became the main body for pandemic management (p. 75). Increased airtime of government officials also increased the endorsement and trust towards the Georgian Dream Party. Eventually, these factors contributed to the marginalisation of the already heavily polarised Georgian Political Spectre when GD officials publicly criticised the opposition for being “irrelevant” in their critique towards the government (p. 75). In other words, all these measures have been used to stir fragmented Georgian opposition out of political decision-making (ibid). According to the author (p. 78), the most significant democratic deterioration was when GD took back its promise to change the constitution and switch to a fully majoritarian election model, which the Georgian people earned during the 2019 Protests. Panchulidze and Tsitsikashvili (2020) outline that the biggest problem in checks and balances during the State of Emergency in Georgia was the legislature which was quite vague and granting the government broad room for policy initiation and implementation while overseeing the legal steps, such as reviewal and approval by the parliament. Furthermore, some of the characteristics of GD-initiated restrictions were discriminatory (For ex: granting favours and exceptions to the Georgian Orthodox Church, who was regularly holding communions and rituals while declining the same blessings to other confessions of the country) and disproportionate (unimaginably high penalties for breaching the curfew and pandemic law, ranging from USD 1000 to USD 5000 or prosecution based on pandemic law). While several authors address the issue of democratic backsliding in Georgia during the Covid-19 pandemic in their articles and research, most of these materials are one-sided, taking into consideration only one aspect of the backsliding (often focusing majorly on the nature of political relations between the GD and the oppositional parties). Other sources that tell us a

bigger picture lack scientific characteristics, as they are opinion papers written by scholars for local and international online magazines or NGO reports.

This paper, on the other hand, intends to combine both approaches. Here I focus on the wrongdoings of the Georgian government to unfold the characteristic of the pandemic-driven democratic backsliding in Georgia in 2020; And to reach this goal, I bring the scientific characteristic to the paper by providing empiric proofs from the Georgian Constitution and Legislation while employing the theory-driven approach to find the relation between the two central concepts of the paper.

4.5. Covid-19 and Electoral Processes

Elections and voters' behaviour were among the most interesting topics during the pandemic. Therefore, it is no surprise that a great range of authors has explicitly studied the populations' attitudes and behavioural changes in the wake of the Covid-19 Pandemic regarding the restrictions and their effect on political support.

Some of the authors (Bol et al, 2021; Leininger and Schaub, 2020; Fernandez-Navia et al, 2020; Giommoni and Loumeau, 2022) study the populations' attitudes and behavioural changes in the wake of the Covid-19 Pandemic regarding the restrictions and their effect on political support. Leininger and Schaub (2020, p. 1), on the example of Bavaria State Elections, which took place in March 2020, right at the beginning of the pandemic, come to the conclusion that in the short run, there is a positive correlation between rising numbers of Covid-19 cases and the approval rate/votes for an incumbent government. For example, in Bavaria, the approval rate of CSU has increased by almost 4% (ibid). According to the authors, it is not emotionally ("Rally-around-the-flag") or rationally (Punishing/Rewarding Governments after evaluation of their activities) driven factors that resulted in the increased political support for incumbent governments. Instead, it is the outcome of pragmatic choice, which the authors call "Forward-Looking Decision-Making" (p. 3). This phenomenon outlines that in the time of emergency, natural or medical disaster, people vote for the sitting governments because they expect worse, and amid this hardship, they grant more credibility and legitimacy to the political group they think has more chance to lead them through (ibid). To support this assumption, Leininger and Schaub bring the data which shows that in the municipalities of Bavaria that have been affected by higher Covid-19 cases and restrictions, such as school

closures, CSU (sitting government party) had 17% more chance to win the elections (p. 4). In addition, the support of another government coalition member, the FW party, has increased in the municipalities, where they didn't have to compete against CSU (p. 27).

Similarly, Bol et al. (2021, p. 498) came up with the conclusion that increased political support for sitting governments is a ramification of citizen's understanding "that lockdowns were necessary and [as a payback they] rewarded those responsible for them," i.e., incumbent governments. This research is based on the data retrieved from the interviews from 15 Western European countries before and after the imposition of the lockdown from March 2nd till April 3rd. Authors conclude that in the short run, strict restrictions, such as lockdowns, increased support for existing governments and democratic standards in general by 4% (p. 498).

Fernandez-Navia et al. (2020, p. 2) outline that turnout at the 2020 Basque County Municipal Elections (Held in July 2020) was 2.6-5.1% lower in the regions where the number of Covid-19 confirmed cases was relatively high. Furthermore, in the same municipalities, the support for the Nationalist Basque Political parties has increased by 2.2-4.9%, while the support of the incumbent has marked only a slight increase in the popular vote (ibid). Authors believe that the main reason for the lower voter turnout in certain municipalities was connected not to the risk of the virus exposure but to the Fear Factor (p. 10). To support their opinion, Fernandez-Navia et al. argue that during the pre-election period, most of the municipalities (90% of them) had no active Covid-19 cases (ibid).

A slightly different opinion is offered to us by Giommoni and Loumeau (2022), who, after studying the French Local Elections, researched how lockdown affects voter behaviour. They chose France because of the specific characteristic of lockdown in this country – During the Covid-19 exposure, France was provisionally divided into two parts – Regions where the virus spread rate was high and, as a result, marked the imposition of strict lockdowns and the regions where the virus spread rate was lower and only soft lockdowns were initiated (p. 1). Giommoni and Loumeau concluded that the areas with the longer lockdowns had seen an increase in support towards the sitting governments on the local level (p. 5). Also, unlike Fernandez-Navia et al. (2020), Giommoni and Loumeau outline that voter turnout was higher in the regions that were the most affected by Covid-19 (i.e., Red Areas) (ibid).

5. Discussion and Empiric Findings

Although the first case of Covid-19 in the world was identified in December 2019 (CDC, 2022), it wasn't until January 2020 that the Georgian government started taking the first procedural steps in combating the virus (GeoGov, 2020). At the same time, the country has been going through a severe political crisis that started six months before, in June 2019 and has majorly affected the political developments in Georgia in 2020.

This chapter will provide the discussion and empirical findings on how the Georgian government has capitalised on the Covid-19 pandemic to retain excessive executive power through anti-constitutional legislative amendments and institutional procedures. In the first part of the chapter, I will analyse and provide examples of the exceptionalism practices of the government in Georgia in 2020, whereas, in the second part of the chapter, I will explicitly focus on the characteristics of the government-initiated Covid-19 restrictions and their influence on the society and media.

5.1. Pandemic Exceptionalism in Georgia in 2020

Interagency Coordination Council – The Main Decision-Making Body During the Pandemic

On January 28, 2020, then Prime Minister of Georgia, Giorgi Gakharia, announced the creation of the Interagency Coordination Council, which from the very first day of its establishment, has turned into a major body for decision-making on Covid-19 related issues (including developing the anti-crisis plan, imposing restrictions etc.), especially, in the fields of Public Health, Economy, Public Safety and Logistics (GeoGov, 2020, pp. 6-7). Interagency Coordination Council had the right to bypass the parliament in its ruling and adopt the new laws and measurements based only on the council members' recommendations (ibid). Even though Georgia had no record of active Covid-19 cases by this time, the government decided to launch the first phase of anti-Covid measures to effectively reduce the risks of a virus outbreak in the country (ibid).

While the official ruling on the creation of the Council specifically mentioned the importance of the involvement of Parliament Members in the decision-making process (GeoGov, 2020,

p.7), alongside the Prime-Minister, Government, President Administration and Health Experts from NCDC (National Center for Disease Control of Georgia), all the political members of the council were GD members or GD affiliated politicians.

This is where I argue whether establishing the interagency coordination council was a proportionate decision for effective pandemic management or the foundational step for further deterioration of democratic standards by leaving the opposition out of the decision-making process. I believe it's the second. The fact that the opposition wasn't involved in any of the decision-making stages within the council was alarming for several reasons. First, by eliminating the opposition from the process, GD has effectively "rendered the opposition's vision of Covid-19 Management irrelevant" (Gamkrelidze, 2021, pp. 75-76). According to the government's report on anti-Covid activities (GeoGov, 2020, p. 48), to increase public awareness of pandemic measurements, as well as different restrictions and the council's working agenda, the council set out daily briefings that were streamed on every governmental channel in social media as well as on TV channels. While it might be true that the government was trying to notify the general public about the working process of the council, the increased airtime of government officials contributed to the monopolisation of the political agenda by the GD, who dominated it by pandemic-related topics, completely neglecting other political issues (Gamkrelidze, 2021, p. 77). By taking sole control (without opposition) over the council's activities, on the one hand, and turning the pandemics into a political issue, on the other, GD has practically pushed the opposition out of every political debate, making it almost impossible for them to stay relevant (ibid).

But why? You might ask. Well, as mentioned at the beginning of this chapter and earlier in the introduction, the second half of 2019 has been the year of political turbulence in Georgia, contributing to the biggest political crisis from June 2019 onwards. When Covid-19 hit Georgia in early 2020, the country was still going through a rough political path, with the topics of political instability, oppositional boycott, and ongoing debate on electoral law being on top of the political agenda. And all of these topics have been very painful for the GD since they were the headstarters of them all. Indeed, it takes a simple deduction to see why – the GD brought a Russian MP to the Parliament, resulting in the protest wave in June 2019, resulting in the promise to change the electoral law, which was later broken in November 2019, resulting in the boycott of the opposition, leading to the political crisis. And while the biggest

puzzle for the GD was to find the golden ratio for satisfying the opposition without compromising too much for the upcoming elections, the new hot topic of the agenda – Covid-19, appeared out of nowhere. And just as Karolewski (2021) and Levitsky and Ziblatt (2018) mention, the GD entirely capitalised on this crisis, so the public’s attention would be drawn towards the pandemic, not other political issues that were just as important but belittled in the role. This enabled the GD to keep the political agenda flowing according to their liking and also weaponised them to attack any politician or civil activist who demanded the proper reviewal and debate on political topics other than Covid-19.

Moreover, by over-prioritising the pandemic and monopolising the political agenda, GD could perform some of the biggest anti-democratic plays, like prosecuting the oppositional politicians, behind the scenes without too much publicity. Regarding the ongoing political convictions, Transparency International published a report denoting that the “timing and context of launching the criminal prosecutions” was a tool in the hands of the GD government against their political opponents (TI(a), 2020; Gozalishvili, 2021). Indeed, the leaders of the UNM (**Nikanor Melia**, **Giorgi Rurua**, **Nika Gvaramia**), “European Georgia” (**Gigi Ugulava**), “Victorious Georgia” (**Irakli Okruashvili**), “the Lelo” (**Mamuka Khazaradze**) have been prosecuted or arrested for unfounded claims (ibid).

But this fact is noteworthy to me, not only because of the political arrests (as a fact) itself but because of the calibre of the arrested politicians. This hasn’t been the arrests of some low-profile politicians from the principal rival parties to intimidate the real leaders; contrary, this has been a well-organised, pre-planned activity of arresting those very leaders who create the political weather in Georgia by opposing the GD politicians on the principal issues, while featuring either significant wealth or close relationships with Mikheil Saakashvili (the former president of Georgia and the biggest arch nemesis of the GD and Bidzina Ivanishvili, *nonformal oligarch leader of the GD*).

For example, **Nikanor Melia** is the chairperson of the UNM (the biggest rival of the GD) and the right hand of Mikheil Saakashvili; similarly, **Nika Gvaramia**, **Gigi Ugulava**, and **Irakli Okruashvili** all have been the high-ranking politicians during the Saakashvili’s administration and still are very prevalent defendants of Saakashvili (*who at the time of writing this paper is imprisoned in Georgia, after being back from 9 years’ exile to Ukraine*), with Gvaramia being the co-founder of the biggest opposition TV channel “Mtavari” alongside **Giorgi Rurua**. So,

now we might even question – Can it be a coincidence that all these arrested politicians have been the core leaders of their political parties while at the same time having close ties with the GD’s biggest enemy? I don’t think so. GD has a straightforward “*Carthago delenda est*” approach regarding Saakashvili and his followers. For them, it doesn’t matter whether Saakashvili is in prison or into exile until any of his followers or party members are out there, opposing them freely. So, arresting these politicians haven’t been a coincidence, it was a well-orchestrated plan to neutralise the top figures of the opposition when no one was watching (because of Covid-19). On the other hand, the case of **Mamuka Khazaradze** is a bit different. Although he doesn’t have formal connections with Saakashvili, Khazaradze is one of the wealthiest men in Georgia and the co-founder of the biggest Georgian bank. Of course, while he was in the public sector, he wasn’t much of a threat since he was busy with business issues, but once he decided to establish the political party and pursue the Parliamentary Elections, the problem arose – Now, he could have used all his money and resources for his political campaign, the way Bidzina Ivanishvili did in 2012. And this was a red flag for the GD. They simply couldn’t allow another rich man to contest for power because it could have challenged not only the political stability of the GD but also the status quo of Ivanishvili. This is why once Khazaradze disclosed his plans to become a politician, he was prosecuted for money-laundering charges (TI(a), 2020).

Besides, by leaving the opposition out (or imprisonment of their leaders) of the council and live streaming the sessions and press conferences of government officials on live TV, GD has capitalised on using these streams as yet another non-formal channel to communicate with the possible electorate (NDI, 2020). This is especially crucial if we consider that the Covid-19 Pandemic has majorly restricted the possibility of different political activities during the election year. Besides, several executives of NCDC, including Tengiz Tsertsvadze and Amiran Gamkrelidze, two of the most important non-politician figures in the Covid-19 Management Process, have appeared at the Georgian Dream Party Electorate gathering. Later Tsertsvadze openly admitted his political support towards the GD, claiming that he has been a supporter of this political party for more than ten years (However, GD was created in 2012, 8 years before he made this statement) (Tabula(b), 2020). Although it is almost impossible to prove, I believe this was a huge publicity stunt made by Georgian Dream to increase their relevance and popularity among the general public by featuring two of the top executives of public

health as their supporters (According to NDI Public Opinion Poll in June 2020, 90% of the Population trusted NCDC in Covid-19 related information (59% complete trust and 31% partially trust), (NDI - Public Attitudes in Georgia June, 2020). What feeds this suspicion even more, is that there is no record of Tsertsvadze or Gamkrelidze appearing at any of the GD pre-election gatherings/campaigns before for any of the pre-election campaigns.

In October 2020, 12 Georgian NGOs sent an open letter to the Interagency Coordination Council and the government administration, demanding to include civil organisations, as well as oppositional parties and public ombudsman in the working process of the council (რადიო თავისუფლება, 2020). The government effectively turned down the proposition with an excuse that putting these organisations and opposition into the decision-making process would only reduce the fast-response possibilities and the council's efficiency (ibid). But was it? As we will see from the following chapters, the government used the Coordination Council for their own gain in numerous situations, which wouldn't be possible if the opposition and CSOs had been part of it.

Procedural Aspects of State of Emergency Imposition

Georgia marked its first Covid-19 Case on February 26, 2020, (Worldometers.info, 2020). Since the detection of the first active case, the Georgian Government imposed several restrictions, including a total ban on international travel, cancelling significant public gathering events, and closing workplaces and educational institutions alongside the imposition of enormous fines for the offenders (Gamkrelidze, 2022, p. 76). However, the government didn't hurry to impose the State of Emergency immediately.

This situation lasted for a month. On March 21, 2020, the president of Georgia, Salome Zourabichvili, promulgated the decree enabling the Parliament to vote over the imposition of a State of Emergency in Georgia (President.gov.ge, 2020). According to the decree, a State of Emergency should be imposed on the entire territory of the country for at least a month (until April 21, 2020, with the possibility to prolong it in case of necessity); Government of Georgia was authorised to impose isolation and quarantine rules for diseased or contact citizens; International travel, including land, air, and sea, was totally halted; Government was given the right to control internal travel; Government was authorised to ban all public gatherings,

manifestations, protests, or cultural events. Only Government-approved gatherings could be considered legal; the Government was given the right to increase the amount of Emergency Fund up to 5% of the total budget in 2020; Law Enforcement, especially the Police, was given excessive executive power to control public obedience to the law (Ibid).

The initiative to impose a state of Emergency was unusual for Georgian Political Culture. Although there is a law regarding the State of Emergency, it was only activated during the 2008 Russian Invasion of the country. The Law on the State of Emergency in Georgia was adopted in 1997 and has gone through minor changes several times since then. The Law (On State of Emergency, 1997) covers legal issues such as circumstances when the government is eligible to impose the S.O.E; What are the Government's responsibilities, duties, and power during the S.O.E; What legal actions should be carried out before and after the S.O.E etc. (Ibid). While the Law explicitly denotes the importance of convincing argumentation in the process of S.O.E. imposition (ibid), one should mention that the Law is written in rather vague terms, leaving room for broader speculations and interpretations. For example, Article 4 of the law (ibid) lists several measures that "during a state of emergency, the supreme bodies of the executive authority of Georgia, depending on specific circumstances", are entitled to carry out. True, the list of measures and the definition of these measures are very much understandable, but what raises the biggest question mark is the usage of the term - "specific circumstances". What are the "specific circumstances"? Who and how defines it? Indeed, the existence of such a broad term within the law, when the latter provides no empiric or legal definition for it, can be used for illicit reasons by the government, which can always take advantage of this term. To me, it sounds like the formal approval given to the government to implement any type of restriction on social, political, or economic life if the government decides so (because if there's no legal definition of what these "specific circumstances" are, then the government itself takes the initiative to define it according to their liking).

Besides, the Law on the State of Emergency explicitly denotes the importance of an awareness campaign before the imposition of the S.O.E. According to the law, the government is obliged to inform the general public about the nature of a State of Emergency about the risks why they are imposing the State of Emergency and propose detailed action-plan with convincing arguments that will explain the necessity of the S.O.E. (On State of

Emergency, 1997). However, communication with the population regarding the characteristics of a State of Emergency never happened from the Government's side (Gamkrelidze, 2022, p. 73). No awareness campaigns were launched that would explain what S.O.E. means, what rights citizens have under the S.O.E, and why it was necessary to impose S.O.E now and not a month before, etc. (ibid).

Even though the Government didn't take its time to launch the awareness campaign, several local and international organisations set up awareness campaigns for the general public to raise awareness about the State of Emergency. In their communication, these organisations (Kukava & Chkhaidze, 2020; TI(a), 2020;) mainly focused on the procedural and legal aspects of S.O.E – How a democratic state should operate during the State of Emergency, What Individual Rights can be restricted and under what circumstances; How decision-making should be carried out and what possible risks can the S.O.E bring to democratic principles.

The official position of the Government regarding the S.O.E was reflected in the document sent to the Council of Europe on March 23, 2020. According to this document, the Georgian Government counted it necessary to impose a State of Emergency after “taking into account the danger the spread of Covid-19 has posed to public health” (COE.int, 2020). The document also reads that the “current epidemic situation in the state has reached the point of public emergency threatening the life of the nation under article 15(1) of the convention necessitating further and now exceptional measures to ensure safety and protection of public health” (ibid). Besides, according to the Georgian Government, the necessity of the State of Emergency came from the fact that the Georgian population were reluctant to the given recommendations as they weren't practising it in real life (GeoGov, 2020, p. 17).

The letter to the Council of Europe is considered to be an important document that should justify the imposition of the State of Emergency with valid and well-formulated arguments (which, in fact, is written in the Law on the State of Emergency too). Contrary to this requirement, the Georgian government submitted a letter that tried to justify the importance of the State of Emergency with a rather vague and exaggerated argument of “saving the nation from death”. Again, what are the criteria for determining whether the nation is facing death or not? Who and how determines that? Even if we accept this argument, it could be valid only in specific circumstances, such as if Georgia had been facing an uncontrollable Covid-19 outbreak, with thousands of new active cases daily. Then, yes, it might have been

relevant to argue the importance of the S.O.E. to prevent “the death of the nation”. But, there’s an important detail that obliterates this argument. The total number of active COVID-19 cases in Georgia by March 22, 2020, the day after the imposition of a State of Emergency, was only 53 in the nation of 3.5 million people (Worldometers.info, 2020). This is only 0,02 active cases per 1000 people, so the argument of saving the nation from death seems like an exaggeration; however, it raises the suspicions that imposing the S.O.E. might have had political motives to take advantage of the vaguely defined terms and conditions. Besides, as Korkelia (2021, p. 11) denotes that the motive to “save the nation from the uncoordinated spread of the virus” or “to make the population obey the optional recommendations regarding Covid-19” can’t be a legitimate justification for the imposition of the State of Emergency, since Georgian Law provides other practical mechanisms to reach both of these goals.

Even though the argument for the necessity of the State of Emergency, simply put, was weak, the Georgian Opposition, which has been boycotting the Parliament Sessions for some months already (Since November 2019), still decided to temporarily go back to the parliament and vote in favour of the initiative (პერტაია, 2020). In total, 115 MPs endorsed the initiative, and the State of Emergency was imposed in Georgia until April 21, 2020 (ibid). According to the opposition leaders, the pandemic was a serious issue, so they showed their political will to cooperate with the Government and Georgian Dream not only about the issue of S.O.E but also in the process of Covid-19 related decision-making (Gamkrelidze, 2022, p. 74). The alternative explanation of why the opposition decided to go on par with the ruling party can be found within the political processes that happened weeks before the promulgation of the decree. On March 8, 2020, the EU and the US Embassy arranged the deal between the Georgian Dream and the opposition parties (see: Gamkrelidze, 2022, p. 75) to reduce the polarization and create a space for dialogue and cooperation. By attending the plenary, the Opposition was showing their will to cooperate with Georgian Dream on core issues and wasn’t leaving the room for speculations or accusations from the ruling party members.

On the second attempt to prolong the S.O.E for an additional month, from April 21, 2020, to May 22, 2020, the opposition refused to endorse the initiative (Tabula, 2020). The main reason they pulled out of the parliament was that the Georgian Dream failed to provide an

anti-crisis plan and didn't show interest in cooperating with the opposition, civil society, and general public during the first month of the State of Emergency (ibid). However, the initiative still got endorsed by 97 MPs (All of them were members of Georgian Dream) (ibid). On the question of whether the State of Emergency was essential or not, Korkelia (2021, p. 24-25) explains that theoretically, it wasn't necessary because Georgian Law provides enough mechanisms to execute certain decisions without S.O.E; however, in practice, the lack of pandemic management legal framework pushed the government to compensate for it by the imposition of S.O.E.

On May 22, 2020, the State of Emergency was renounced, but the government-initiated measurements remained intact. What puzzles me the most regarding these developments is the government's inconsistency in their decision-making process. Here's what I mean – by March 21, 2020, the amount of Covid-19 active cases in Georgia was 53, and it was used as a justification “to save the nation from death” to impose the State of Emergency; By May 22, 2020, Georgia had 216 active cases of Covid-19 (Worldometers.info, 2020), but the government still revoked the S.O.E., with no further mentions about the “death of the nation”. So, the question is, did the “threat of the death of the nation” disappear somewhere, or was the previous argument swept under the rug because of the best interests of the GD? I believe it was. And it was because of the Parliamentary Elections of Georgia in 2020, scheduled for October. According to the Election Code of Georgia, if the Parliamentary Elections date “coincides with the State of Emergency... the elections shall be held not earlier than the 45th day and not later than the 60th day” after S.O.E's renouncement (Election Code of Georgia, 2012). This means that the continuation of the S.O.E. would result in the postponement of the elections; and this wasn't something the GD fancied since they didn't want to lose the momentum of the public support that arrived out of the blue, thanks to the relatively low number of Covid-19 cases at the initial stage of the pandemic; for example, in June 2020, 73% of the Georgian population praised the government for effective pandemic management and manifested a 10% increase in support of the GD since March 2020 (NDI - Public Attitudes in Georgia June, 2020).

The idea was to get the elections done as soon as possible so whatever happened to the Covid-19 situation later couldn't affect the election results anymore. This was proved by then PM Giorgi Gakharia's statement that the elections would be held in October as scheduled

because the Covid-19 threat wasn't critical (AjaraTV, 2020). And all this when the number of active Covid-19 cases by October 31, 2020 (the day of the elections) was 15,938 (Worldometers.info, 2020). This was rather cynical and inconsistent for one reason. PM Gakharia, who, in the letter to the Council of Europe, portrayed himself as the saviour of the nation from death to justify the S.O.E. in March, when the tally of active Covid-19 cases was only 53, had announced rather swiftly that Covid-19 didn't pose a threat to the nation (and to the upcoming elections too) when the tally of the active cases was almost 16,000 in October. And if not this, what can be a better indicator to show that by imposing the State of Emergency in March, Georgian Dream made Covid-19 the focal point of their pre-election campaign and swept the opposition out of Political debate by not cooperating with them and marginalising them.

I didn't mention the best interests of the GD in the previous paragraph by chance. As illustrated State of Emergency gave them excessive executive power, which they employed in various ways (I'll unfold this more in the following chapters), but when the time came to prioritise either the extension of the S.O.E. or having the Parliamentary elections on time, they found the golden ratio. The GD, on the one hand, formally ended the State of Emergency to allow the elections to be held as scheduled, but on the other hand, approved the legislative amendment package to the "Law on Public Health" to grant themselves the same executive power as they had during the S.O.E. without the S.O.E. in place, contributing to the establishment of the Rule on Decree in Georgia.

Changes in Legislature: Law on Public Health

The Law of Georgia on Public Health was adopted in 2007, and even though it was amended several times over the years, the most important (and controversial) amendments were applied to it in May 2020, when the Georgian government decided to revoke the State of Emergency (for electoral goals, as discussed above) but retain the emergency powers by altering this very law.

Namely, several days before the revocation of the State of Emergency in May 2020, a group of Georgian Dream MPs, with the lead of Dimitri Khundadze, registered the new amendment

package in the parliament, proposing several key changes within the Law on Public Health; firstly, they demanded to broaden the definition of the term “*quarantine measures*” by defining it as the combination of the government-initiated measures towards the people who legally resided or stayed in Georgia (Parliament.ge, „საზოგადოებრივი ჯანმრთელობის შესახებ“ საქართველოს კანონში ცვლილების შეტანის თაობაზე“ , 2020). Secondly, the initiative proposed to grant universal and exclusive (*and indefinite, since it featured no deadline: authors note*) decision-making power over introducing isolation/quarantine/restrictions to the Government of Georgia, who, at the same time, would have been authorised to make decisions without the parliamentary verification (*ibid*).

This initiative has proved to be rather controversial and anti-democratic for several reasons. First of all, by broadening the definition of “quarantine measures”, the government was becoming eligible to practice quarantine rules not only on those individuals who had contact with the exposed people and carried the risk of the exposition as the previous definition (see: the definition of “Quarantine Measures” within the Law on Public Health, 2007) suggested but also on the people who didn’t have the recent contacts with exposed people and didn’t carry the risk of being exposed themselves, i.e., everyone, if the government considered it necessary (but again, since there’s no definition when is “necessary”, it can be interpreted as “whenever the government liked it”). With this change in definition, the government would be authorised to impose sanctions, restrictions, curfews and other measures on every citizen and non-citizen alike of Georgia, regardless they possess the risk of contamination or not, in every aspect of life: Right to Travel; Right to Property; Right to Labour; Right to Demonstration etc. And all this while their decisions couldn’t even be challenged by the parliament (since they were authorised to bypass them anyways).

But, legally speaking, was all this really necessary? Well, I, myself, and the authors of the initiative have somewhat different points of view about its importance. According to the authors of the package, these amendments would have helped the government to avoid the uncontrollable spread of Covid-19 cases and increased the government’s efficiency in fast response in similar situations in the future (განმარტებითი ბარათი, 2020, pp. 4-5). But

these justifications don't really explain the package's importance. This is why I'm questioning both of these justifications.

First of all, if the virus was such a detrimental threat, why revoke the State of Emergency that already grants the government emergency powers to combat the uncontrollable spread of the virus effectively? Especially when it had already been used for two months, and prolonging it wouldn't have been much of a problem for the GD, should they pursue it? But, No. Such developments would have caused the clash of two of their interests, 1. to retain emergency power for much longer and 2. to have the elections at the scheduled time for the maximum gain. Prolonging the State of Emergency would have compromised the elections, while revoking the state of emergency without any further engagements within the law would have belittled their executive power. They didn't want to sacrifice either first or second, so they decided to alter the law technically "legally".

Secondly, I wonder what "fast response in similar situations in the future" means. Does "Similar Situations" mean only future pandemics that might happen, or does it also mean other emergencies, like wars or crises? Or can it be used anytime the government decides it's that "similar situation" the law addresses? The answers to these questions can be found neither within this new amendment nor its explanatory note. Although, the Georgian Constitution (Constitution of Georgia, 1995) is very clear about the topic of granting emergency powers to the government, allowing it only if there's a strictly set deadline.

Before the hearing of these legislative changes in Parliament, Social Justice Centre EMC published a report that called out the Georgian Dream for anti-constitutional legislative changes (EMC, 2020). The same opinion was shared by Korkelia (2021, pp. 14-15), who pointed out that the law wasn't meeting the principle of transparency by not providing an explicit definition of the subject of constitutional limitations. This was giving the government the right to restrict any human rights of the citizens according to their liking (ibid). Besides, the law granted the authorisation to the Georgian Government to prioritise their own decrees over the parliamentary rulings, which in nature was anti-constitutional (ibid).

Regardless of these risks and callouts, on May 22, 2020, the Georgian Parliament endorsed the new package, but none of the opposition MPs voted in favour of the initiative (ბოგვერაძე, 2020). Contrary to the first draft of the package, the final version of the package

featured the deadline – 15th of July 2020 (ibid). However, this deadline was later extended until January 1st, 2023 (Parliament.ge, 2021).

On May 25, 2020, a group of Georgian civil activists took the case of the new package to the Constitutional Court, claiming it was anti-constitutional (Constitutional Court - (Decision on Cases N 1/1/1505; 1515; 1516; 1529), 2021). In February 2021, Constitutional Court ruled on the partially anti-constitutional character of the package (ibid). The court ruled that the government didn't have the right to impose Quarantine measures on the right to the labour of its citizens, but all the other parts of the package, including imposing these measures on the freedom to travel, demonstration and property, was ruled as constitutional (ibid). It is essential to mention that only one judge Giorgi Kverenchkhiladze had a dissenting opinion about the case, whereas the other three Judges, Eva Gotsiridze, Khvicha Kikilashvili and Vasil Roinishvili, agreed with the ruling (ibid). What is the most interesting fact here is that judge Eva Gotsiridze has been notorious for her pro-government statements in the past, whereas Roinishvili and Kikilashvili are the judges who were appointed in the Constitutional Court by flawed and non-transparent procedures in April 2020, during the State of Emergency (TI(c), 2020). According to Transparency International, these two positions have been vacant since December 2019, but the Georgian Dream-loyal Plenum of the judges “took advantage of the State of Emergency and filled the vacancy at the time when the public’s attention was low” due to the Pandemic (ibid).

Changes in Legislature: Electoral Law and Georgian Parliamentary Elections 2020

In November 2019, when the Georgian Dream MPs refused to endorse new electoral law that would transform Georgia’s electoral law from a mixed to a fully proportional model, Georgia was plunged into the turmoil of political crisis (Kakachia & Lebanidze, 2019). So, when the first wave of Covid-19 hit Georgia, it has been going through a severe political crisis for several months already.

On March 8, 2020, the EU and the US Embassy settled the deal between the GD and oppositional parties, contributing to the de-escalation of the crisis (Civil.ge, 2020). The deal featured two important points, the first one focusing on the constitutional changes for fairer

Electoral Law and the second one about releasing the political leaders of the opposition, who had been arrested after the June 2019 protests, from prison (ibid).

According to the new Electoral Law and respective Constitutional Change (საკონსტიტუციო ცვლილება საარჩევნო კანონის შესახებ, 2020) Georgian Parliamentary Elections would be held with 120/30 system, meaning that 120 out of 150 seats would be allocated through the proportional system, whereas other 30 – through Constituency system with a minimum threshold reduced from 5% to 1%. Besides, if a party receives less than 40% of the votes, they wouldn't be able to form a single-party-dominated government (ibid).

True, this wasn't the best possible option that could have been achieved through negotiations (*According to Freedom House "Nations in Transit 2021" report (Gozalishvili, 2021), important directives in the field of "handling electoral disputes" weren't taken into consideration by GD legislators*) but it still was an important step forward, and the main credit for reaching the agreement should go to the EU and the US Embassy, who managed to put heavily polarised political parties together and keep the opposition's hopes for the upcoming elections alive.

However, Political Crisis in Georgia was far from being over, and its main contributor was the Georgian Dream Party. In the first round of the Parliamentary Elections in October 2020, GD received 48,22% of the votes in the proportional ballot and secured the first-round win in 13 out of 30 majoritarian regions (CEC, შედეგების არქივი - 2020 წლის საპარლამენტო არჩევნები, 2020). Once the results were announced, opposition and civil activists protested the results, claiming that GD and CEC coordinated to falsify the ballots and rig the elections massively; however, those activists who were protesting in front of the CEC (Central Election Commission) building were dismantled by the riot police, using the water cannons and tearing gas, measures that were considered as disproportional and inhumane by local and international organisations (BTI-Project, 2022; (Gozalishvili, 2021).

While my objective isn't to discuss whether these accusations (about rigged elections) were legit or not, I aim to analyse the political processes and developments that took place aftermath.

Several days after the elections, the Georgian government introduced a full lockdown and curfew with a justification “to fight against worsened Covid-19 Health Outcomes” (BTI-Project, 2022). This, I believe, was nothing but an attempt to retain the first-round victory and kill the protest waves. I’ll explain why. In reality, the Covid-19 situation was already alarming the weeks before the first round of the elections, when the government was ignorant of the situation for the sake of the elections; for ex: from October 24, 2020, to October 31, 2020 (in the span of one week before the elections) the number of newly detected Covid-19 daily cases fluctuated from 1600 to almost 2000, and from November 2 to November 8, when the government started talking about possible lockdowns it fluctuated from 1852 to 2901 cases per day (Worldometers.info, 2020). Despite this, Georgian Dream imposed the lockdown once the victory in the election was sealed and unpopular measures couldn’t damage their ratings but would effectively kill the spark for civil demonstrations and protests.

On November 21, 2020, GD won all 17 seats in the second round of the elections (CEC, შედეგების არქივი - 2020 წლის საპარლამენტო არჩევნები, 2020), because the opposition candidates boycotted the elections and refused to participate in the second round. As a result, GD won 90 out of 150 seats in the parliament (CEC, შედეგების არქივი - 2020 წლის საპარლამენტო არჩევნები, 2020), but the opposition that received other 60 seats, boycotted the parliament, resulting in the existence of single-party parliament in Georgia in 2020 (Smolnik, Sarjveladze, & Tadumadze, 2021, p. 2). The fact that a party that couldn’t even accumulate 50% of the popular vote (GD received “only” 48.22% in the proportional vote (CEC,2020)) still managed to secure a majority with 30 seats more than the opposition in the parliament of 150 members.

Changes in Legislature: Law on “Public Financing of Political Parties”

Although the single-party parliament couldn’t have been considered a legitimate source of legislation (in fact, only 25% of the Georgian population trusted parliament in December 2020 (CRRC, 2020)) and had no constitutional authorisation to pass or amend the laws, it didn’t stop the Georgian Dream MPs from setting out the legislative processes. In December 2020,

the new legislative proposal to endorse the Law on “Public Financing of Political Parties” was registered in the parliament (Gozalishvili, 2021).

This initiative was setting the limits of operation for all the active political parties in Georgia and was attempting to put them under direct attack. According to this initiative, to get access to public funds and free airtime, all political parties were required to assume at least half of their won seats in the parliament (განმარტებითი ბარათი "მოქალაქეთა პოლიტიკური გაერთიანების შესახებ" კანონზე, 2020). As the authors suggested, the public funds and free political airtime should have been allocated to political parties by their participation in political processes and parliament sessions; meaning that if any political parties had tried to “sabotage the parliament”, they would’ve been cut from the funding on a legal basis (ibid).

Not only did this initiative grant the GD executive power to control the state budget according to their interests, but it also took away the opposition’s only effective leverage – boycotting, out of the political equation (the opposition has been boycotting the parliament since the 2020 Parliamentary elections (Smolnik, Sarjveladze, & Tadumadze, 2021, p. 2).

But why would the GD want to have the opposition in the parliament? Wouldn’t it be easier to pursue their agenda without opposition? Well, Yes and No. Yes, because there wouldn’t have been anyone who would challenge the GD (as they’ve done several times with the electoral law and the imposition of the state of emergency). But no, because to pursue your political agenda through legislative procedures, first, you need these procedures to have a legal basis. True that the GD didn’t respect (or, as Levitsky & Ziblatt would say, “show forbearance”) the opposition enough to include them in any of the Covid-19 decision-making processes (See: Gamkrelidze, 2022), but they still needed opposition in the parliament for a reason: to reach the constitutional minimum of the assigned MPs in the parliament so the latter could have been authorised for legislative procedures (Constitution of Georgia (1995) requires at least 100 MPs (out of 150) to assume office to grant parliament legitimation; in December the GD only had 90 MPs, being ten short of this minimum (Smolnik, Sarjveladze, & Tadumadze, 2021, p. 2));

The draft law was also enabling CEC (Central Election Commission) to abolish the registration of a political party or an individual if any of its political leaders failed to comply with at least one of the criteria “for the exercise of active suffrage” determined by the Georgian

Constitution (TI(b), 2020; Parliament.ge(b), 2020). For example, suppose a person with foreign citizenship acted as a political leader of an election subject during the pre-election campaign. In that case, the election subject could be banned from participating in the elections (TI(b), 2020).

Even though the initiators of the law never specified who or what they meant with this clause, I do not doubt that it was unequivocally aimed against the biggest opposition party – UNM and its political leader Mikheil Saakashvili, who was stripped of his Georgian citizenship in 2015, after he was appointed as a governor of Odesa in Ukraine and was granted Ukrainian Citizenship in the same year (DW, 2015). Even though Saakashvili has not lived in Georgia since 2012, he was actively involved in every pre-election campaign of UNM, including the one before the Parliamentary Elections 2020.

Although the legislative package had clearly anti-constitutional character (it was proposed by illegitimate, single-party parliament and targeted the political opposition), it was endorsed by the GD MPs at the first hearing on December 16, 2020; still, it was later dismissed until further notice (TI(b), 2020).

Summary

To sum this chapter up, the pandemic exceptionalism in Georgia was a brilliantly coordinated, pre-planned activity, mainly targeted against the political opposition and CSOs by the Georgian government and the Georgian Dream in general. The main goal was to get permanent benefits from the pandemic at the expense of wiping the opposition out of the political scene and executing the chain of anti-constitutional and anti-democratic activities. The creation of the Interagency Coordination Council, which consisted of only GD politicians and had the right to bypass the Parliamentary verification process in their decisions (GeoGov, 2020, pp. 6-7), was the first example of pandemic exceptionalism. This way, GD has created the legal base to promulgate and launch even the most unpopular measurements/restrictions without being dependent on parliament's approval. Besides, the refusal to include CSOs and opposition political party members in the process of decision-making within the council (რადიო თავისუფლება, 2020) has resulted in the dominance of single-party interests around Pandemic Management.

The result of such single-party domination was a series of anti-constitutional and rather suspicious activities – 1. Imposing and prolonging the State of Emergency with an excuse to save the country from “a deadly virus” (COE.int, 2020); 2. Abolishing the State of Emergency after a while and passing the completely anti-constitutional Law “On Public Health” became the perfect example of the rule on the decree. The law enabled the government to practice the type of executive power without any political constraints they are entitled to only during the State of Emergency (EMC, 2020). For example: imposing a ban on freedom of travel (international and national), labour, property, etc. (ibid). The fact that the law was adopted through fast-track procedures (განმარტებოთი ზარათი, 2020) and endorsed by GD MPs only (ბოგვერადე, 2020) further undermined the democratic principle within the country, leaving the opposition without an opportunity to analyse and discuss the law or provide the feedback.

GD didn't hold back from misusing all this executive and judiciary power against its political opponents. The result of such illicit usage of the power was a whole series of political arrests of opposition leaders (TI(a), 2020; Gozalishvili, 2021) during the early stages of the pandemic when all the public attention was towards the Covid-19 virus. This was accompanied by their tireless efforts to use the administrative resource (including then the most trustworthy institution - NCDC and its representatives' (NDI - Public Attitudes in Georgia June, 2020)) for their political campaigns (Tabula(a), 2020).

Another illustration of democratic backsliding was the imposition of the full lockdown right after the elections (BTI-Project, 2022) and the launching of the anti-constitutional and anti-democratic Law “On Public Financing of Political Parties” by illegitimate, single-party parliament in December (TI(b), 2020).

All in all, in 2020, during the Covid Pandemic, GD invested all their political will to concentrate executive, legislative and judiciary powers in their hands so that they could minimise the role of political opposition, CSOs and civil society in Social and Political decision-making.

5.2. Government-Initiated Restrictions in Georgia in 2020

The first Covid-19 case in Georgia was detected on February 26, 2020 (GeoGov, 2020, p. 7). After the beginning of March, the Georgian Government and Interagency Coordination Council started promulgating different measures and restrictions to control the virus's transmissibility (ibid). Because the imposed restrictions throughout 2020 have covered almost every aspect of Social, Political and Economic life, I decided to focus on five core rights that are pivotal for democratic societies and that can be legally restricted under particular conditions of the Georgian Constitution (1995). These are the following: Freedom of Movement; Freedom of Assembly; Freedom of Religious Practice; Right to Education, and Right to a Fair Trial.

In this chapter, I will review and analyse whether the Covid-19-related restrictions were legal, had constitutional characteristics and met the core requirements of the UN ICCPR.

Restrictions on Freedom of Movement

Freedom of Movement was one of the core civil rights the Georgian Dream government targeted and violated throughout 2020. The restrictions that have been introduced with a justification to combat Covid-19 spread in the country had multi-dimensional characteristics, combining the methods such as curfews, prohibitions of personal cars, and temporary bans on public and intercity transport. In this chapter, I don't intend to discuss or speculate the necessity of these restrictions; contrary, my sole interest is to analyse the legality of these restrictions and discuss whether the government had the constitutional right to introduce them or not. So, let's plunge into discussion.

The first key ramification of freedom of movement limitation in Georgia was the curfew, imposed twice throughout 2020, the first from March to May and the second from November 2020 to June 2021. Although both of these curfews were introduced by the government under certain regulations, they had a very different legal basis, so it's important to bring you an analysis of these key distinctions.

On March 21, 2020, the President of Georgia, Salome Zourabichvili, issued a decree authorising the government to restrict certain rights, including freedom of movement, under the State of Emergency (President's Decree N1, 2020), leading to the introduction of the curfew from March 31, 2020, to May 23, 2020 (GeoGov, 2020, p.25). While some authors (Korkelia, 2021, p. 27; EMC, 2020; TI(d), 2020) have questioned the proportionate characteristic and the necessity of this restriction (*indeed, discussion on the purpose and popularity of this restriction can be a great topic for further research*), since the Constitution of Georgia (1995) authorises the government to introduce curfew during the State of Emergency, legally speaking, the government has acted within their constitutional limits.

However, the developments didn't turn out to be so swift and constitutional the second time. I've previously analysed the possible threats that the amended "Law on Public Health" possessed for the Georgian political spectre, and the best example of this risks-came-true scenario took place on November 9, 2020, when the Interagency Coordination Council, under the "Law on Public Health", imposed the curfew on the entire territory of Georgia from 10 pm to 5 am (1TV(a), 2020). If in the first instance, the Georgian government didn't exceed their constitutional limits and imposed a curfew in full compliance with the constitution, this time, they harshly violated the Constitution of Georgia, which authorises the imposition of a curfew only under the State of Emergency (See: Article 77, Constitution of Georgia, 1995). Since the restriction was issued without the State of Emergency, this decision was an anti-constitutional.

But how did the government withstand their decision if it was anti-constitutional? Couldn't the Constitutional Court have ruled the illegal character of the measure? Well, technically, they could have, but the government of Georgia has found a loophole within the constitution. While it's true that the Constitution of Georgia (1995) regulates the imposition of curfews (by authorising them only under the S.O.E.), it says nothing about other measures that can feature the same characteristics (restricting movement outdoors in designated hours) as the latter but have a different name. So, what the government of Georgia did to avoid any legal responsibility over the imposed measure was to register the restriction not as a "curfew" but as a "limitation of movement" (1TV(a), 2020), allowing them to argue that this restriction wasn't a curfew; therefore its introduction was legal.

The second illustration of limiting the freedom of movement was the restrictions on internal and international travel. In the second half of March 2020, Interagency Coordination Council gradually imposed temporary bans on public and intercity transport (GeoGov, 2020, pp. 23-24), which was followed by a total prohibition of the usage of personal cars from April 17 to April 27 (ibid). While the government's position stated that these regulations were aimed at decreasing mobility during the Eastern holidays to avoid large family gatherings and reduce the virus exposition rate (ibid), they proved to be legally challengable for two main reasons: firstly, by shutting down all the public transport, taxis, and personal cars country-wide, Georgian population was practically deprived of their fundamental rights of movement. True, Article 4 of the "Law on State of Emergency of Georgia" (1997) authorises the government to introduce certain regulations on using public or private vehicles, but it doesn't authorise the government to totally halt and prohibit every type of transport at the same time. In other words, it "authorises to restrict", not "authorises to prohibit".

Secondly, Article 14 of the Constitution of Georgia (1995) authorises the government to restrict the freedom of movement by virtue of the relevant law. This means that the legal basis of each restriction should be found within the relevant law, otherwise, it cannot be considered legal or constitutional. However, in Georgia, freedom of movement was limited based on the government regulation (issued by the Interagency Coordination Council), not under the law, making it anti-constitutional (Korkelia, 2021, p. 17).

Following the global trends of Covid-19 spread, the Georgian government took active steps to halt international travel, closing the land, sea, and air borders completely by March 23, 2020 (GeoGov, 2020, p. 20).

To be honest, I don't have any doubts or questions about the necessity of this measure, at least at the initial stage of the pandemic, when many of the Covid-19 traits were unpredictable and unknown. Moreover, "by March 31, 2020, 91% of the world's population lived in countries with closed borders and travel restrictions" (Connor, 2020).

However, I'd like to bring your attention to the legal aspects of this measure and analyse, first, how it was introduced and, second, how it was implemented in practice. I already mentioned that the Constitution of Georgia (1995) authorises the government to restrict the freedom of movement based on the relevant law under the State of Emergency. Two active laws in Georgia regulate public safety and propose the legal framework for further actions, the "Law

on Public Safety” and the “Law on Public Health”, out of which the latter was used as a legal basis for restricting the freedom of movement once the State of Emergency was revoked back in May 2020 (Korkelia, 2021, pp. 17-18). I’ve already argued why the amended “Law on Public Health” was dangerous for Georgian democracy and how much power the government was getting through it; This was just another ramification of it. Because the State of Emergency (see: Article 14, Constitution of Georgia, 1995) is the necessary pre-courser for any government to restrict the freedom of movement, this whole situation of closing the borders under the “Law on Public Health” has been unconstitutional. The legal framework breakdown should have been something like this – To restrict freedom of movement, first, the parliament should approve the imposition of the State of Emergency; then, the government has a constitutional right to impose restrictions on the freedom of movement on internal or international travel by using the relevant law as a legal basis; in this case, it could have been “Law on Public Health”. However, this also means that if the S.O.E. is revoked for whatever reason, the same should be applied to restrictions (because it cannot exist and legally bind individually without the S.O.E.). What the GD government did was to introduce the S.O.E., put out the restrictions on freedom of movement under the S.O.E., modified the Law on Public Health in a way to give themselves an excessive emergency power, and then revoked the State of Emergency, but instead of revoking the restrictions as the constitution would require (Article 14), they kept these restrictions in place by virtue of the modified “Law on Public Health” illegally.

The practical implementation of the International Travel Restrictions proved to be rather controversial too. On July 8th, 2020, the Georgian Government introduced new regulations that allowed the citizens of five EU-member countries (Germany, France, Lithuania, Latvia, and Estonia) to visit Georgia without going through the mandatory quarantine rule (On.ge, 2020). Now, this might not sound like a violation of certain rights, but there was a catch – this regulation was discriminating based on nationality and here is why. Alternatively, Georgian citizens who were returning to Georgia from one of these mentioned countries weren’t authorised to enjoy the same quarantine waiver (ibid). To analyse it briefly, this regulation was allowing, say, the citizens of Latvia to visit Georgia from Latvia on the given date, with the given flight, quarantine-free, but wasn’t granting the Georgian citizens returning from Latvia on the very same date, with the same flight, such benefits.

But why was this discrimination, and how can we prove it? Let's take a look at the definition of the term "discrimination" according to *The Human Rights Act (1998)*, stating that "discrimination happens when you are treated less favourably than another person in a similar situation, and this treatment cannot be objectively and reasonably justified". The only justification that the Government of Georgia used for this case was stating that the "*Georgian Government was more responsible for the well-being of Georgian Citizens and because of this the regulation couldn't be considered discriminatory.*" This statement is far from being objective, let aside the "explanatory", since it doesn't address the purpose, idea, and the legal basis on which it was imposed under. It doesn't even provide any medical recommendations or scientific data that would justify putting one cohort of people (sharing a similar situation – all flew to Georgia from one of those countries) in quarantine while letting another one loose without none.

Restrictions on Freedom of Assembly and Demonstration

Another human right deeply affected by the government-initiated restrictions in Georgia was the Freedom of Assembly and Demonstration. Much like other cases, the first restrictions on Freedom of Assembly were imposed in March, prohibiting the gathering of more than ten people, which a week later was reduced to just three people (GeoGov, 2020, p. 25). But there was an important detail in these restrictions; the government or the parliament didn't vote for any of the legal amendments within the law to fit these restrictions within the legal framework. Instead, the government restricted these rights by issuing a regulation (ibid).

Now, if we take a look at the Article 21 of the Constitution of Georgia (1995), it reads that the "authorities may terminate an assembly only if it assumes an unlawful character." In other words, the government is only authorised to restrict the right to the assembly by virtue of the law. But it says nothing about restricting this right under the regulation. So, the question is why the government issued the restriction based on the regulation, not a law.

One way to argue the legality of the decision is to bring the newly-imposed State of Emergency as a justification for it, by mentioning that the S.O.E. grants the government

excessive executive power. However, while the latter might be true, even in that case, the Georgian Constitution (1995) requires all these restrictions to be based on the appropriate law, not a regulation or a decree. Besides, the State of Emergency was halted on May 23, 2020, meaning that the government wasn't legally entitled to that executive power even after they brought anti-constitutional amendments to the "Law on Public Health".

Besides the way it was issued, the restriction failed to feature the non-discriminatory characteristic too. Article 11 of the Constitution of Georgia obliges the government to ensure the universal and comprehensive characterisation of the laws (in this case, restrictions) by stating that "all persons are equal before the law". What happened in Georgia in 2020 in that regard was the total opposite of this.

Because 2020 was the Election year in Georgia, Interagency Coordination Council introduced rather discriminative and controversial regulations on freedom of assembly. Namely, on September 10, 2020, they issued a regulation that banned not only public events, such as concerts or festivals, but also social and private events, including weddings, funerals, celebrations, and demonstrations in the open air (რადიო თავისუფლება(a), 2020). Meanwhile, the same Coordination Council ruled that such restrictions wouldn't be applied to pre-election campaign gatherings of political parties (ibid).

But why? The logical sequence of thinking is that if gathering for protests, celebrations, etc., is prohibited due to Covid-19 concerns, then the political and pre-election gatherings should be banned for the same reasons, too. But. Remember how Karolewski (2021, p. 307) notoriously mentioned the role of "audience democracy" in democratic backsliding? He mentioned that during the backsliding practices, the government tries to transform the public from active participators to mere listeners and witnesses of the political processes by imposing certain laws on them (ibid). Similarly, in this case, the government practically prevented a group of citizens from independent political (or non-political) demonstrations while allowing another group of citizens to attend party-organised political gatherings. To illustrate the paradoxical characteristic of this restriction, I'll bring a practical example – for instance: if a person attended the independent political gathering or demonstration in the Tbilisi centre, they would be fined for breaching the S.O.E. rules, but if the same person, on the same day attended the party political gathering there would be no penalty.

Speaking of discriminative approaches, similarly controversial and discriminative proved to be the government's inconsistent decisions regarding the freedom of Religious Assemblies. It all started in April 2020, when then Prime Minister Giorgi Gakharia publicly stated that "we [Georgia] are an orthodox Christian country, and the orthodox church services couldn't be terminated" (Tabula(d), 2020). Article 4 of ICCPR (1966) requires democratic governments not to introduce measurements that are inconsistent "on the ground of race, sex...[or] religion. Based on the GeoStat Census 2014 (2014), 83% of the Georgian Population identify as Orthodox Christians, 11% as Muslims, 2,9% as Armenian Apostolic, 0,5% as Catholic and 0,1% as Protestant Christian.

Even though, Article 8 of the Georgian Constitution (1995) recognises the "outstanding role of the Orthodox Church of Georgia in the history of Georgia", Article 2 "On State Symbols" doesn't grant the Orthodox Church of Georgia any special status within the country. This means that Georgia is a secular state by the constitution, where every religion should be treated equally without any selective privileges. Moreover, according to the Constitution of Georgia Article 16 (1995), in Georgia, everyone "has freedom of belief, religion and Conscience", and this freedom can be restricted only by the law to protect public safety and health in a non-discriminatory way. By promulgating the confessional character of the state, Prime Minister not only directly pointed at the dominance and privileged characteristic of one religious' group [Orthodox Christian Church in this case] over the others but also endangered the rule of law and the constitutional order of the country" (TDI, 2020).

However, the biggest controversy followed the government's decision (ბობინაშვილი, 2020) to lift the curfew on Orthodox Christian Christmas on January 7 to allow people to attend the mass while not granting the other confessions (for ex: Catholics who celebrate Christmas on December 25) similar benefits. While it's not possible to empirically verify such a relation, I believe that by giving the Georgian Orthodox Church such benefits, the Georgian Government was trying to cooperate with the Orthodox church, which is one of the strongest establishments in Georgia, with the Patriarch of the Church being one of the most influential political figures in 2020 and before (see: CRRC attitudes Survey, 2020).

During 2020 Government of Georgia and the Interagency Coordination Council issued several disproportional restrictions on the right to assembly. On March 31, Interagency Coordination Council introduced a regulation that banned having more than three people in the car (*driver in front and two passengers in the back seat; having a passenger in the front seat would be considered a violation of the law*) (GeoGov, 2020, p. 25). According to the government's explanation, this restriction applied not only to commercial vehicles (like taxis or rental cars with drivers) but also to personal cars and families (ibid). To put it in other words, the family of four who lived in the same flat/house and spent entire days together at home couldn't use their car to move around without leaving one person behind. So, one might question how this regulation could improve the epidemic situation if these people shared the living space anyways. Or was it solely to keep people attached to the home and prevent them from social and political activities?

In the official report on measures against Covid-19, the Georgian Government outlined that such measures prevented families from non-essential travel and that it was an international practice implemented by different countries like the USA, Australia, and Canada (GeoGov, 2020, p.26). They also included the sources for each of these countries, which according to them, proved the point.

To understand whether these sources really proved a similar point or not, I decided to study and analyse them. This way, I could've argued how accurate the statement about "regulating the number of family members in a personal car" was. For example, The document "*What Rideshare, Taxi, Limo, and Other Passenger Drivers-for-Hire Need to Know about Covid-19*" that the Georgian Government indicated as the source for the USA case, in reality, is just a recommendation paper issued by CDC (2020) for commercial vehicle drivers and passengers, how to stay safe and avoid C-19 exposure. In a four-page document, there is no word about banning or limiting the number of passengers either in commercial or private cars (see: CDC, *What Rideshare, Taxi, Limo, and other Passenger Drivers-for-Hire Need to Know about COVID-19*, 2020).

Similarly, the source for the Australian case (CPV, 2020) reads that "there isn't a limit on the number of passengers [in a commercial vehicle]; however, when possible, passengers should sit in the back seat."

The source for the Canadian case is a news article by Canadian News Outlet saying that due to Covid-19 exposure, the City of Edmonton (not even the entire country) will limit the

number of passengers in taxis or other commercial vehicles to “one passenger or household group” (CBC, 2020).

This not only proves the point that the Georgian government was providing false information to justify the initiated restriction but also arouses the question of why the government would need to lie to justify the restrictions if they complied with the constitution in the first place.

Other Restrictions Violating the Constitution and Fundamental Rights in Georgia in 2020

Right to a Fair Trial

The right to a Fair Trial was another fundamental right that was majorly violated by the Covid-19 related restrictions. It all started in March 2020, when the President’s Decree N1 (2020, Article 1) authorised the general courts to have trials and hearings online; at the same time, the decree granted the judges the right to decide which trials should be held online and which shouldn’t without granting the participants of the trials the right to appeal (ibid).

If the first decision about authorising the courts to have online hearings is more or less understandable, due to the high risks of Covid-19 exposure, especially at the beginning of the pandemic, the second decision about judges deciding on the format of the trial without the participants’ approval is totally incomprehensible. I don’t see any objective reason why and how the selective approach to this matter would have helped Covid-19 management anyhow. Instead, it could have compromised certain participants’ right to a fair trial by the judge speculating on the dates and format of the hearing.

Besides, this whole decision to have the trials online brought several potential threats to the right to a fair trial. As the Ombudsman’s report outlines, online hearings compromised the convicts’ right to have a confidential talk with the lawyer and failed to verify the legitimacy of witnesses (Ombudsman, 2020, p.5). Indeed, during the online sessions, the only possibility for the convict and their lawyer to speak was through online platforms (like Zoom, MS Teams, etc.), which was recorded as was the whole trial. This posed a risk that these records might have been tracked down and used illicitly against the convict. Similarly, the chances of verifying the legitimacy of a witness were meagre since it would have been hard to know whether the witness had been under direct pressure from the other side of the camera. In fact, the Ombudsman’s report identified several cases when the witness was reading their

statement straight from the paper or repeating it after someone who was standing in the blind spot of the camera (Ombudsman, 2020, p. 5).

To bring you a better understanding of how the right to a fair trial was violated in Georgia in 2020, I will analyse the case of former Tbilisi Mayor Gigi Ugulava. In February 2020, when Georgia started preparing for the upcoming pandemic and the public attention was circling around the rising trend of the virus, the court arrested the former mayor of Tbilisi, Gigi Ugulava (ქემელაშვილი, 2020). There are two interesting examples of violation of the right to a fair trial in this case. First of all, Ugulava had already served prison time for the same conviction from 2015 to 2017, so technically, the Georgian Court violated the constitutional norms by punishing the individual for the same crime twice. Secondly, this case was a vivid illustration of a Conflict of Interest. The thing is that Supreme Court judge Shalva Tadumadze, who sentenced Ugulava to imprisonment for three years and two months without a hearing in February 2020 for “abuse of power” charges (ქემელაშვილი, 2020), was the General Prosecutor in 2018 and prosecuted Ugulava again for “abuse of power” after he got released from the prison (TI(a), 2020).

So what really happened here is that the person who prosecuted Ugulava in 2018 sentenced him to prison-time in 2020 for the exact same charges, i.e. Tadumadze first prosecuted him, then arrested him. A simple breakdown of the events makes it vivid that this case should’ve been overturned due to an obvious violation of Ugulava’s rights. However, Ugulava, who was one of the core leaders of the opposition and actively supported Saakashvili in his political fight, was still imprisoned and not released until the “8th March Agreement” between the opposition and the GD.

Right to Education

President’s Decree authorised the government and Interagency Coordination Council to put restrictions on the right to education based on Article 26 (“on Right to Labour”) of the Georgian Constitution (President's Decree N1, 2020). By this time, Georgian schools and universities were already on emergency holidays, initially declared from March 4 until March

15 and further extended until April 1 (GeoGov, 2020, p. 21). However, when the government introduced the State of Emergency, schools and universities became fully remote (ibid).

The main question arising from all these processual and legislative developments is why the President decided to authorise the government to restrict the right to education based “on the Right to Labour” and not “on the Right to Education”. As Korkelia (2021, p. 22) argues, the main reason for such developments was that the Georgian Constitution doesn’t allow the government to restrict the right to education under any circumstances, including the State of Emergency. Because of this, there was no official protocol on legally restricting the right to education, and the government decided to restrict it under Article 26, “on Right to Labour,” unconstitutionally (ibid). The best solution to such a situation would be to initiate legislative change in the “Law on Public Health”, the “Law on Public Safety”, or the “Law on Education” within the parliament and create a temporary legal basis for such restrictions (ibid). However, the Georgian Government decided to skip the formal procedures of parliamentary hearings and allow themselves to put out restrictions based on government regulation (p. 23).

The fact that there is no existing practice or legal framework within the law doesn’t automatically authorise the government to restrict certain rights under a different law, no matter how legitimate the purpose is. This is because such developments set a dangerous precedent of pandemic (or any other type of) exceptionalism and endanger the rule of law.

In the official report (GeoGov, 2020, p. 21) government outlined that “in parallel with the Covid-19 related restrictions, the country’s educational system transitioned to a remote learning model in a relatively short period” and brought an example of “Teleskola” project, an additional learning material streamed through Public Broadcaster of Georgia. According to the government (ibid), the project was aimed to provide equal opportunities for school students with no internet access. In reality, “Teleskola” proved to be rather an ineffective project. Firstly, because the curriculum was formulated in only eight days and certain broadcasted classes (for ex: classes of *Georgian Language and Literature*) were hosted not by teachers but by Georgian Dream or Georgian Dream-affiliated politicians (ჯორჯბენაძე, 2021).

Also, “Teleskola” was watched by only 21% of school students (Data of Ministry of Education in ჯორბენაძე, 2021).

In December 2020, when the educational process was entirely remote, UNICEF Georgia published a report, finding that “15% of school-age kids in Georgia have no access to the internet” (UNICEF, 2020). Moreover, by July 2020, only 68,1% of Georgian families had a computer at home (GeoStat(a), 2020).

This means that by putting the educational process in a fully remote mode without considering the legal and social aspects, the Georgian Government violated the constitutional norms and stripped at least 15% of school-age children of the right to education. Moreover, in the NDI survey in August 2020, the majority of the respondents (27%) mentioned “difficulties associated with online classes” as the biggest issue in the educational system of Georgia (NDI - Public Attitudes in Georgia August, 2020).

Regulation on Wearing Mandatory Facemasks Outdoors

Regulation on wearing mandatory facemasks outdoors was one of those few measures that eventually have been ruled anti-constitutional by the Constitutional Court of Georgia. It started on November 3, 2020, when the Interagency Coordination Council issued a decree N660, which served as a complementary document for decree N368 on “the general rule of wearing facemasks”. Article 5 of the updated document (საქართველოს მთავრობის დადგენილება N368, 2020) manifested that from November 4, 2020, failure to wear a facemask outdoors would result in a financial penalty for breaching Article 42¹¹ of the Administrative Offences Code of Georgia.

However, there’s one crucial detail. If we check the timeline of the amendments applied to the Administrative Offences Code of Georgia over the years, we’ll see that by the 4th of November (i.e., from when the decree N368 was authorising the fines), Article 42¹¹ of the Administrative Offences Code has only regulated the requirement to wear facemasks indoors and said nothing about wearing facemasks outdoors. In fact, the initiative to introduce the legislation regulating the wearing of the facemask outdoors wasn’t endorsed by the parliament until February 18, 2021 (See: About Legislative Change in Administrative Offences Code of Georgia, 2021).

So what this means is that from November 4, 2020, to February 19, 2021, for almost four months, the police issued fines to the public for not wearing the facemask outdoors under the law that wasn't even regulating the issue of wearing facemasks outdoors in the first place. While the Ministry of Internal Affairs has never published the official report on how many people has Police fined unlawfully during these four months, I found individual statistics for specific dates; for example, on December 2, 2020, police fined 945 citizens for "breaching Article 42¹¹" by not wearing masks outside (Police.ge, 2020).

On February 23, 2022, The Constitutional Court ruled that the regulation that authorised police to fine people for not wearing facemasks outdoors under Article 42¹¹ from November 4 to December 19 was anti-constitutional and should've been revoked immediately (საქართველოს მთავრობის დადგენილება N368, 2020).

Developments Around Covid-19 Related Sanctions and Fines

Rather controversial proved to be the developments around the sanctions and penalties for breaching the State of Emergency norms in Georgia in 2020. In that respect, I have identified three important legal and societal aspects that have contributed to the Georgian democratic backsliding during the pandemic.

The first issue is connected to the constitutionality of the president's decision to introduce fines and penalties for violating the State of Emergency rules. President's Decree (2020, Article 2), issued on March 21, authorised the government to restrict certain human rights for curbing the Covid-19 exposition under the Constitution of Georgia and formulated the sanctions (3000 GEL for citizens and 15,000 GEL for businesses) for breaching the State of Emergency rules. However, this decree had a major legal shortcoming. According to the Georgian Constitution (1995), although the president possesses the right to restrict certain human rights if it's necessary during the State of Emergency, she isn't authorised to determine the nature of sanctions for breaching the State of Emergency norms (Korkelia, 2021, p. 27).

Such duties are the responsibility of the Parliament of Georgia (Korkelia, 2021, p. 27). Despite such legal limitations, from March 21, when the Government of Georgia introduced the full lockdown and curfew, police started handing out fines to citizens for breaching the State of Emergency rules based on the Presidential Decree.

Much like in the case of the regulation on face masks, here, too, the parliament endorsed the legal framework for these regulations long after the police started issuing fines on a non-legal (there existed no such laws) basis. Namely, it was only on April 23 (after more than a month) the Parliament of Georgia introduced the legislative amendments (that were technically the revision of the Presidential Decree), authorising the penalties for breaching the State of Emergency (ბიბუა, 2020).

Ideally, this meant that all those penalties that were issued from March 21 until April 23 should have been withdrawn since they were issued without any legal evidence, as it happened in the case of the facemask regulations. However, the parliament left those penalties in place with a simple justification that the Presidential Decree was already the constitutional and legitimate source for fining citizens, so there was nothing anti-constitutional in them (ბიბუა, 2020). Such justification raises an important question – Why would the parliament have endorsed a similar legislative package with fast-track procedures if the Presidential Decree was already a constitutional and legitimate source for sanctions? The MPs never explained. Moreover, as the GYLA's report (2020) outlines, the GD MPs ensured that none of the CSOs and opposition political parties (even though the opposition was already boycotting the sessions) would have enough time to review the initiative and propose changes by listing the legislative package on the parliament's website for public access only several days before the parliamentary hearing and skipping the mandatory procedure of obtaining the approval from *Parliamentary Committee on Human Rights and Civil Integration*.

The second issue is connected to the proportionality of the penalty. As mentioned already, the fine for violating the curfew or lockdown rules was 3000 GEL (President's Decree N1, 2020, Article 2). For comparison, in 2020, the median earning in Georgia was only 809 GEL per month and the average salary per month was around 1200 GEL (GeoStat(b), 2020). So, hypothetically, if sanctioned, one would need to work for almost three months to pay out the

fine. Moreover, for the second violation, one would be prosecuted and jailed for up to three years (See: President's Decree N1, 2020, Article 2). Later, on April 23, the Parliament of Georgia increased the maximum period of imprisonment up to six years (ბიჭუა(a), 2020).

While there is no designated framework for penalty proportionality, Moser (2021, p. 21-22) argues that violating the covid-19 restrictions or exposing people to the virus cannot be considered “intentional and direct harm” since exposition might happen with only some probability. Moser (2021, p. 22) believes that the penalties for breaching the covid-19 restrictions should be “proportional to the disvalue of the conduct”, just like speeding tickets (according to him, speeding also possesses indirect harm to society with some probability, but everyone agrees on the proportionate fine for speeding).

The third issue is connected to the government’s decision to annulate the penalties for breaching the lockdown/curfew rules in June 2021, months before the scheduled 2021 Georgian Local Elections in October (რადიო თავისუფლება, 2021). According to Prime Minister Irakli Gharibashvili, such a decision was made to ease off the economic hardships of thousands of citizens (ibid). One interesting aspect of this initiative was that the penalties have been annulated for those citizens who have been fined after March 21, 2020, and haven’t paid by June 2021, but those citizens who have paid their fines wouldn’t be reimbursed. The Georgian government’s decision to discriminate between the citizens and benefit one social group over others with a populist move to win votes is completely unjustifiable because such a move endangers the rule of law and constitutional order by establishing the expectations in society that the government would annulate further penalties anyways if imposed. Besides, such an approach creates patron-client relations between the state and the citizen when the state (patron) introduces one-off favourable conditions for citizens (clients) in exchange for something (in this case, for gaining the popular vote in the upcoming elections). The tactics of using the hard economic circumstances of thousands of citizens for their election goals is not a new strategy for the Georgian Dream. On November 19, 2018, a week before the second round of the 2018 Presidential Election, Georgian Dream Chair Bidzina Ivanishvili initiated to annulate the bank and microfinance loans for almost 600,000 people in Georgia (TI, 2018), resulting in the sweeping victory of GD-supported Salome Zourabichvili in the second round (CEC, 2018).

Summary

In 2020 the Government of Georgia imposed several restrictions on different freedoms to curb the Covid-19 pandemic. While some of these restrictions had legitimate reasoning, many of the restrictions violated the rights of citizens in a rather controversial way. I have identified three main legal issues with the restrictions: 1. Some of the restrictions (on Freedom of Education; Freedom of Movement; Freedom of Assembly) were introduced by the virtue of unconstitutional government regulations, not on the basis of the laws as the Constitution requires; 2. Some of the measures (different quarantine rules for Georgian and EU citizens crossing the Georgian border; selective restrictions on right to religious assemblies and conscience; different evaluation of assembly for protest and assembly for political meetings) had discriminative characteristics; 3. Some of the sanctions (for not wearing the face mask outside; for breaching the State of Emergency norms) for violating the restrictions were disproportional and anti-constitutional.

Such execution of the Covid-19-related measures directly affected the attitudes of the Georgian population towards different social and political topics, including the trust towards government and overall evaluation of the political regime in Georgia.

The general trend in 2020 was that at the beginning of the year, during the first wave of Covid-19, the government and other political institutions accumulated huge public trust, but with the passage of time, this trust started to decline rapidly. For example, starting from the beginning of 2018, public discontent with the performance of the Georgian government was increasing rapidly, being at its peak by December 2019, when 64% of the population evaluated the government's overall performance as "bad" and 59% believed that "Georgia isn't a democracy" (NDI - Public Attitudes in Georgia December, 2019). Though, after the rather successful management of the first wave of Covid-19, the public trust towards the government soared. In June 2020 (NDI - Public Attitudes in Georgia June, 2020), public trust towards the government was 85%, with 73% of the population thinking that the government did a good job in combating Covid-19 and praising the early imposition of lockdown/curfew. Moreover, in just 8 months, from December 2019 to August 2020 (NDI - Public Attitudes in Georgia August, 2020), the number of people who thought that "Georgia isn't a democracy" plummeted by 22% from 59% to 37%.

However, in the Autumn of 2020, when the Government of Georgia launched the second lockdown/curfew and brought up the myriad of above-mentioned anti-constitutional restrictions, public distrust, as well as dissatisfaction with the existing restrictions, started to show. By December 2020, (CRRC, 2020) public trust towards the government was only 40%, with 34% of the population openly supporting the revocation of all the restrictions (NDI - Public Attitudes in Georgia December, 2020). Moreover, from June to December, the number of people who voiced positive opinions about the government's attempts to tackle the pandemic decreased by 13%, from 73% to 60% (ibid). Similar trends could be seen in the evaluation of the political regime in Georgia, with 42% saying that "Georgia is not a democracy" (compared to 37% in August 2020) (ibid).

The hopes that the parliamentary elections would bring a more diverse parliament and better participation possibilities went in vain since, by the end of 2020, only 25% of the population trusted the single-party (GD) parliament (CRRC, 2020) and only 15% evaluated its activities positively with only 4% agreeing (compared to 40% disagreeing) to the statement that the new parliament would provide better chances for citizens' participation in political processes (NDI - Public Attitudes in Georgia December, 2020).

6. Covid-19 and Independent Media in Georgia in 2020

The developments around independent media in Georgia in 2020 were rather interesting for several reasons. Even though the Georgian Constitution allows to limit the freedom of expression under the State of Emergency, media workability wasn't violated by the government's-initiated restrictions, as media employees had special permits, allowing them to move around even during the curfew (Gozalishvili, 2021). Moreover, according to the government's report on implemented measures (GeoGov, 2020, p. 42), each agency and clinic that was involved in curbing Covid-19 had their assigned press speaker for effective communication with the media.

While these are certainly positive changes that shouldn't go unnoticed, media independence and pluralism were majorly affected by one important violation in Georgia in 2020.

The first major violation occurred in July 2020, when the parliament of Georgia initiated and endorsed the "Law on Electronic Communications". But why was this law violating media

independence and pluralism? Well. If we take a look at the endorsed initiative (*Parliament of Georgia, ელექტრონული კომუნიკაციების შესახებ განმარტებითი ბარათი, 2020*) we'll see that the law was authorising the government to exercise direct and excessive executive power over public, as well as private online media broadcasters; for example, it authorised GNCC (Georgian National Communication Commission) to appoint a "special manager" to any of the online media broadcasters, and the "special manager" was entitled to 1. Appoint/fire a director, board member or any of the employees without further explanation; 2. Annulate any commercial deals of the broadcasters by taking the case to court; 3. Prevent the media owners from getting their profit share.

But why? What was the purpose of such harsh regulations? Well, according to the initiative authors, existing legal practice and the Georgian law were insufficient in fighting against fake news (including covid-19 related fake news), so they needed to have a direct executive mechanism to impose efficient sanctions for violator media (*ელექტრონული კომუნიკაციების შესახებ განმარტებითი ბარათი, 2020, p. 4*). However, what's unclear to me is how the GNCC would be able to measure whether certain information was fake news or just an interpretation of a certain media, which, constitutionally, every media is entitled to. Besides, the law never suggested any practical mechanism for how a certain piece of information would be reviewed and who would be the reviewer. Because if the GNCC is the body that brings up the "fake news" accusations, and then the GNCC itself decides whether it is fake news or not, then we clearly have a conflict of interest. Besides, it raises a logical suspicion that such extreme measures for "curbing the fake news" could've been used for other purposes, for example, silencing the critical media by labelling them as "fake news" and starting the investigation against them. The fact that the initiative, at first, intended to regulate the "Law on Broadcasting" (see: *ჯანაშვილი, 2020*) instead of "online broadcasting" doesn't help either. It's the 21st century, social media is everywhere, and, of course, every major Georgian TV broadcaster also has a social media profile, making them the subjects of the "Law on Electronic Communications".

Besides, the law-related problem also included the unparalleled and unbalanced power of the "special manager" (*საია, 2020*). The law was threatening the freedom of expression of media in several ways, namely: 1. Appointed "special manager" was getting so excessive executive

power that s/he could single-handedly change the entire editorial and financial policies of the broadcaster without the approval (ibid, p.2); 2. The “special manager” was not a subject of constitutional limitation or locking mechanism, meaning that the legislative package completely neglected the protocol of overwatching the “special manager” to prevent illicit usage of such power (ibid);

Because of such violations and limitations of media independence, Freedom House’s annual report on transitional countries marked the decline of media pluralism and independence score “from 3.75 to 3.5 [out of maximum 7]” in 2020 (Gozalishvili, 2021).

7. Conclusion

In this paper, I aimed to learn how the Georgian government used the Covid-19 circumstances (i.e. political effects of Covid-19) to increase their power and accelerate the democratic backsliding process in Georgia in 2020. For these purposes, I provisionally divided the paper into several parts.

In the first part of the paper, I included two theoretical frameworks by Levitsky and Ziblatt (2018) and Karolewski (2021) that suggests the theoretical assumptions of how democratic regimes tend to backslide in times of crises by the elected governments. With these theoretical narratives, I aimed to provide a theoretical basis for my study's empirical findings.

In the second part of the paper, I provided the Literature Review, where I went through existing literature about Covid-19’s political and social aspects and how it has affected the political developments and democratic processes in established democracies. Besides, due to the specific characteristic of this paper, I included the literature that provided the novel frameworks for studying the political and social effects (more explicitly, how government, opposition, and society tend to operate during the epidemiological crisis) of new Covid-19 pandemics and that answered the questions whether the stricter restrictions meant better health outcomes or not.

The third and fourth chapters were entirely dedicated to operationalising my concepts – Pandemic Exceptionalism and Restrictions and their effects on the opposition, civil society,

and media. To meet my end goal, I have learned and critically assessed several Covid-19 provoked legislative amendments and packages endorsed by the Georgian Parliament and argued its compliance with the Georgian Constitution. Besides, with the help of process tracing, I have tracked and discussed certain processes' characteristics, such as the creation of the Interagency Coordination Council (the main Covid-19-related decision-making body), imposition of the State of Emergency, and the practice of Rule on Decree. The aim was to learn to what extent the government used Covid-19 to centralise the executive power in their hands.

Similarly, for the restrictions, I have traced and critically analysed several restrictions that were introduced throughout 2020 in Georgia either by the government or the Interagency Coordination Council, and I argued whether these restrictions were proportional, constitutional, or discriminatory and whether they've affected the democratic backsliding of Georgia.

I have explicitly dedicated one chapter to developments around Media and discussed whether media could operate freely during the restrictions. I have explicitly focused on the case of "Law on Electronic Communications" which enabled the government to practice direct and excessive power on Georgian media broadcasters. In the last part, I have included the theoretical analysis of my key findings and argued whether the political developments in Georgia in 2020 fit within the theoretical assumptions of Levitsky & Ziblatt (2018) and Karolewski (2021).

The key findings of my research thesis are that Covid-19 related pandemic exceptionalism and restrictions affected the democratic backsliding in Georgia in 2020 in several aspects, as the Government of Georgia and the Georgian Dream:

1. Weakened the opposition and swept them out of the political scene by making Covid-19 the bogeyman of the agenda and monopolising the Covid-19 management on the one hand and oppressing the opposition by the series of political arrests and exclusion politics on the other.

2. Strengthened their positions and interests in the Constitutional Court by taking advantage of Covid-19-related public confusion and assigning two more GD-loyal judges to vacant positions.
3. Created the legal basis to rule on the decree in ordinal situations without the necessity to introduce a State of Emergency by bringing unconstitutional legislative amendments within the “Law on Public Health”.
4. Contributed to establishing audience democracy by completely excluding the CSOs and civil society from decision-making and putting them into spectatorship mode.
5. Used the pandemics for election goals by using the high ratings of the party and the government on the one hand and the financial leverages and administrative resources on the other.
6. Endangered the rule of law by bringing unconstitutional and disproportional restrictions and sanctions and establishing the practice of fast track/back doors endorsement of legislative packages.

All in all, it’s fair to say that Covid-19-related political developments have accelerated the democratic backsliding process in Georgia in 2020 and created the basis for further deterioration.

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Appendix 1: Four Key Indicators of Authoritarian Behavior. (Retrieved from Levitsky & Ziblatt (2018) *“How Democracies Die”* (p. 17-18).

Table 1: Four Key Indicators of Authoritarian Behavior

<p>1. Rejection of (or weak commitment to) democratic rules of the game</p>	<p>Do they reject the Constitution or express a willingness to violate it?</p> <p>Do they suggest a need for antidemocratic measures, such as canceling elections, violating or suspending the Constitution, banning certain organizations, or restricting basic civil or political rights?</p> <p>Do they seek to use (or endorse the use of) extraconstitutional means to change the government, such as military coups, violent insurrections, or mass protests aimed at forcing a change in the government?</p> <p>Do they attempt to undermine the legitimacy of elections, for example, by refusing to accept credible electoral results?</p>
<p>2. Denial of the legitimacy of political opponents</p>	<p>Do they describe their rivals as subversive, or opposed to the existing constitutional order?</p> <p>Do they claim that their rivals constitute an existential threat, either to national security or to the prevailing way of life?</p> <p>Do they baselessly describe their partisan rivals as criminals, whose supposed violation of the law (or potential to do so) disqualifies them from full</p>
<p>3. Toleration or encouragement of violence</p>	<p>participation in the political arena?</p> <p>Do they baselessly suggest that their rivals are foreign agents, in that they are secretly working in alliance with (or the employ of) a foreign government—usually an enemy one?</p>
<p>4. Readiness to curtail civil liberties of opponents, including media</p>	<p>Do they have any ties to armed gangs, paramilitary forces, militias, guerrillas, or other organizations that engage in illicit violence?</p> <p>Have they or their partisan allies sponsored or encouraged mob attacks on opponents?</p> <p>Have they tacitly endorsed violence by their supporters by refusing to unambiguously condemn it and punish it?</p> <p>Have they praised (or refused to condemn) other significant acts of political violence, either in the past or elsewhere in the world?</p>
<p>4. Readiness to curtail civil liberties of opponents, including media</p>	<p>Have they supported laws or policies that restrict civil liberties, such as expanded libel or defamation laws, or laws restricting protest, criticism of the government, or certain civic or political organizations?</p> <p>Have they threatened to take legal or other punitive action against critics in rival parties, civil society, or the media?</p> <p>Have they praised repressive measures taken by other governments, either in the past or elsewhere in the world?</p>