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In the given academic digest are presented the articles of well-known Georgian scholars and PhD students on the issues legal studies.

Content

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CRIME VICTIMIZATION AND SECURITY RESEARCH IN GEORGIA. RESULTS OF SOCIOLOGICAL SURVEY 2010- 2012

The Crime and Security Survey was initiated by the Georgian Ministry of Justice with funding provided by the European Union (EU).[1] The data collection phase was implemented by Georgian Opinion Research Business International (GORBI). The contents described within this publication are solely the views of the authors and cannot be construed to reflect the official opinion of the Georgian Ministry of Justice or the EU. Within the scope of the project, a public opinion survey was conducted in 2012. The above mentioned survey is the third wave of the same project conducted in 2010 and 2011. A 3,000 respondents (total 9000 respondents) were interviewed as part of this research. The survey was completed using a multi-stage national representative sampling. The respondents represented all of Georgia with the exception of the breakaway territories (South Ossetia and Abkhazia).

Key words: Crime; Victimization; Survey; Criminalization; Comparative data

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We want to give special thanks to Professior Jan van Dijk, the Dutch criminologist, for personally visiting Georgia during the preparation stage and for sharing with us his valuable recommendations. Moreover, we want to express gratitude to the more than 100 interviewers, supervisors and technical support staff whose professionalism assured that we were able to collect accurate data in a timely fashion.

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[1] Project adviser was the Dutch criminologist professior Jan van Dijk

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Short description of survey methodology

Sampling

Within the scope of the project, a public opinion survey was conducted in 2012. The above mentioned survey is the third wave of the same project conducted in 2010 and 2011.

The survey was completed using a multi-stage national representative sampling. The respondents represented all of Georgia with the exception of the breakaway territories (South Ossetia and Abkhazia). Only those aged 16 years and older were included as respondents. The first and second waves of the survey were conducted with PAPI (Paper Assisted Personal Interview) and this third wave with CAPI (Computer assisted Personal Interview) methodology.

A total of 3,000 respondents were interviewed as part of this research. However, based on the recommendations of visiting Dutch expert, Professior Jan van Dijk, only 1,000 respondents were included in comparative analyses with other European capitals.

This sample was weighted during the data analysis stage, based on geographic representation and demographic parameters, in order to best reflect the proportional distribution of the sampling.

Fieldwork

First wave - the fieldwork was commenced on April 3 and contined until May 15, 2010. Approximately 100 interviewers and 10 supervisors were involved in the actual fieldwork. Face to face interviewing was used.

Second wave - the fieldwork was commenced on February 4 and contined until March 5, 2011. Approximately 100 interviewers and 10 supervisors were involved in the actual fieldwork. Face to face interviewing was used.

Third wave - the fieldwork was commenced on March 21 and contined until April 24, 2012. Approximately 100 interviewers and 10 supervisors were involved in the actual fieldwork. CAPI (Computer assisted Personal Interview) was used.

Questionnaire description

The standard questionnaire format that was used for the project is comparable with the questionnaires used in earlier surveys conducted in European countries. The questions included in this questionnaire will also be asked to EU citizens during the future EU victimisation survey scheduled for 2012-2013.

The core questionnaire covered various crimes, including those committed against both individuals and household (HH) and against just individuals. Several sections are also included in the Georgian questionnaire to better assess the general crime conditions in Georgia and public attitude towards the criminal justice system in Georgia. In 2010, a separate section was included, composed of responses in the form of suggestions and recommendations for further liberalisation of penalties. During the third wave an additional section was added that measures the drug problems in Georgia.

2010-2012 Questionnaire content

Crimes against individual and HH - 2010	Crimes against individual and HH - 2011	Crimes against individual and HH - 2012
Livestock theft	Livestock theft	Livestock theft
Theft from and out of car	Theft from and out of car	Theft from and out of car
Motorcycle theft	Motorcycle theft	Motorcycle theft
Burglary	Burglary	Burglary
Burglary of garages or other locked-up facilities	Burglary of garages or other locked-up facilities	Burglary of garages or other locked-up facilities
Car vandalism	Car vandalism	Car vandalism
Household vandalism	Household vandalism	Household vandalism
Bicycle theft	Bicycle theft	Bicycle theft
Attempted burglary	Attempted burglary	Attempted burglary
Car theft	Car theft	Car theft
Attempted burglary at garages or other lock-up facilities	Attempted burglary at garages or other lock-up facilities	Attempted burglary at garages or other lock-up facilities
Extortion/blackmail	Extortion/blackmail	Extortion/blackmail
Crimes against individual 2010	**Crimes against individual 2011**	**Crimes against individual 2012**
Consumer fraud	Consumer fraud	Consumer fraud
Theft of other personal property	Theft of other personal property	Theft of other personal property
Robbery/armed robbery	Robbery/armed robbery	Robbery/armed robbery
Assault/violence	Assault/violence	Assault/violence
Bribery	Bribery	Bribery
Threat of violence	Threat of violence	Threat of violence
Personal bank account abuse	Personal bank account abuse	Personal bank account abuse
Sexual offences	Sexual offences	Sexual offences
Personal information abuse	Personal information abuse	Personal information abuse
2010 Other sections	**2011 Other sections**	**2012 Other sections**
General criminal conditions in Georgia	**General criminal conditions in Georgia**	**General criminal conditions in Georgia**

Attitudes towards criminal justice system	Attitudes towards criminal justice system	Attitudes towards criminal justice system
Penalty liberalization	**Assessment of corruption**	**Assessment of corruption**
Juvenile delinquency (in this section are also included the questions concerning domestic violence)	**Juvenile delinquency** (in this section are also included the questions concerning domestic violence)	**Juvenile delinquency**
		Drug dependence

Detailed analysis

The statistics of the Georgian Ministry of Internal Affairs and Crime and Security Survey
Crime and Security survey will significantly contribute to on-going legal reforms that have been being implemented in the country since 2004.

Specifically, the survey will assist with the following:

- Introducing modern scientific methods for crime research in Georgia, allowing for the locally available statistical databases to be incorporated and brought into line with those on the international level.
- Assessing crime and victimisation levels independently as objective indicators for use in determining the performance of the system of law enforcement;
- Comparing victimisation rates in Georgia with other countries to assess the current security level of the country;
- Publicizing Georgia as a safe country with respects to business, tourism and science development.
- Detecting key problems and deficiencies, "blemishes," in order to make state policy decisions to prevent crime, and help with its implementation.
- Unbiased assessment of law enforcement bodies and judiciary system performance by the public.

As is practiced in developed countries, data collected during a victimisation survey is treated as supplementary information and secondary to statistical data, which is collected by the police and through the criminal justice system.

The advantage of using similar surveys is that it allows for crime to be assessed based on several parameters, which includes analyses of the degree of cooperation of victims with the police; allows for the quality of justice performance to be evaluated, and for assessments to be reached of their overall level of professionalism among those working in the Criminal Justice system. It also assists in activities to monitor any changes in the level of victimisation, while having further utility in determining risk-factors and in estimating the level of latent crime in Georgia.

Data collected during the Crime and Security Survey is of practical application, especially when creating crime prevention policies and affecting various strategies.

One of the most reliable sources of information of registered crimes can be found among the statistics maintained by law enforcement bodies, such as the police.

Three factors generally influence the number of registered crimes recorded by police officials: 1) the existence of a criminal code, 2) how effectively the population reports crime to the authorities, and 3) the desire and capabilities of police to react and investigate reported crimes [1].

In general, as a country becomes more developed, a greater tendency exists in reporting crime to responsible authorities, and data is better maintained on the crime rate, per 100,000 citizens. However, official figures are not the sole indicator of the level of crime in any given country. Statistical data is additionally provided and supported by the findings of surveys, interviews and studies. Survey results are useful in determining the efficiency of law enforcement bodies, crime prevention and improvement of measures for fight against crime.

Until 2004, unbiased statistical data concerning the dynamics and level of crime in Georgia was not available. It has been widely reported domestically and internationally that corrupt and unprofessional law enforcement bodies used various measures in their attempts to conceal the actual number of crimes committed. They even blocked and/or impeded the official registration of committed crimes. As a result, the number of crimes registered by the MIA (for example 17,397 crimes were registered in 2003). However, in reality this number failed to reflect the existing situation at the time (see table 1).

The approaches towards official registration of reported crime has substantially changed in 2004. As a result, the performance of law enforcement bodies in terms of detecting and investigating crimes substantially improved, which is clearly reflected in statistical data.

The number of registered crimes in 2006 was 62283, which is a three-fold increase in the crime rate since 2003 (see table 1). The overall registered crime rate peaked in 2006-2007, and then started decreasing. Consequently, the reflected drop as found herein is deemed as the direct result of an actual decrease of the crime rate in the society.

Table 1. Registered crimes by MIA

Type of crime	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total	17397	24856	43266	62283	54746	44644	35945	34739	32261
Among them:									
Aggravated crime	10326	17833	24320	29249	13158	13028	11093	9987	9016
Attempted and premeditated murder	499	538	697	666	741	653	494	418	336
Intentional bodily harm	253	371	368	271	157	200	134	126	94
Rape	52	62	141	167	156	100	84	82	78
Armed robbery	556	1316	2087	2751	1208	2684	700	398	261
Robbery	1013	1733	1925	2160	1615	2684	958	638	485
Theft	5593	10634	16256	27657	18587	14814	11473	11371	11383
Categories									
Burglary	1785	1887	2998	3523	2684	2347	1860	1552	1381
Car theft	388	260	292	611	307	267	154	117	86
Theft of Livestock	-	-	-	783	527	544	417	417	476
Fraud	483	543	674	2395	2222	1844	1761	1326	1326
Illegal production, acquisition, keeping and etc. of drugs	1945	1941	2074	3542	8493	8699	6336	5465	3776
Hooliganism	487	706	1314	1208	858	724	524	435	455
Juvenile delinquency	617	557	755	997	674	759	575	543	533

Note: Not all registered crimes are included in the above table.

Approximately 1,172,7 thousand individuals live in Tbilisi - the political, economic and cultural center and capital of Georgia, comprising one fourth of the country's total population (in total 4 497.6 thousand individuals are regstered) [15]. According to statistical data nearly half (45%) of all registered crimes in Georgia are committed in Tbilisi.

However, there is a continued tendency in Tbilisi, and on the national level, for the crime rate to rapidly decline for all types of crimes. Since 2007, the level of registered crimes decreased by 14,318 reported cases (49.1%), aggravated crime – 3085 cases (42.9%). The most impressive is the decrease in more serious crimes: armed robbery (628 cases - 80.5%), robbery (880 cases - 74.3%); car theft (179 cases - 89.7%) and fraud (551 cases - 38.9%).

Table 2 . Registered crimes by MIA in Tbilisi

Type of crime	2007	2008	2009	2010	2011
Total	29219	22316	17333	15464	14901
Among them:					
Aggravated crime	7196	6228	5408	4314	4111
Attempted and premeditated murder	306	243	206	165	146
Intentional bodily harm	80	91	59	51	38
Rape	54	28	31	26	31
Armed robbery	781	572	356	204	153
Robbery	1185	826	708	449	305
Theft	10885	8193	6637	5586	5400
Categories					
Burglary	1504	807	853	560	514
Car theft	222	107	76	43	43
Fraud	1447	1167	1058	666	896
Illegal production, acquisition, keeping and etc. of drugs or controlled substances (narcotics).	4146	4989	3012	2973	1977
Hooliganism	411	306	240	236	253

In obtaining an unbiased and complete picture of the structure and dynamics of crime in democratic countries, together with various forms of statistical data shared by law enforcement and judicial bodies, the level of victimisation on a national and international basis is researched.[2] Such an overall approach is more effective in assessing the actual levels of criminalization, predicting tendencies of "victimisation", the level of latent crime and the real situation in law enforcement system.

The results of sociological surveys

Victimisation surveys have been conducted in Europe since the early 1980s. The last wave of this survey (ICVS) was completed in 2004/2005. Similar surveys, albeit smaller in overall scope, were completed in Georgia in 1992, 1996 and 2005. An improved and more encompassing survey for Georgia is now being conducted in 2010/2011 and 2012, which is significant as this research proceeds the the next wave of a European victimisation survey scheduled for 2012-2013. This next survey in EU countries will utilize the same methodologies and instruments

[2] In USA there is conducted National Crime Victimisaton Survey (NCVS), in Great Britain – British Crime survey (BCS).

(screener and questionnaire), as used in Georgia. Georgia will be the second country among former Soviet republics whose findings will match ICVS standards.

Within the scope of this survey, much effort has been made to compare the data of the Georgian victimisation level (crime rate) to similar existing data found among European countries. However, it is necessary to emphasize that during the comparison of the data, several factors were considered, including:

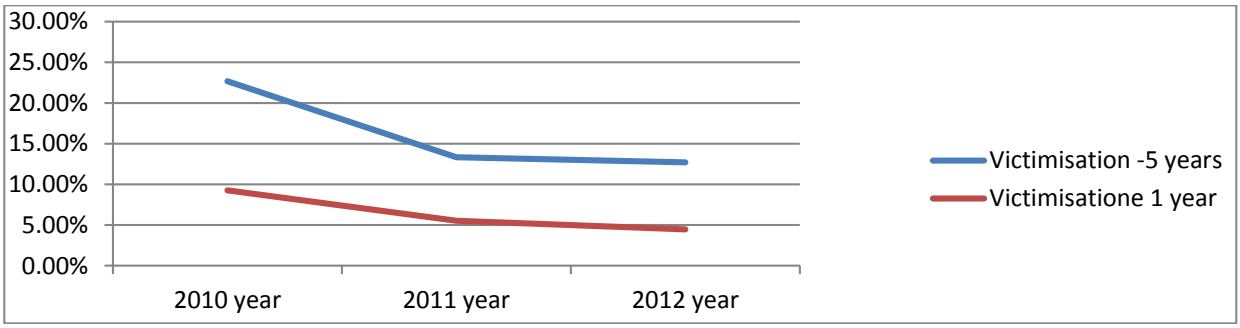
- The definition of the crime in the given country;
- The number of victims identified from the survey;
- The culture of relations between the populace and the law enforcement bodies, and the year that the survey was conducted, etc.

Victimisation for each type of crime

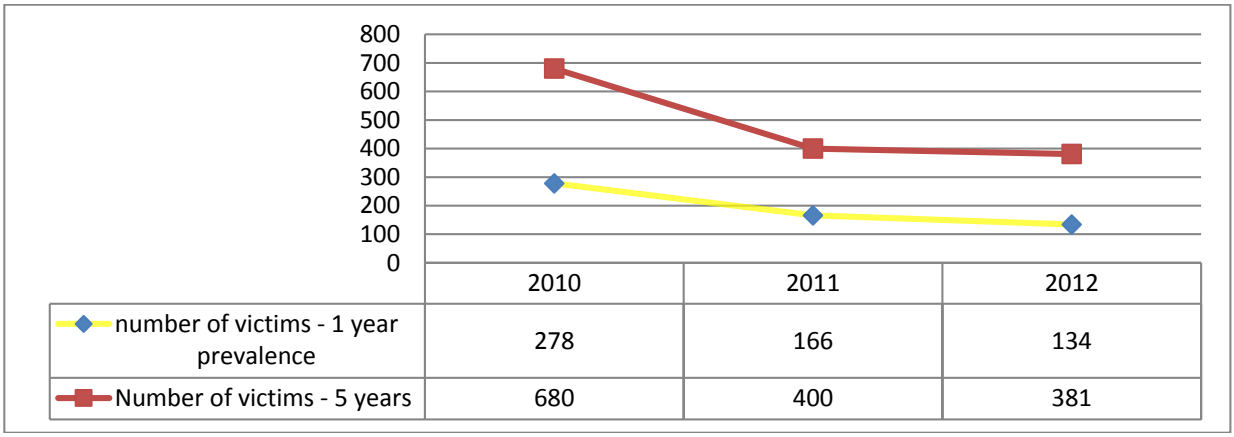
A comparative analysis of 2012 survey data with 2010/2011 data from the Crime and Security survey demonstrates that, over a period of two years, the level (co-efficient) of "last year victimisation" in Georgia for 21 listed crimes has decreased from 9.3% (2009) to 4.5% (2011).

According to **Crime and Security Survey of 2012** the rate for victimisation (over the last 5 years for 21 crimes) is 12.7% (381 victims out of 3000 respondents). In 2011 the same figure was 13.3% (400 victimis). Accordingly we may assume that the level of multiple victimisations is stable. According to the survey conducted in 2010 the level of multiple victimization was 22.7% (680 victims). The data displayed that the level of multiple victimisation has decreased for 10% (299 victims). (See graph 1 and 2).

Graph 1. Level of victimization in Georgia based on 21 rimes



Graph 2. The level of victimization in Georgia (numbers)



	2010	2011	2012
number of victims - 1 year prevalence	278	166	134
Number of victims - 5 years	680	400	381

The survey conducted in 2012 showed that the level of victimization among crimes against individuals, as well against individuals and households, have reduced for all surveyed crimes.

Personal and HH crime (findings of past 5 years)[3]

Car theft. According to surveys conducted in 2010-2012, the respondents who declared that own a vehicle have increased from 1083 to 1190 (respectively from 36.1% to 39.7%; in 2011 the number of owners was 1049 persons (35%)). In 2012 only five of them (0.4%) had their cars stolen, and the same number of victimized was displayed in 2011 (five cases).
Based on the data of 2012, victimization in big cities (45.000+) was 0.9%; in rural areas – 0.2%. Among victimised respondents were 2 males (0.2%) and 3 females (0.5%).

Theft from and out of car. Out of 1,190 car owners surveyed in 2012, 3% (3 victims) had experienced theft from and out of car. Out of 1,042 car owners surveyed in 2011, 3.6% (36 individuals) had experienced theft from and out of car. In one year the victimization level remained the same. However, in 2010, among 1,083 car owners, 79 individuals (7.3%) were victims of the same crime.
Based on results in 2012, the rate of victims in big cities (45.000+) was 4.4%; small towns (45.000 -) – 3.6%; rural areas – 1.8%. According to the data obtained in 2012 the following items were stolen from cars: 12 mirrors (in 2010 - 27); 10 accumulators (in 2010 - 13); 8 radios (in 2010 - 25) etc. Based on the results the theft from and out of car have seriously decreased. Among victims 10 were males (1.7%) and 26 (4.2%) females.

Car vandalism. Out of 1,190 car owners surveyed in 2012, 14 (1.2% among car owners) had suffered from car vandalism. In 2011, nine individuals (0.9%) had suffered from the same crime.

[3] Due to small numbers of victimization cases some ctimes wasn't discussed. Among them are: attempted burglary, attempted burglary at garages and other lock-up facilities; household vandalism.

The latest results have increased by 5 cases, but if we take into consideration that the car owners have also increased from 1043 (2011) to 1190 (2012), we may assume that there is no real change (approximately 0.2%). Level of victimization based on data from 2012: in big cities (45.000 +) is 2.7%; small cities (45.000-) – 0.7%; rural area – 0.2%. Among victimized respondents were 6 males (1.1%) and 8 females (1.3%).

Motorcycle theft. Out of 23 motorcycle owners surveyed in 2012 (o.8% of total sample) only one owner (5.5%) was victim of motorcycle theft. Due to law numbers no further analyses are done for this crime.

Bicycle theft. Out of a total sample 537 bicycle owners (17.9%) surveyed in 2012, only 13 owners had their bikes stolen (2.4%). Among those surveyed in 2011, out of 269 bicycle owners surveyed; only one respondent (0.5%) had experienced this crime. A year earlier out of a total of 448 bicycle owners surveyed in 2010, only seven owners had their bikes stolen (1.5%). Based on the results of the survey 2012 victimization level in big cities (45.000+) is 2.7%; in small towns (45.000-) – 5.1%; in rural area – 1.8%. Among victimized respondents were 9 males (3.2%) and 4 females (1.4%).

Livestock theft. In 2012, among 1,190 cattle owners (39.7% out of total sample), only 39 persons (3.3%) had animals stolen. Among 1,091 cattle owners (36.7%), only 48 persons (4.4%) had animals stolen. In 2010, from amongst 1,134 livestock owners (37.4% out of total sample), 86 persons (7.6%) suffered from such a crime. Subsequently the crime rate has decreased by 4.3% over two years. The most cases of victimization (12 cases) were detected in Imereti/Racha/Svaneti, 10 cases in Samegrelo, 6 – in Kvemo Kartli. None appeared in Kakheti and Shida Kartli. Among victimized respondents 17 are males (3.1%) and 22 females (3.4%).

Burglary. In 2012, among 3,000 surveyed respondents, only 48 persons (1.6%) were burglarized. In 2011, only 65 persons (2.2%) were victimized. In the 2010 survey amongst the same sample size, only 81 persons (2.7%) suffered this crime. In 2012 42.4% of domestic appliances were stolen (in 2011 47.9%; in 2010 – 4.9%); cash was 21% (2011 - 18.2%; 2010 – 22.2%); jewelry – 22.7% (2011 - 19.4%; 2010 – 23.7%); cloths – 17% (2011 - 27.9%; 2010 – 26.3%) etc. The level of victimization in big cities (45.000+) is 2%; small cities (45.000) – 1.5%; in rural area – 1.3%. Among those victimized were 21 males (1.5%) and 27 females (1.6%).

Burglary from garages and other locked-up facilities. Out of 3000 respondents surveyed in 2012, only 53 (1.8%) were victims of this crime. In 2011, only 42 persons (1.4%) experienced such break-ins. Based on results of survey 2010 71 persons (2.4%) fell victim to this crime. The level of victimization in big cities (45.000+) is 2.2%; in small cities (45.000-) – 0.9%; in rural area – 1.6%. Among the victims were 12 males (0.8%) and 41 females (2.5%).

Extortion/blackmail. Out of 3,000 sample in 2012, 7 respondents (0.2%) were subjected to this crime. In 2011, nine respondents (0.3%) were victimized. In 2010, amongst the same sample

size, seven persons (0.2%) were victims. The victimization level has remained the same. The level of victimization in big cities (45.000+) is 0.3%; in small cities (45.000-) – 0.5%; in rural area – 0.1%. Among the victims all were females (0.4%). Other crimes included in personal and HH crimes are not discussed here due to low numbers.

Personal crimes (5 years prevalence)

Robbery/armed robbery. Among 3,000 respondents in 2012, only 7 individuals (0.2%) were victims to robbery/armed. In 2011, only 13 individuals (0.4%) were victimized. In the 2010 survey with the same sample size, only 17 persons (0.6%) suffered this crime.
The level of victimization in large cities (45.000+) is 0.5%; in rural area – 0.1%. According to 2012 survey 2 victims were unemployed (0.1%) and 4 (0.8%) employed. Among victims 4 (0.3%) were males and 3 (0.2%) females.

Theft of personal property. Out of 3000 respondents surveyed in 2012, only 27 (0.9%) fell victim to this crime. Only 30 surveyed individuals (1.0%) had their personal property stolen in 2011. This means that for one year, the level of victimization hasn't much changed, which means that the crime rate has stabilized at this low level. Theft is a professional (organized) type of crime and its decrease means the improvement of criminal situation. The level of victimization in large cities (45.000+) was 1.3%; in small town (45.000-) – 0.7%; in rural area – 0.7%. Among victims 5 (0.4%) were males and 22 (1.4%) – females.

Sexual offences. Among 3,000 respondents in the survey of 2012, two cases (0.1%) of sexual offences happened. In 2011 three individuals (0.1%) were the same crime. Among the same sample size (3,000 respondents) in 2010, the same number, three persons (0.1%) were victims. The victimization level over the year hasn't changed. The level of victimization in large cities (45.000+) is 0.2%. Among victims in 2012 were 2 females (0.1%).

Assaults/violence. Among 3,000 respondents in 2012, a total of 12 individuals (0.4%) suffered from assaults/violence. In 2011, a total of 21 individuals (0.7%) suffered from the same crime. In 2010, among the same cohort (3,000 respondents), only 18 individuals (0.6%) experienced same crime. The victimization level in large cities (45.000+) is 0.9%; in rural area – 0.2%. Among victims were 4 males (0.3%) and females (0.5%).

Consumer fraud. Out of 3000 respondents in survey 2012 147 individuals (4.9%) suffered from consumer fraud. Among the same number of respondents in 2011, 129 indivduals (4.4%) answered that they were the victims of consumer fraud. In 2010 among the same sample (3,000 respondents), 298 individuals (10.2%) were victims of the same crime. The victimization level in large cities (45.000+) is 4.2%; small towns (45.000-) – 4.5%; in rural area – 5.5%. Among victims are 45 males (3.2%) and 102 females (6.3%).

Bribery. Among the sample in 2012, a total of 4 cases (0.2%) of bribery were revealed. According to a survey conducted in 2011, a total of 15 cases (0.5%) of the same crime. In 2010 among the same sample size (3,000 respondents), 14 cases (0.5%) of this crime were detected. Accordingly, the victimization level for one year changed for 8 cases. The victimization level in large cites (45.000+) is 0.2%; in rural area – 0.1%. Among victims were only 4 females (0.2%).

Abuse of bank account. According to the survey conducted in 2012, among those who use bank cards, only 4 (0.4%) claimed that experienced bank account abuse. In 2011 among 550 bank card users only 1 case (0.2%) was detected. Among those surveyed in 2010 426 respondents were users of bank cards only 2 (0.4%) have experienced the same crime. The level of victimization in large cities (45.000+) is 0.7%; in rural area – 0.3%. Among victims were 3 males (0.7%) and 1 female (0.1%).

Abuse of personal information. Out of 3000 respondents surveyed in 2012, only 5 cases (0.2%) of abuse of personal information were detected. Two cases of this crime were mentioned in both the 2010 and 2011 surveys. The victimization level in large cities (45.000+) is 0.3%; in rural area – 0.1%. Among victims were 2 males (0.1%) and 3 females (0.2%).

Table 3. Victimisation rate according to 21 crimes (%)[4]

	Victimization past 5 years	Last year (2009) victimization	Victimization past 5 years	Last year (2010) victimizatio	Victimization past 5 years	Last year (2011) victimizat
Crimes against individual and household (HH) %[5]						
Motorcycle theft	2.8	0. 0	4.5	0.00	5.5	0.00
Livestock theft	7.6	1.3	4.4	1.1	3.3	1.4
Theft from and out of car	7.3	2.2	3.6	0.9	3.0	0.9
Burglary	2.7	0.51	2.2	0.5	1.6	0.3
Burglary at garages or other locked-up facilities	2.4	0.53	1.4	0.6	1.8	0.2
Household vandalism	1.7	0.3	1.1	0.2	0.5	0.1
Car vandalism	1.7	0.8	0.9	0.5	1.2	0.5
Attempted burglary	1.2	0.16	0.7	0.1	0.5	0.1
Bicycle theft	1.5	0.4	0.5	0.2	2.4	0.00
Car theft	1.1	0.1	0.4	0.00	0.4	0.1
Extortion/blackmail	0.2	0.06	0.3	0.1	0.2	0.1
Attempted burglary at garages or other locked-up facilities	**0.4**	**0.1**	**0.2**	**0.03**	0.3	0.02
Crimes against individual %						
Consumer fraud	10.2	5.08	4.4	2.6	5.0	2.3

[4] In the reports for the first and second wave of survey the figures for "last year victimisation" is calculated out of total sample. In the current report all figures are calculated based on ownership.

[5] In columns are given rates of crimes in percentage.

	Victimization past 5 years	Last year (2009) victimization	Victimization past 5 years	Last year (2010) victimizatio	Victimization past 5 years	Last year (2011) victimizat
Theft of other personal property	2.1	0.83	1.0	0.2	0.9	0.2
Assault/violence	0.6	0.04	0.7	0.3	0.6	0.2
Corruption	0.5	0.2	0.5	0.2	0.2	0.04
Robbery/armed robbery	0.6	0.19	0.4	0.2	0.2	0.00
Threat of violence	0.5	0.14	0.4	0.2	**0.5**	**0.2**
Personal bank account abuse	0.4	0.2	0.2	0.00	**0.4**	**0.1**
Sexual offences	0.1	0.04	0.1	0.02	**0.1**	**0.02**
Personal information abuse	0.1	0.02	0.1	0.00	**0.2**	**0.03**
Multiple victimization [6]	29.70%	9.9%	16.8%	6%	16.0%	5.1%
Victimization [7]	22.7%	9.3%	13.3%	5.5%	12.7%	4.5%

Conclusion

The analyses of the 2010-2012 data on personal and HH crimes, as well as only personal crimes, reveals that the victimisation levels have slightly decreased and stabilized, which points to the improvement of criminal conditions in Georgia.

Females are more often victimized, and this trend is especially sharp in data obtained by survey conducted in 2012. According to the last survey, out of 479 cases, 314 victims were females; males fell victim only in 165 cases. It turns out that females are victimized twice as often as males. The relationship was different in the survey of 2011; females were involved in 285 victimization cases, and males in 218 cases.

The survey results herein cannot be considered perfectly accurate and scientifically valid data, the total number of victims is not high enough for statistical regularity, detailed comparative analyses and clear prognostic assessments. However, the survey results effectively reflect overall trends of decrease in crime rate in Georgia. This trend is well-supported by the data as provided by of MIA (**see table 1).**

Findings on repeat victimisation

Description of repeat victimisation in Georgia

Repeat victimization is fast becoming an important field within criminological research. Usually the same offenders commit crimes repeatedly, or a crime is committed against the same victim. Having knowledge and understanding the reasons and contributing factors that influence repeat victimization will assist police in many ways, including detecting and eliminating the prime

[6] Multiple victimisaton reflects the number of individual becoming a victim two or more times.

[7] Victimisation rate displayes the real level of victimisation – thu number of respondets who became victims.

conditions that are responsible for repeats, and determining why they are committed in the first place.

Reasons for repeat victimisation

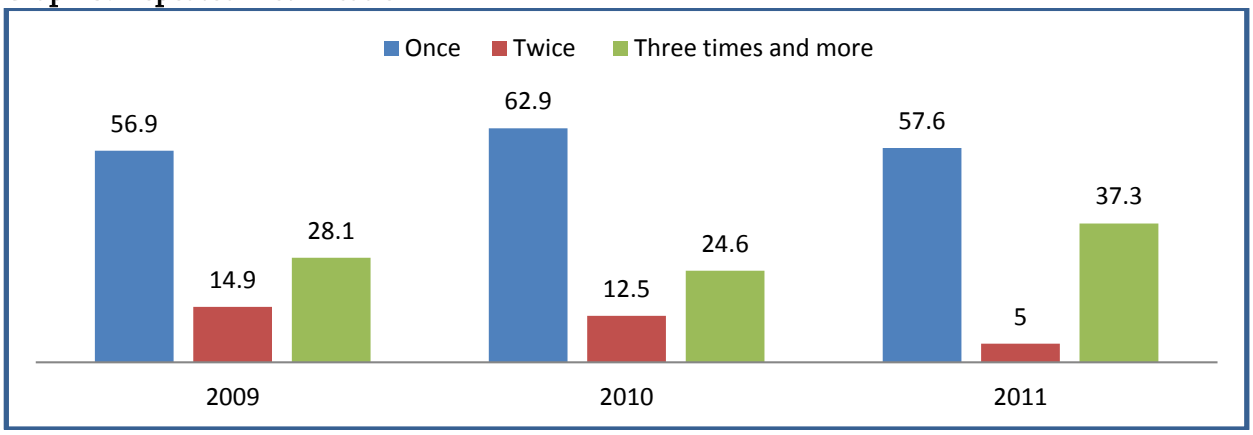
Repeat and multiple victimisation have common signs that are responsible for personal harm and for people falling victim to HH crimes. Various researchers claim that the best approach to predicting victimization is to analyze previous victimization. Moreover, it is worth noting that every subsequent incident increases the possibility of repeat victimisation [18]. Sometimes victims are unable to resist the violence or they find themselves helpless to stand up and protect their rights. They easily fall prey to the offender (e.g. systematic violence of a husband against his wife, domestic violence, and when a woman is unable to resist physical violence). Any success at having "gotten away" with a previous crime provides additional reinforcement and impetus for a repeat offender to do it again. Subsequent crimes are committed with the knowledge that it is less risky, and the pattern is repeated. The Crime and Security survey demonstrated that indicators of repeat and single victimization are common. Males have less of a tendency to be a repeat victim than their female counterparts (based on CSS in 2012, which displayed that 1% of males and 2.2% of females became victims of repeated victimization), mostly in domestic violence; usually females are the victims of such an offence. According to scientific theories, the forms of repeated and multiple victimization are explained by individual characteristics of the victim, as "victim phenomenon." In analyses, special attention is paid to the factors that increase the chances for a person to become victim. Such factors are:

- Specifics of a person's profession, including but not limited to belonging to those sub groups that are not well accepted in the social fabric of society: professional sex workers, drug-users, and those living in abject poverty (paupers);
- Systematic assaults and other forms of violence within families;
- Other individual characteristics of the victim: age, aggressive and anti-social behaviour, level of disability, etc. [4].

Based on insight from the Crime and Security Survey, it seems a wide range of persons have been subjected to repeated and multiple victimisation.

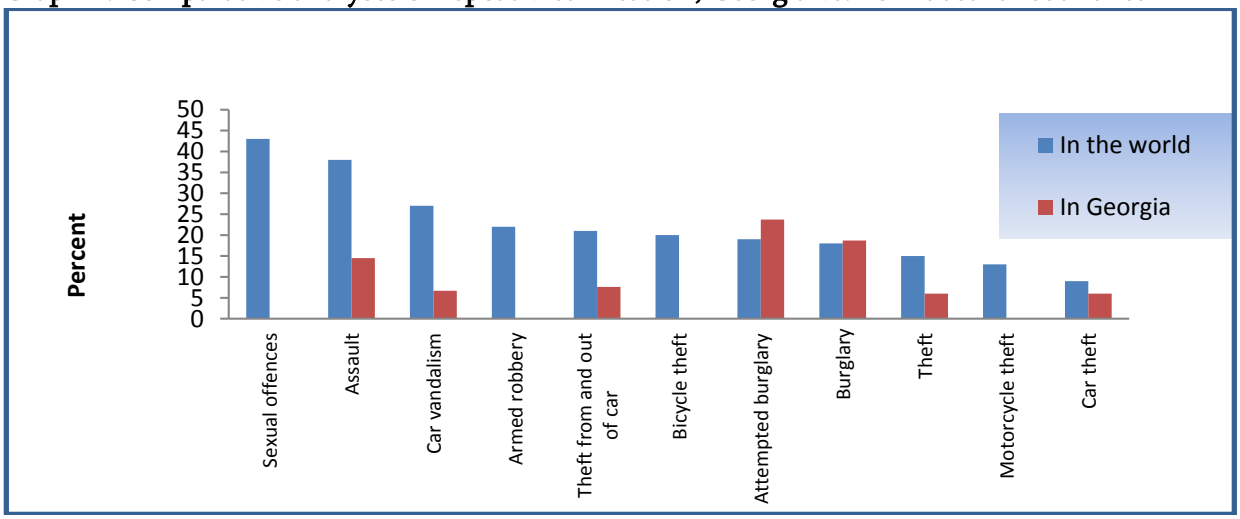
In 2012, 381 respondents (12.7%) mentioned that were victims of at least one crime for the last 5 years. Among them, 310 persons (10.3%) declared that were victim of one crime; 50 persons (1.7%) mentioned having been a victim of two crimes; 16 persons (0.5%) – victim of 3 crimes and 1 person said they were a victim of 4 or more crimes. The repeated victimization of crimes against individuals was more frequent (26.4%), compared to crimes against individual and household (17.2%).

Graph 3. Repeated victimisation



The level of repeat victimisation in Georgia is comparatively low, one out of five respondents (21.9%). The figure is 22.1% lower than the average (43%) [5], [19] for other industrial and developed countries. (**See graph 4)**

Graph 4. Comparative analyses of repeat victimisation, Georgia vs. 16 industrial countries



Respondents were asked "how often did an incident occur in the last year?" A portion of the respondents mentioned that they had suffered from repeat victimization. The majority of repeat victimization cases involved crime threats of violence which transpired twice (6.3%), and three times and more 54.1%. Consumer fraud was also experienced twice (16.4%) and three times and more 47.6%. **(Table 4)**

Table 4. Repeat victimization rate Georgia 2006-2011

	Once			Twice			Three times and more		
Personal and HH experience	2009	2010	2011	2009	2010	2011	2009	2010	2011
Car theft	100.0%	0.0%	49,9%	0.0%	0.0%	0.0%	0.0%	0.0%	50.1

									%
Theft from and out of car	84.8%	92.4%	93.5%	15.2%	7.6%	0.0%	0.0%	0.0%	6.5%
Car vandalism	93.3%	85.9%	87.8%	0.0%	0.0%	0.0%	6.7%	14.1 %	12.2 %
Motorcycle/scooter and moped theft	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Bicycle theft	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%	100%
Livestock theft	68.4%	76.3%	7.6%	13.2%	23.7%	7.6%	18.4%	0.0%	4.6%
Burglary	77.4%	65.2%	94.0%	16.6%	18.7%	0.0%	6.0%	6.8%	0.0%
Burglary at garages or other locked-up facilities	88.0%	86.6%	83.0%	3.8%	5.5%	0.0%	8.2%	7.9%	17.0 %
Attempted burglary	86.6%	76.9%	63.0%	0.0%	23.1%	20.3 %	13.4%	0.0%	0.0%
Attempted burglary at garages or other locked-up facilities	100.0%	100.0%	100%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Household vandalism	68.0%	90.6%	42.3%	15.0%	0.0%	0.0%	17.0%	9.4%	57.7 %
Extortion/blackmail	100.0%	100.0%	39.8%	0.0%	0.0%	0.0%	0.0%	0.0%	60.2 %
Average	80.5%	64.5%	63.4%	5.3%	6.4%	2.4%	5.7%	11.6 %	25.1 %
	Once			**Twice**		**Three times and more**			
Personal experience	**2009**	**2010**	**2011**	**2009**	**2010**	**2011**	**2009**	**2010**	**2011**
Robbery/armed robbery	81.5%	100.0%	100%	18.5%	0.0%	0.0%	0.0%	0.0%	0.0%
Theft of other personal property	76.6%	100.0%	100%	19.1%	0.0%	0.0%	4.3%	0.0%	0.0%
Sexual offences	0.0%	100.0%	100%	100%	0.0%	0.0%	0.0%	0.0%	0.0%
Assault/violence	100.0%	85.5%	41.6%	0.0%	12.5 %	0.0%	0.0%	14.5 %	34.2 %
Threat of violence	64.5%	0.0%	40.6%	23.1%	33.8 %	6.3%	12.4%	66.2 %	54.1 %
Consumer fraud	34.0%	36.5%	19.2%	15.5%	16.4 %	5.7%	50.5%	47.1 %	47.6 %
Personal bank account abuse	100.0%	0.0%	100%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Personal information abuse	0.0%	0.0%	100%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Corruption	44.9%	92.7%	0.0%	42.1%	0.0%	0.0%	13.0%	7.3%	100%
Average	55.8%	57.2%	44.6%	24.3%	7.0%	1.6%	8.9%	15%	26.2 %

* Respondent doesn't remember

Repeat victimisation in cases of personal and HH crimes

Repeat victimisation of personal and HH crimes is manifested in the HH vandalism (38.6%), extortion (60.1%), car theft (50.1%); car vandalism (12.2%); burglary at garages or other locked-up facilities (17%).

The dynamics of victimization in Georgia (1992-2012)

In discussing the problem of victimisation in Georgia, it is necessary to conduct comparative analyses of the level of victimisation during different periods of the country's development. A victimization survey was conducted by GORBI in 1992 and 1996, and this experience gives us the opportunity to draw a clearer picture of both personal and HH crimes, and their associated dynamics.

The following table shows that the victimization level in 2012 for almost every crime dropped in comparison with 1992 and 1996, and this marked reduction has been between 5 – 15 times in scale (figures are over a period of five years).

Table 5 - victimisation level 1992 – 2012

	Last 5 yrs.	Last year	Last 5 yrs.	Last year	Last 5 yrs.	Last year	Last 5 yrs.	Last year	Last 5 yrs.	Last year
	1992		1996		2010		2011		2012	
Car theft	15.4	6.3	16.8	3.3	1.1	0.1	0.4	0.0	0.4	**0.1**
Theft from and out of car	31.1	10.8	34.7	10.7	7.27	2.2	3.6	0.9	3.0	0.9
Car vandalism	14.5	4.1	5.1	1.7	1.7	0.8	0.9	0.5	1.2	0.5
Burglary	9.9	2.5	13.8	3.6	2.7	0.5	2.2	0.5	1.6	0.3
Attempted burglary	8.2	2.1	9.7	3	1.2	0.1	0.7	0.1	0.5	0.1
Robbery/armed robbery	5.8	1.8	7.2	2.5	0.6	0.2	0.4	0.2	0.2	0.00
Theft of other personal property	13.4	3.5	19.1	6.5	2.1	0.8	1.0	0.2	0.9	0.2
Assault/threat *	5.3	0.6	7.9	3.2	1.1	0.18	1.1	0.5	1.0	0.4

The following table reflects the victimization level, ranging from the crime of theft from inside and outside of a car in 1992 (31.1%) compared to 2012 (3%), which is a ten-fold decrease.

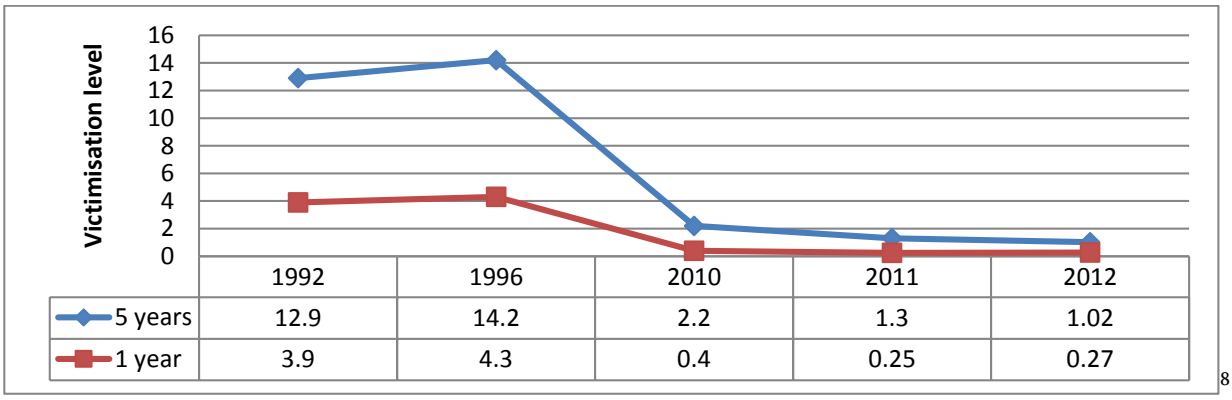
* * In the survey of 2010 -2011 in Georgia the question for assaults and threats are asked separately. The figures in the table are combined.

In observing the pattern of crime levels in the years noted, the percentage of several types of crimes when compared to 1992 have significantly decreased. For example, in 1992, 6.3% of car owners declared in the last year that their car was either stolen or driven without their permission. Compared with 1996, this figure has decreased to the level of 3.3%, and in 2010, only 0.02% of car owners indicated that they had suffered from this type of crime in the last year. In addition, the survey in 2011 didn't reveal a single instance of car theft in the preceding year. However, according to the survey in 2012, 0.1% among car owners "last year: were victims of car theft.

The level of victimization according to various types of theft in 1992 was 3.5% and in 1996 - 6.5%, which was almost a two-fold increase. Last year, victimization was 0.2%, which is 32.5 times less.

The same ratios are maintained for the following five year periods: 1988-1992; 1992-1996, and 2006-2010 – the level of victimization in 2007-2011 in comparison to the 1990's, which is 5-10 times lower comparing to crime rate in 90s.

Graph 9. Average victimisation level in Georgia in 1993-2012



	1992	1996	2010	2011	2012
5 years	12.9	14.2	2.2	1.3	1.02
1 year	3.9	4.3	0.4	0.25	0.27

[8]

The large differences in data have a scientific explanation and are related to many objective and subjective factors that are not within the scope of this research.

The comparative analyses of victimisation based on various crimes in 2005 [6] and 2011 demonstrated that there was a sharp change in terms of the victimisation level decrease in the proceeding five years. e.g. the level of victimisation of car theft has decreased from 1.8% to 0.1%, and during 2011 there were 5 cases of car theft. Theft from inside and outside of car decreased (from 9.2% to 0.9%). Meanwhile, burglary declined from 7.1% to 0.3%;

[8] In the chart are compared the average index for 8 crimes researched in 1992-2012.

robbery/armed robbery - from 1.1% to 0.0% (5.5 times); Theft of other personal property - from 2.8% to 0.2%; assaults and threats of violence – from 1.2% to 0, 4%. (**See table 6)**

Table 6 - victimisation rate according to several crimes

Crime	Ownership (yes)			Victimised (5 years prevalence)			Victimi (2009)	Victimized (2010)	Victimized (2012)	Victimize (2005)**	ICVS averag
	2010	2011	2012	2010	2011	2012	2010	2011	2012		2004
Car theft	36,1	35,0	39.7	1,1	0,4	0.4	0,02	0,0	0.1	1.8	0,8
Theft from and out of car	36,1	35,0	39.7	7,3	3.6	3.0	0,80	0.3	0.9	9.2	3,6
Motorcycle theft	1,6	1,2	0.8	2,8	4.5	5.5	0,00	0.0	0.0	-	0.3
Bicycle theft	14,9	9.0	17.9	1,5	0,5	2.4	0,06	0.0		-	2.9
Burglary				2,7	2,2	1.6	0,51	0,5	0.3	7.1	1.8
Robbery/armed robbery				0,6	0.4	0.2	0,19	0.2	0.0	1.1	1
Theft of other personal property				2,1	1.0	0.9	0,83	0.2	0.2	2.8	3.8
Sexual offences				0,09	0.1	0.1	0,04	0,0	0.02		0.8
Assault and threats of violence *				1.1	1.1	1.0	0,18	0,5	0.4	1.2	3. 8*
Consumer fraud				10,2	4.4	5.0	5,08	2.6	2.3	-	11
Corruption				0,5	0.5	0.2	0,2	0,2	0,04	0,04	2

* Assaults and threats of violence are summarised

** Victimisation survey in Georgia, 2005

Victimisation based on various characters

Victimisation level by regions

The goal of the survey was to follow the victimization levels in Georgia based on regions. Though Georgia is a small country, the differences according to ethnic, demographic, geographic, social, and even economic and environmental factors differ substantially. Such variables can directly or indirectly influence the range and intensity of criminal activities and subsequently victimization levels.

According to survey results, the level of multiple victimisation in Georgia in the last five years is 16% that is 0.8% less compared to result of survey 2011 (16.8%). The multiple victimization level for 10 crimes has also decreased from 7% in 2011 to 6.1% in 2012 (**see table 7**).

Based on settlement type, the victimization level displayed some changes that require further analyses. According to survey 2012, the multiple victimization rates in large cities (45.000+) were 18.8%, 6.3% less than the results of 2011 – 25.1%. In rural areas, this result increased from 13% to 15.2%. In 2012, the level of multiple victimizations varied between 4% - 24%.

According to the survey, Tbilisi is in first place for registered crimes as well as the victimization level. CSS of 2012 displayed that for last 5 years, based on 21 crimes, there were 181 (24.1%) cases of victimization. This is 52 cases less comparing to result of 2011. According to CSS 2012, 87 cases (11.6%) of victimization were displayed based on 10 crimes for the last 5 years. The same level was a bit higher in 2011 – 97 cases (12.9%). The decrease in victimization level is attributable to improvement of public order; however this process is slower in rural areas.

According to the 2012 survey, some regions of Georgia displayed changes from the 2011 survey (21 crimes for the last 5 years). Based on 2012 data, the largest decreases in regions were observed in Shida Kartli from 21.8% to 7.6%; in Mtskheta-Mtianeti from 30.5% to 7.7%; the greatest increase were observed in Samegrelo from 11.1% to 19.0% and in Guria from 14.9% to 20.1%. Mentioned data is not absolutely precise, falling within a large range of 25-30%, because the absolute number of cases is not large enough for precise analysis.[9]

5 year victimization for 21 crimes, according to survey of 2010, was 25% in the 16-20 age group; in 2011 – 11.2%; and in 2012 – 23%. The level of multiple victimization is stable. However, in the 61+ age group, here we observe a sharp decrease in victimization: in 2010 – 23.5%; in 2011 - 19.0%; and in 2012 - 11.9%.

In 2012, victimization based on gender is the following: females – 19.4%, which is significantly higher compared to males – 12%. The data from 2011 didn't reveal such significant differences between gender victimization levels: females 17.4% and males - 16.1%. There is a high probability that the trend is connected to the structure of victimization. To be more precise, out of 479 victimization cases (21 crimes for the last 5 years), 147 (one third) were victims of consumer fraud. The number of females that were victims of this crime was 102, and males – 45. In 2011, 58 males and 71 females were victims of this crime.

Among the 479 cases of victimization, 320 (66.8% among victimized) cases happened to those who were unemployed. In 63 cases (13% among victimized) the victims were self-employed and in 96 cases (20% among victimized) – employed. Almost the same trend was observed in 2011 – among 503 victimization cases, 68.5% were unemployed, 11.9% - self-employed and 19.45 – employed.

[9] The theory is based on sample survey statistics patterns, which are formed and detected in the mass phenomena and processes. This phenomenon is called the law of large numbers (LLN), the basis is the theory of probability. It is a branch of mathematics, where we study random phenomena with stable frequency and probability, which helps to identify patterns in mass repetition phenomena.
In probability theory, the law of large numbers is a theorem that describes the result of performing the same experiment a large number of times. According to the law, the average of the results obtained from a large number of trials should be close to the expected value, and will tend to become closer as more trials are performed. The difference between the sample and the population, and is called the error of representativeness (sampling error). The index of the error can be calculated by using a special formula [7].

We have analyzed MIA statistics by region to get some reinforcement for the above mentioned data. The research displayed that in 2006-2011, a general decrease of crime level was observed in the regions: in Mtskheta-Mtianeti by 64% (from 1448 crime to 521 crimes); in Shida Kartli by 39% (from 1952 crimes to 1025 crimes); in Adjara by 80.7%, and Guria has seen an increase of 16% (from 712 crimes to 845)[16], [17].

Table 7- Multiple victimisation rate based upon geographic and demographic parameters

	Victimisation rate 21 crimes (five years), 2010 yr.	Victimisatio rate 10 crimes (five years), 2010 yr.	Victimization rate 21 crimes (five years), 2011 yr.	Victimisation rate 10 crimes (five years), 2011 yr	Victimization rate 21 crimes (five years), 2012 yr.	Victimisation rate 10 crimes (five years), 2012 yr
Total	**29.7%**	**11.1%**	**16.8%**	**7.0%**	**16.0%**	**6.1%**
Region						
Tbilisi	42.0%	19.4%	30.9%	12.9%	24.1%	11.6%
Kakheti	19.6%	4.9%	7.6%	2.7%	11.1%	6.1%
Shida Kartli	43.8%	15.2%	21.8%	9.4%	7.6%	4.6%
Kvemo Kartli	20.4%	8.3%	9.8%	6.3%	11.0%	4.4%
Samtskhe-Javakheti	7.3%	2.9%	2.5%	2.0%	2.5%	0.0%
Adjara	14.7%	9.2%	5.9%	3.1%	15.5%	8.0%
Guria	14.5%	5.0%	14.9%	8.6%	20.6%	7.0%
Samegrelo	27.7%	6.1%	11.1%	1.7%	19.0%	3.1%
Imereti/Racha/Svaneti	34.1%	10.1%	14.4%	5.4%	16.2%	2.8%
Mtskheta-Mtianeti	35.2%	10.0%	30.5%	13.1%	7.7%	3.3%
Gender of respondent						
Male	29.4%	11.0%	16.1%	6.4%	12%	5.1%
Female	29.9%	11.2%	17.4%	7.5%	19.4%	6.9%
Age of respondent						
16-20 yr.	25.3%	8.9%	11.2%	3.5%	23.0%	11.5%
21-30 yr.	33.8%	14.0%	16.4%	9.1%	14.9%	5.5%
31-40 yr.	32.5%	11.2%	18.6%	6.4%	21.2%	7.8%
41-50 yr.	31.5%	11.3%	15.1%	6.0%	14.6%	5.0%
51-60 yr.	31.8%	13.1%	17.6%	8.9%	13.0%	4.6%
61 years old and older	23.5%	8.5%	19.0%	7.1%	11.9%	4.3%
IDP status						
IDP	41.8%	15.0%	32.6%	14.4%	16.6%	5.0%
Not IDP	29.4%	11.1%	16.3%	6.8%	16.0%	6.2%
Education						
Low	24.8%	8.5%	12.6%	4.4%	13.4%	5.3%
Middle	30.9%	11.2%	11.3%	4.3%	15.8%	5.5%
High	34.8%	14.3%	26.1%	12.5%	19.0%	7.5%
Average Household monthly income						
100 Gel	22.9%	6.9%	16.0%	6.4%	11.6%	2.8%
101-200 Gel	27.8%	9.5%	14.7%	6.3%	15.6%	6.4%
201-400 Gel	29.6%	8.5%	15.9%	6.0%	14.0%	4.0%

	Victimisation rate 21 crimes (five years), 2010 yr.	Victimisatio rate 10 crimes (five years), 2010 yr.	Victimization rate 21 crimes (five years), 2011 yr.	Victimisation rate 10 crimes (five years), 2011 yr	Victimization rate 21 crimes (five years), 2012 yr.	Victimisation rate 10 crimes (five years), 2012 yr
401Gel and more	38.6%	17.3%	21.3%	9.6%	19.9%	8.2%
Respondent's experience with law enforcement bodies						
Yes	46.7%	19.0%	20.4%	8.2%	25.1%	11.8%
No	26.5%	9.6%	16.2%	6.8%	14.2%	5.0%
Respondent's employment status						
Unemployed	28.9%	10.6%	15.9%	6.6%	15.4%	6.0%
Self-employed	30.3%	7.3%	17.9%	7.0%	16.9%	5.6%
Employed	32.5%	15.4%	19.8%	8.6%	17.8%	6.9%

Comparison of victimsation level in Georgia and in Europe

A comparison of the victimisation level in Georgia and in 30 European countries in 2004 provides us with the opportunity to evaluate the results of reforms in the spheres of law enforcement and the Georgian judiciary systems.

The comparison demonstrates that the average level of victimization in Georgia is one of the lowest found among European countries.

The victimisation rate of 2.8% and 5.5% (2010 and 2012 respectively) in Georgia in terms of the theft of motorcycle/moped and scooters is one of the highest found in Europe. It is interesting that the motorcycle/moped is not a popular means of transportation in Georgia and that the number of owners is comparably low. This fact helps explain the high percentage of theft in 2010 – 2.8% and in 2011 – 4.5%; in 2012 only 1 person out of 23 owners (0.8% of total sample) was a victim of the mentioned crime, and they were 5.5% of the owners. It needs to be mentioned that between 2011 and 2012, the number of bicycle owners has increased two times, from 269 (9% of total sample) to 537 (17.9% of total sample). Subsequently, the victimization rate have increased: in 2011 there was just 1 case (0.5% among owners) of bicycle theft and in 2012 – 13 (2.4% of owners) cases.

The incidence of assaults and threats of physical violence in Georgia (1%) is 5-10 times lower than similar figures found in European countries. Such findings include assaults and threats of violence against strangers, as well as domestic crime. Many of the respondents found it inappropriate to publicly discuss the topic of domestic violence, and in the actual number of cases, this crime usually makes up a large component of the overall percentage of violent crimes. The lack of frankness of the respondents from post-totalitarian countries and the tendency to hide their private family problems and not openly address the appropriate authorities in seeking assistance, especially in terms of domestic and sexual violence, imply that a large number of such crimes are latent.

The same conclusion can be made regarding the reported rate of sexual offences. The level of crime for sexual violence in Georgia is 0.1%, which at face value appears to be unrealistic.

Hence, it is virtually impossible to compare figures in Georgia with those of European countries (0.3-11%). Respondents simply do not have the desire or inclination to discuss such intimate details of their private lives, as to do so is to face stigma and to run the risk of problems with parents, spouses, neighbors and others.

The case of Estonia is of significant interest for this report, as it is the only other post-Soviet country that participated in the European victimization survey in 2004. The average level of victimization there was found to be the highest in Europe (58.4%), which exceeds (nine times) similar findings for Georgia (6%).

In 2010, 6 western countries conducted the victimization survey. A comparison shows that the level of victimization, according to 10 crimes for the last 5 years, is much higher in those countries than in Georgia. The average data for these countries is 46.5%, which is 9 times higher than the Georgian results in 2012 (5%) (See table 8).

Table 8 – Victimisation over 5 year's prevalence, Comparison with other countries

	Survey year	Overall victimization for 10 crimes	Car theft	Theft from and out of car	Motorcycle theft	Bicycle theft	Burglary	Attempted burglary	Robbery/armed robbery	Theft of other personal property	Sexual incidents against women	Assaults and threat of violence*
Canada **	2010	41	5.1	16.9	5.5	15	5.6	5.7	2.7	11.3	6.1	8.9
Denmark	2010	52.7	4.8	13	11.4	26.1	10.6	5.3	2.8	13.2	2.7	9.9
Germany	2010	42.2	1.5	12.6	3.3	16.5	5.4	5.6	2.8	14	5.1	11.3
Georgia	2010	10.4	1.1	7.3	2.8	1.5	2.7	1.2	0.6	2.1	0.1	1.1
Georgia	2011	6.0	0.4	3.6	4.5	0.5	2.2	0.7	0.4	1.0	0.1	1.1
Georgia	2012	5.0	0.4	3.0	0.8	2.4	1.6	0.5	0.2	0.9	0.1	1.0
Holland	2010	52.2	1.8	15.6	6.4	23.7	4.8	7.2	4	12.6	3.7	13
Sweden	2010	44.9	3.5	10.4	4.7	20.2	3.7	3.3	2.4	12.1	4.8	11.8
Great Britain	2010	41.6	3.7	14.5	12.7	12.6	5.7	7.1	3.4	11.6	5.6	14.3

The level of victimisation in Tbilisi and other capital cities

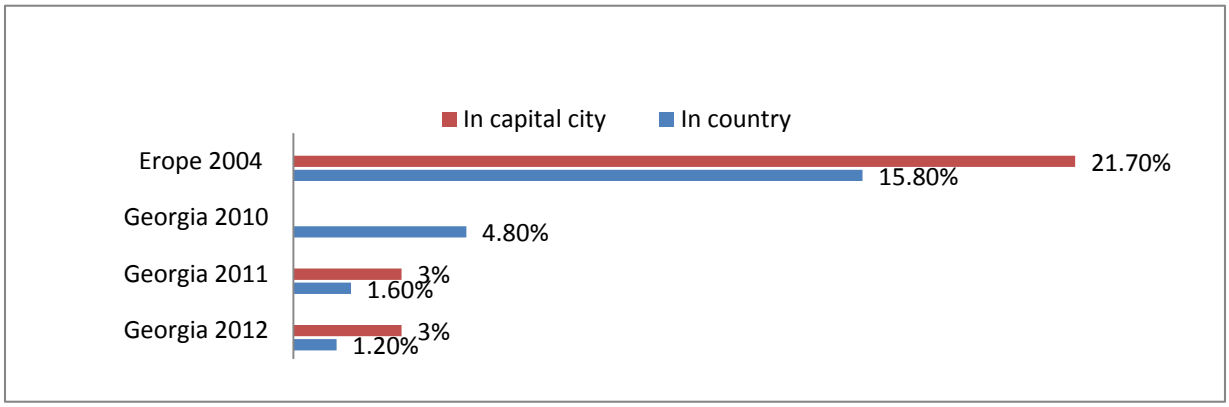
Comparison of the level of victimisation in Tbilisi and other capital cities

Crime levels are usually higher in capitals and other large cities, as is displayed in various international surveys. For instance, according to the victimisation survey in 2004 in Europe (based on 10 crimes), the average level of victimisation was 15.8%, whereas in the cities of those countries the average was 21.7%. Generally the victimisation levels in cities of developing countries are higher when compared with developed nations. However, in some large European

* Assaults and threats of violence are summarized.

cities such as: London, Amsterdam, Belfast, and Tallinn, the level of victimization is also quite high [9, 151-152].
Though the level of victimization is significantly lower in Georgia, the same trend can still be noted here. The level of victimization is higher compared with the same figure on a national level (among 10 crimes, as based on "last year's" figures). In 2012, this percentage stood at 1.2% for Georgia as a whole and 3% for Tbilisi).

Graph 14. Average victimization level in Georgia and Europe, Tbilisi and 28 other capital cities (10 crimes, one year prevalence)



Reported crime

The Crime and Security Survey assists legislative bodies, policy makers and other interested stakeholders in obtaining complete information about those who have been victimised, including related demographic data. The existence of such full information helps to assess crime and the danger it creates for various segments of society.

The survey demonstrated the reasons why victims may not report the crime to the police. Meanwhile, data was also collected and collated in terms of how satisfied are those who report crimes.

According to CSS, the number of persons who reported a crime (crimes against individual, cries against individual and he) increased. However, the victimization level in 2011 significantly decreased compared to 2010, and in 2012 it remains low. To be more specific: in 2010, out of 891 cases of victimization (27.9%), only 126 (18.5%) cases were reported to police; in 2011 out of 503 cases (16.8%) only 118 (29.5%) were reported. In 2012, out of 479 (16.0%) victimization cases only 97 were reported.

Crime against individual and HH

A comparison of the 2010 and 2012 surveys demonstrated that the rate of individual HH crimes being reported has increased. It was impossible to analyze the reporting rate for such crimes as car vandalism, motorcycle theft, bicycle theft, attempted burglary at garages and other locked-

up facilities, because very few cases (1-2) of victimization were revealed. However, the results for other crimes are low, which still reveals the attitude of populace towards the police.

According to the 2010 survey (based on 21 crimes), every fourth (25%) respondent who was victimized reported the incident to the police. During the next wave of survey (2011), 32% of respondents reported to the police, which is a significant increase in reporting.

In 2010-2012 respondents reported the following crimes most frequently: extortion 63%-50.7% (average 58.6%); burglary - 44.4%-49.7% (average 47%); car theft - 39.5%-47.4% (average 43.45%); livestock theft - 14.7%-45% (average 29.8%). Among the listed crimes, it is significant that respondents more frequently reported livestock theft (30.2%) to police in 2012, which reveals the increase of police authority among the rural population (71.8% of the rural populace are livestock owners).

Table 9. Reporting rate for crimes against individual and HH 2010-2012

	2010		2011		2012	
	Reported crime	Number of victims who reported	Reported crime	Number of victims who reported	Reported crime	Number of victims who reported
Car theft	47.2%	6	39.5%	2	47.4%	2
Theft from and out of car	11.1%	9	21.3%	8	17.7%	6
Car vandalism	10.0%	2	18.4%	2	0.0 %	
Motorcycle theft	100.0%	1	0.0%	-	100%	1
Bicycle theft	33.9%	2	0.0%	-	0.0%	
Livestock theft	18.4%	15	14.7%	7	45.0%	17
Burglary	47.5%	38	49.7%	32	44.4%	21
Burglary at garages and other locked-up facilities	13.3%	9	26.7%	11	23.7%	13
Attempted burglary	7.0%	2	22.7%	5	13.9%	2
Attempted burglary at garages and other locked-up facilities	6.9%	1	0.0%		14.7%	1
Household vandalism	11.4%	6	23.3	8	13.7%	2
Extortion	63.0%	4	61.3%	5	50.7%	4

Reasons for not reporting a crime may be different.

For example, in 2012, only 47.4% of car theft victims reported the crime. A large part of victims (52.6%) didn't report. The reason for not reporting could be various (e.g. the car was driven without permission by a friend or relative; the victim had agreed on reasonable payment for returning the stolen car, while police involvement might encourage the offenders could destroy the car; etc.).

Only 44.4% of victims reported their burglary, the other half of victims didn't report. In such cases, the volume of loss has a significant influence. The higher the loss, more the victim is motivated to report. Victims also may suspect that the burglary was done by a family member or friend and they try to settle the matter themselves.

Assessment of crimes based on degree of seriousness

The rate and reasons for reporting and not reporting crime to the police do not often reflect the victim's objective assessment of seriousness. Assessment of the seriousness of incidents is provided in the table below based on data of 2012.

The answers to the question "Taking everything into account, how serious was the incident for you or your household?" were as follows: 76.9% declared extortion/blackmail to be very serious; livestock theft - 60.5%; burglary - 53.9%; car theft - 48.3%. The followings were named as "Not very serious": car vandalism - 51.4%; theft from and out of car - 51% and burglary - 44.2%.

Table 10. Respondents assessment of seriousness of incidents (crimes agains individual and HH - 2012)

	Very serious	Fairly serious	Not very serious	DK
Car theft	48.3%	28.8%	22.9%	0.0%
Theft from and out of car	9.0%	40.1%	51.0%	0.0%
Car vandalism	19.0%	25.6%	51.4%	4.0%
Motorcycle theft	0.0%	100.0%	0.0%	0.0%
Bicycle theft	17.9%	49.6 %	32.6	0.0%
Livestock theft	60.5%	20.5%	14.0%	5.0%
Burglary	53.9%	30.6%	15.6%	0.0%
Burglary at garages and other locked-up facilities	28.4%	29.3%	39.1%	3.1%
Attempted burglary	7.1%	34.7%	44.2%	13.9%
Attempted burglary at garages and other locked-up facilities	14.7%	26.9%	27.2%	31.2%
Household vandalism	29.5%	47.2%	23.4%	0.0%
Extortion	76.9%	23.1%	0.0%	0.0%

Crimes agains individuals

The surveys of 2010-2012 revealed a trend in reporting crimes against an individual. Due to small numbers (1 or 2 cases), further analyses waren't done for such crimes as: sexual offences, personal bank account abuse, personal information abuse and bribery.

According the 2010-2012 surveys, the following crimes were reported most frequenty: robbery/armed robbery - 44.5%-62.6% (on average 53.5%); theft of other personal property - 17.9%-39.5%(28.7%); Assault 20.3%-45.8% (33.0%); threat of violence 8.7%-46.7% (27.7%) .

Though the number of victims of crimes against individuals has decreased, the reporting rate of robbery has increased.

Table 11. Reporting rate for crimes agains individual 2010-2012

	2010		2011		2012	
	Reported crime	Number of victims who reported	Reported crime	Number of victims who reported	Reported crime	Number of victims who reported
Robbery/armed robbery	44.5%	8	57.3%	8	62.6%	4
Theft of other personal property	17.9%	11	39.5%	12	33.7%	9
Sexual offences	0.0%		60.5%	2	33.3%	1
Assault	42.6%	8	45.8%	8	20.3%	3
Threat of violence	8.7%	1	46.7%	6	33.2%	5
Personal bank account abuse	0.0%		0.0%		26.1%	1
Personal information abuse	27.0%	1	36.2%	1	28.3%	1
Consumer fraud	0.8%	2	1.3%	2	1.2%	2
Bribery	0.0%		6.7%	1	17.2%	1

Assessment of crimes based on degree of seriousness

According to respondents in 2012, the seriousness of incidents of crimes against individuals is as follows: personal bank account abuse was assessed as "very serious" by 73.2% of victims; sexual offences had the same assessment by 64.6%; personal information abuse - 54.4%; robbery/armed robbery - 52.3%. The following incidents were largely assessed as "not very serious": consumer fraud – by 79.5%; theft of other personal property - by 50.8%; Assault - 46.3%; personal information abuse - by 45.6%.

Table 12. Respondents assessment of seriousness of incidents (crimes agains individual - 2012)

	Very serious	Fairly serious	Not very serious	DK
Robbery/armed robbery	52.3%	26.3%	21.4%	0.0%
Sexual offences	64.6%	35.4%	0.0%	0.0%
Assault	26.5%	27.2%	46.3%	0.0%
Threat of violence	49.5%	15.4%	27.9%	7.3%
Personal bank account abuse	73.2%	0.0%	26.8%	0.0%
Personal information abuse	54.4%	0.0%	45.6%	0.0%
Bribery	49.1%	33.8%	17.2%	0.0%
Theft of other personal property	20.0%	27.3%	50.8%	1.8%
Consumer fraud	8.1%	11.4%	79.5%	1.0%

A comparison of the reasons for not reporting burglary to the police as listed in European countries and Georgia is interesting.

The main reason Europeans gave for not reporting incidents to the police was not worth reporting, not serious enough (34%)." In the 2010 survey 22.2% of Georgian respondents gave this reason; in 2011 - 6.6% and in 2012 – 7.3%.

Nearly every fifth European (21%) said that the "police were not able to do anything." In Georgia in 2012, the same answer was given by 24.7% of respondents. One of the reasons why Georgian respondents do not report crime is a "lack of evidence". During the survey in 2010, nearly one in four respondents said so (23.3%); in 2011 – 19.2% and in 2012 - 15%. Europeans didn't name this reason at all.

Table 13. Reasons of not reporting burglary to the police; Europe vs. Georgia comparative data

	Georgia 2010	Georgia 2011	Georgia 2012	EU average
Private / family matter	3.6	6.4	13.2	11
Dealt with the matter by myself	5.9	11	8.8	18
Dislike / fear of police	1.9	0	2.4	6
Fear of reprisal	11.8	11.1	4.2	0
Police could not have done anything	30.2	20.6	24.7	21
Police would not have been interested	5.6	7.8	0	20
Not worth reporting, not serious enough	22.2	6.6	7.3	34
Lack of evidence	23.3	19.2	15.0	0

Note: Multiple answers were allowed, percentages add up to more than 100%

Reasons for reporting crimes in 2010-2012

The main purpose given for reporting was "to recover property" from 67.3% to 83.0% (in average 75.1%); 26.8%-39.9% (on average 33.3%) of respondents "wanted offender to be caught/punished". However, reporting for insurance reasons was rarely named 0.9%-3.8% (in average 2.4%).

Table 14. Reasons for reporting in 2010 -2012

The reason for reporting	2010	2011	2012
To recover property	73.5%	67.3%	83.0%
For insurance reasons	3.5%	0.9%	3.8%
Crime should be reported/serious event	11.3%	18.4%	16.5%
Wanted offender to be caught/punished	36%	26.8%	39.9%

To stop it happening again	20%	15.2%	36.5%
To get help	11.5%	11.9%	25.0%

The comparison of reasons amongst 30 countries of the world and Georgia for reporting seven types of crime to the police showed that:

1. The index of reporting crime to the police for seven crimes in Georgia is 31.1% in 2012 (average figure, see **table 15**). This is relatively low when compared with of similar index of developed democratic countries (for example in Germany – 56.4%; Japan – 57.8%; Estonia – 39.2%). However, it is significantly higher compared to countries of Latin America, for example Mexico (2.1%).
2. In Georgia, the victims report burglary less frequently to police. In 2012 the reporting rate was 44.4%, in 2011 – 50%. In particular, attempted burglaries are reported less frequently: in 2012 – 13.9% and in 2011 - 23%. The average reporting rate for other countries is 76%, with the exception of Mexico.
3. In Georgia, the theft of personal property is also less frequently reported to the police: in 2012 - 39.5%; in 2011 - 40%. The average of reporting rate for other countries stands at 47%.
4. A better situation is found in reporting violent crimes. For example robbery: in 2012 - 62.6% and in 2011 - 57.3%, which is one of the highest rates found anywhere. However, such data requires additional research and closer inspection.

Based on the above-mentioned information, it can be assumed that:

1. The level of understanding and knowledge of the law among Georgian citizens has increased.
2. In Georgia, the level of cooperation of citizens with law enforcement bodies is approaching the level of other developed countries.

Table 15. Comparative analyses of reported crime (%)

	Car theft	Theft from and out of car	Burglary	Attempted burglary	Robbery	Theft of personal property	Assaults and threats*
Austria	72	77	73	59	48	62	35
Denmark	85	83	82	30	43	43	39
England and Wales	88	69	88	47	60	60	36

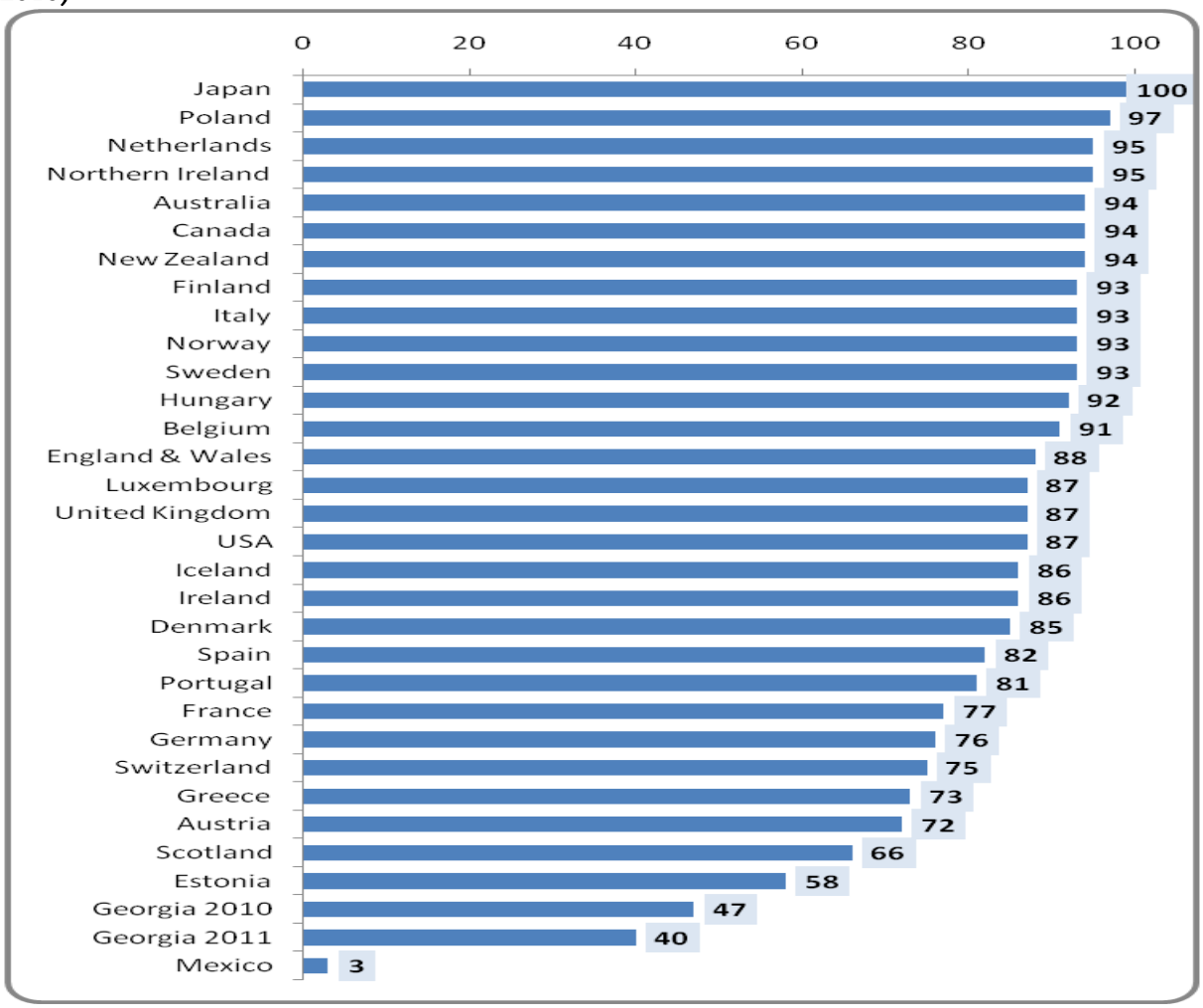
* In the survey of 2010 -2011 in Georgia the question for assaults and threats are asked separately. The figures in the table concerns only assaults.

Estonia	58	48	52	23	39	29	26
Finland	93	76	68	22	41	49	23
France	77	64	77	45	44	47	40
Germany	76	79	86	51	36	43	24
Georgia 2010	47	11	48	7	45	18	43
Georgia 2011	40	21	50	23	57	40	46
Georgia 2012	47	18	44	14	63	34	20
Greece	73	35	71	40	34	40	22
Hungary	92	55	76	47	46	44	18
Iceland	86	66	73	29	41	28	30
Ireland	86	62	85	40	38	40	31
Italy	93	48	78	34	51	61	35
Japan	100	66	63	18	25	87	46
Luxemburg	87	71	82	57	39	52	29
Mexico	3	2	3	2	2	1	2
Netherlands	95	79	92	52	52	54	33
New Zealand	94	65	80	37	52	44	44
Northern Ireland	95	64	88	54	67	43	51
Norway	93	70	72	31	59	50	34
Poland	97	52	62	32	38	30	38
Portugal	81	45	55	19	61	55	22
Scotland	66	75	90	66	44	53	53
Spain	82	58	63	34	48	46	38
Sweden	93	79	77	39	49	52	35
Switzerland	75	69	82	50	45		22
United Kingdom	87	68	88	48	62	59	37
USA	87	64	77	38	61	48	43

Note: The survey in other countries was conducted in 2004-2005, and in Georgia in 2010 - 2012.

The percentage of reported incidents of car theft can't be considered a trend, for the absolute findings are only based on limited cases (total of 4-5 incidents).

Graph 15. Analyses of comparative data concerning reported incidents of car theft (Georgia 2010)



The results of comparative analyses obtained from the victims of five crimes that were reported to the police are noticeable (**table 16**). According to closer analyses, 14%-63% of Georgian respondents are satisfied with the way police handled their crime reports, and such findings are consistent with results obtained from 30 other countries.

The only exception is with sexual offences, based on subjective reasons (apparently culturally related), as to why data on the actual level of this particular crime couldn't be collected in Georgia and Mexico. The survey in 2012 revealed that police performance in Georgia was assessed by respondents more positively (on average 41.8%) than in 2011 (average 39.1%).

Table 16. Satisfaction with police performance. Comparison of European countries and Georgia according to 5 crimes

Satisfaction with the report

	Survey year	Theft from and out of car	Burglary	Robbery/ armed robbery	Sexual offences	Assaults and threat of violence*
Australia	2004	65	75	65		66
Austria	2005	77	81	50	24	38
Belgium	2005	62	71	60	3	53
Denmark	2005	71	80	67	90	66
England	2005	58	71	60	50	57
Estonia	2004	34	31	30	51	33
Finland	2005	74	61	81	100	70
France	2005	53	55	54	3	46
Germany	2005	64	74	61	43	62
Georgia 2010	**2010**	**45**	**40**	**29**	**0**	**86**
Georgia 2011	**2011**	**14**	**40**	**45**	**37**	**63**
Georgia 2012	**2012**	**53**	**47**	**47**	**0**	**62**
Greece	2005	42	17	32	99	21
Hungary	2005	45	36	40	64	39
Iceland	2005	48	74	62	46	55
Ireland	2005	59	64	63	91	56
Italy	2005	38	44	26	0	53
Japan	2004	46	49	34	17	17
Mexico	2004	35	19	21	0	48
Netherlands	1996	72	79	72	42	58
Northern Ireland	2005	54	63	73	89	58
Poland	2004	42	39	60	74	55
Portugal	2005	66	49	38	18	73
Spain	2005	58	58	69	100	78
Sweden	2005	57	80	79	59	65

Perception of personal safety

"The positive perception of safety leads to behaviours that reduce the risk of victimisation for vulnerable groups within society, and as it is widely acknowledged, fear of crime can result in serious curtailment of everyday activities, lost opportunity, and a reduction in the quality of life" [2].

* In the survey of 2010 -2012 in Georgia, the question for assaults and threats are asked separately. The figures in the table concerns only assaults.

"If fear becomes extreme and residents retreat from going out into public spaces, the result may be a gradual decline in the character of communities, which in turn can lead to increased disorder and a higher level of crime"[3].

Overall, the vast majority of Georgians are not worried about becoming a victim at their place of residence (home), in local areas or somewhere in the country as a whole. The analyses of questions concerning worry of being victimized (2012 Crime and Security Survey) demonstrated this positive trend. If we compare the latest results to 2010/2011 Crime and Security Survey we observe the following:

1. In 2012, a majority of respondents were "not worried at all" about being physically attacked over the preceding 12 months, or about a family member/person or close associate being physically attacked or falling victim to a burglary (74.7%-76.1%). In 2010, the number of respondents who were also "not worried at all" over the proceeding 12 months about being physically attacked, about a family member/person or close associate being physically attacked or falling victim to burglary was on the same level (65.8%-70.9%). The number of respondents who were worried of becoming victim of such cases in 2012 were 1.6%-2.6% and in 2010 - 2.7%-4.8%.

2. The vast majority in the 2012 survey (93%) declared that they felt safe when walking in a local area and did not feel it necessary to avoid any persons or specific streets. In 2010 the number of respondents with the same answer was 88%. Meanwhile, according to survey in 2012, 3.4% of respondents say the opposite, and 2.3% of respondents said they never go out. In 2010, 6.0% of respondents didn't feel safe outside and 4% declared that they never go out.

Table 17- Worried about crime (past 12 months)

2010

	Not worried at all	Not very worried	Not worried	Fairly worried	Very worried	Worried
Worried about being **physically attacked**	70.9%	25.8%	96.8%	2.5%	0.2%	2.7%
Worried about family member/person close **being physically attacked**	65.8%	28.6%	94.4%	4.4%	0.3%	4.8%
Worried about being **physically attacked**	67.0%	27.5%	94.5%	4.1%	0.5%	4.6%

2011

	Not worried at all	Not very worried	Not worried	Fairly worried	Very worried	Worried
Worried about being **physically attacked**	75.8%	20.6%	96.4%	2.70%	0.40%	3.10%

Worried about family member/person close **being physically attacked**	73.5%	22.4%	95.9%	2.70%	0.20%	2.90%
Worried about being **physically attacked**	75.5%	20.5%	96.0%	3.10%	0.60%	3.70%

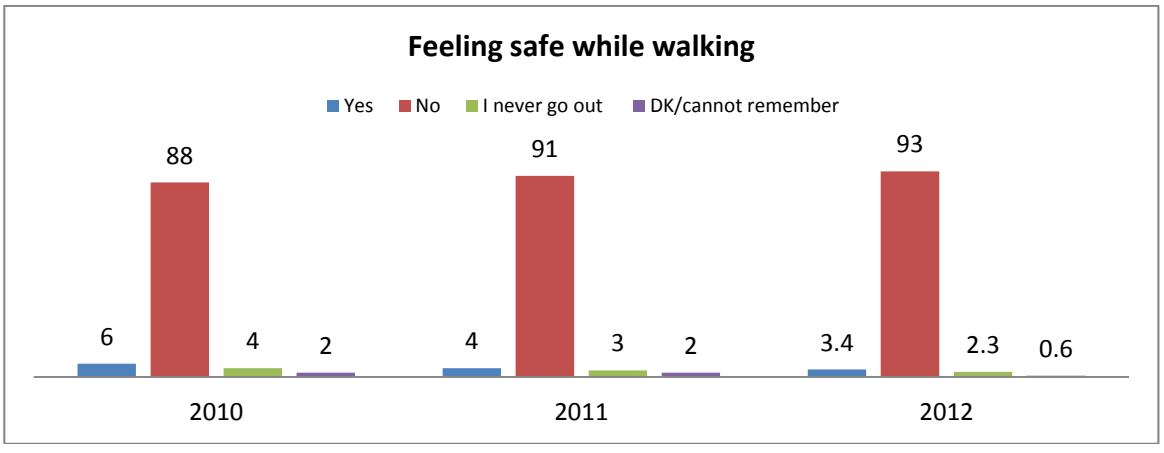
2012

	Not worried at all	Not very worried	Not worried	Fairly worried	Very worried	Worried
Worried about being **physically attacked**	76.1%	21.9%	98.0%	1.50%	0.10%	1.60%
Worried about family member/person close **being physically attacked**	74.8%	22.2%	97.0%	2.10%	0.30%	2.40%
Worried about being **physically attacked**	74.7%	22.4%	97.1%	2.40%	0.20%	2.60%

Combined "not worried at all" and "not very worried" categories are combined in the "not worried" column and "fairly worried" and "very worried" in the "worried" column.
Don't know answers are not included in the table; they are also not treated as system missing cases.

Among those who declared that they try to avoid certain places because it is not safe, 76 were females and 26 were males. They were mainly from 21-30 and 16-20 age groups; mainly residing in urban areas and in Tbilisi.

Graph 16. Question: Where you trying to avoid any person, or street, or area in terms that it is not safe there?



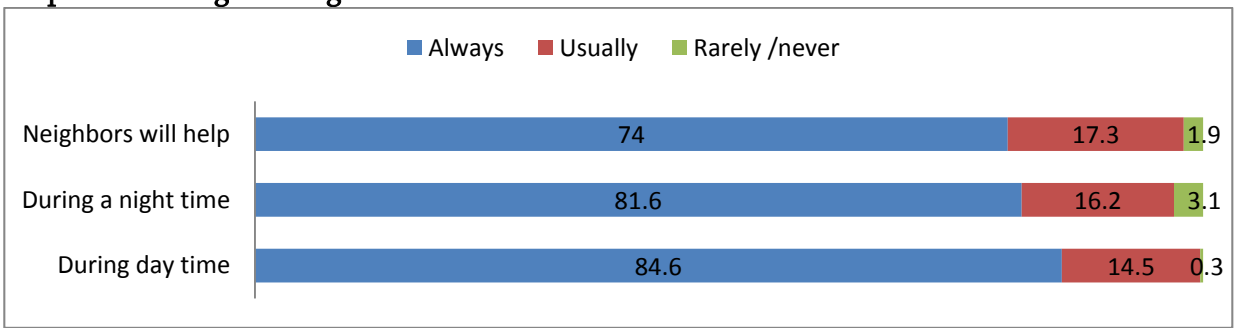
The vast majority of respondents (96%-98%) "always" felt safe during day time hours in 2012. The perception of safety during the night hours was lower in 2011: 67.9% of respondents answered that they always feel safe during the night hours. In 2012, respondents who felt safe

increased to 81.6%. Those who gave any of the combined number of answers – "depends/rarely/never" - dropped from 4% to 3.1%.

It is noteworthy that in 2012 the number of respondents who believe that, if needed, neighbours will "always" help them has increased from 61.9% in 2010 to 74%; and the number of those answering that neighbours help them "rarely/never or depending" decreased from 11.1% to 5.6%.

These results suggest that after a long lasting anomy, there is a steady process of improvement in interaction within Georgian society. Constitutional rights of citizens are actually being protected and they are ensured the protection of their right to life, health and private property. The decrease in trust of mutual assistance is probably linked to the difficult economic situation, especially when financial assistance is expected from a third person.

Graph 17. Feeling safe in general



The assessment of crime prevention measures

The perception of respondents crime prevention methods is an interesting area of research. The absolute majority of respondents believe that the main responsibility for crime prevention rests with the branches of the Georgian Ministry of Internal Affairs. 28% of those surveyed in 2012 believe that the level of crime will be reduced as the number of patrol police is increased; 27% think that the work of district inspectors should be intensified; 12.4% think that closer supervision of those addicted to drugs should be organized. It is noteworthy that in 2010, 37.7% of respondents said the same). Likewise, 9.1% think that there should be better supervision of those persons with a criminal record, while in 2010, 20% of respondent thought so.

Less often did respondents mention technical measures in terms of crime prevention.

In the results demonstrate the Georgians trust law enforcement bodies and are ready to allow the supervision over drug users and those with criminal records. However, preventive measures such as Installation of encoded doors are losing popularity.

2010, 33.1% of respondents mentioned "installation of encoded doors in main entrance of apartment house"; in 2012, only 13.0% named this option. In 2010, 24.8% of respondents

mentioned "installation of electronic surveillance cameras"; in 2012 only 18.1% of respondents mention this answer.

In surveys of 2010-2012 8.0%-12.5% of respondents believed that "prohibition to sell alcohol beverages after-hours" is necessary. However, only 3.7%-7.3% of respondents in 2010-2012 believe that it would be effective to use billboards and leaflets to prevent or reduce crime.

Table 18 - Question: "What measures among listed below do you consider is important to be implemented in your area in terms to reduce the crime?"

Measures	2010(%)	2011 (%)	2012 (%)
Installation of encoded doors in main entrance of apartment house	33.1%	13.5%	13.0%
Installation of electronic surveillance cameras on certain parts of district	24.8%	10.6%	18.1%
Increasing number in police patrols	36.3%	25.8%	28.0%
Intensify the work of district inspector's	27.9%	27.0%	27.0%
Supervision over drug users	37.7%	13.9%	12.4%
Organization of supervision over convicted persons	20.0%	8.0%	9.1%
Prohibition to sell alcohol beverages after-hours	12.5%	8.0%	12.4%
Installation of information billboards concerning prevention of specific crime (i.e. drug or human trafficking)	3.7%	4.7%	7.3%
DK	9.0%	20.5%	34.0%

Methods of personal safety

The survey results for 2010-2012 demonstrate that the majority of respondents do not consider the possibility that they may become a victim of crime, thus only 4%-5% of respondents have acquired self-defense skills; 0.9% - 1.8% of respondents answered that carry an object that they believe can be used as a weapon if needed. It needs to be pointed out that in 2011 the number of those who declared that after dark they go out only in groups have decrease by 7% (from 15.1% to 8.4%).

Table 19. Assessment of measures for self-defence 2010-2012

	2010		2011		2012	
	Yes	No	Yes	No	Yes	No
To improve your personal safety: Have you taken courses on self-defence?*	5.7%	94.2%	4.1%	95.5%	-	-
To improve your personal safety: Carry with you an object to be used as a weapon if needed?	1.8%	98.2%	0.9%	98.6%	1.8%	98.2%
To improve your personal safety: Always try to go out in a group after dark.	15.1%	84.6%	10.0%	89.0%	8.4%	91.5%

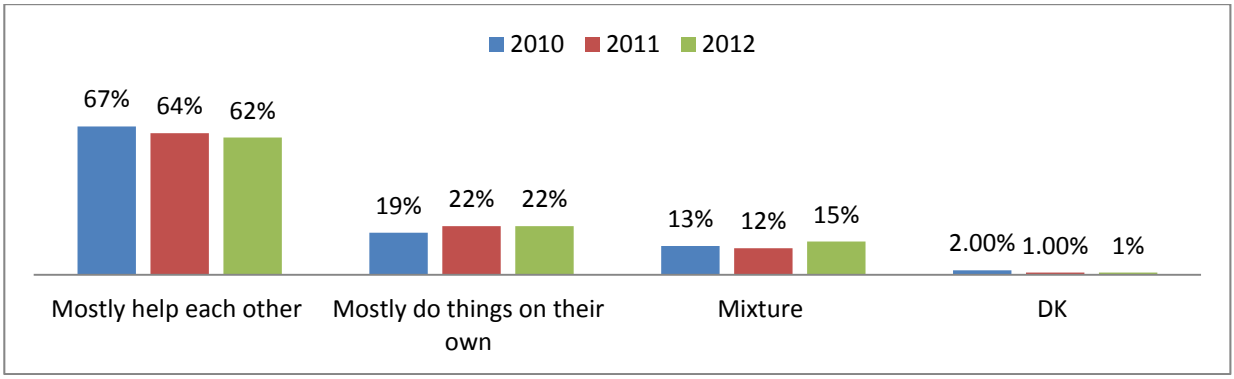
*This question wasn't included in 2012 survey

The assessment of the level of mutual assistance and support

The social environment, the standards of coexistence, and mutual assistance play a significant role in reducing the level of victimisation. People feel they are more protected in their own areas: yards, streets, local community or larger cities. This environment encourages interaction locally and for the country as a whole.

To provide for the harmonious coexistence of people, mutually supportive assistance and faith among close people: relatives, friends, neighbors or other ordinary citizens will help in dealing with specific problems. The survey in 2010- 2012 demonstrated that 62%-67% of respondents believe they live in areas where people are "mostly helping one other"; 10-22% feel they "mostly do things on their own"- and 13-15% told of a "mixture" (see graph **18**).

Graph 18. Question: In what kind of area would you say that you live is it one where people mostly help each other, or where people mostly do things on their own?



The most problematic crimes for Georgia

Based on a data from 2012, respondents have the same attitude towards the challenges of crime as in 2010-2011. According to respondents surveyed in 2010/2012, the most problematic crime in Georgia is the sale of drugs (33.8-54.9%) and the illicit use of drugs (37.1%-62.1 %).

For the last years, the number of respondents that consider the following crimes to be problematic has increased: Crime against life 14.9% - 63.2% ; fraud 1.4%-22.7%; theft - 2.9%-19.7%; corruption - 1.6%-9.0%. Declaring these problematic is not related to crime level. According to these data, it is clear that the crime level has decreased and subsequently the level of safety is increased.

For instance, respondents feel that the problem of drug use should not be criminaly liable, and be treated as a social/medical problem. The public believes it necessary to make allowances for

social awareness of the problem, via social marketing, and to provide medical and psychological support in tandem with social rehabilitation.

The completed survey provides a snapshot of how society has become more sensitive towards violence and mercenary crimes, and that they believe that the fight against them should be continued as the danger still exists. Georgia is moving toward the different standards of safety and society has become more demanding in the regard to the fight against crime. Such an environment indirectly points to the improvement of social climate.

Graph 19. The most problematic crime in Georgia

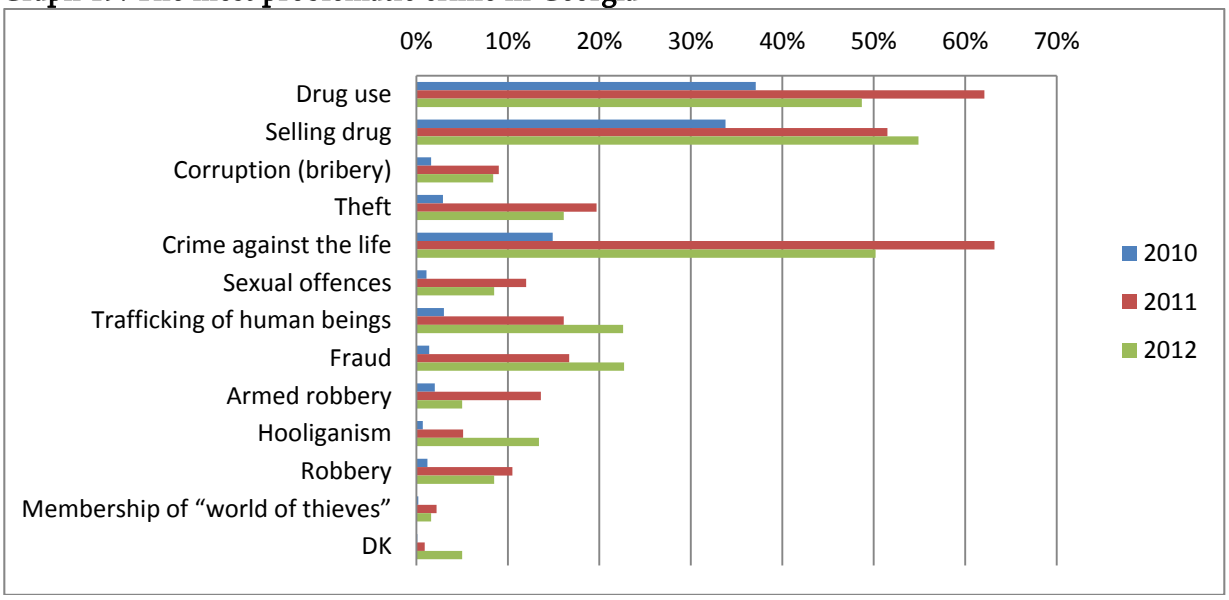


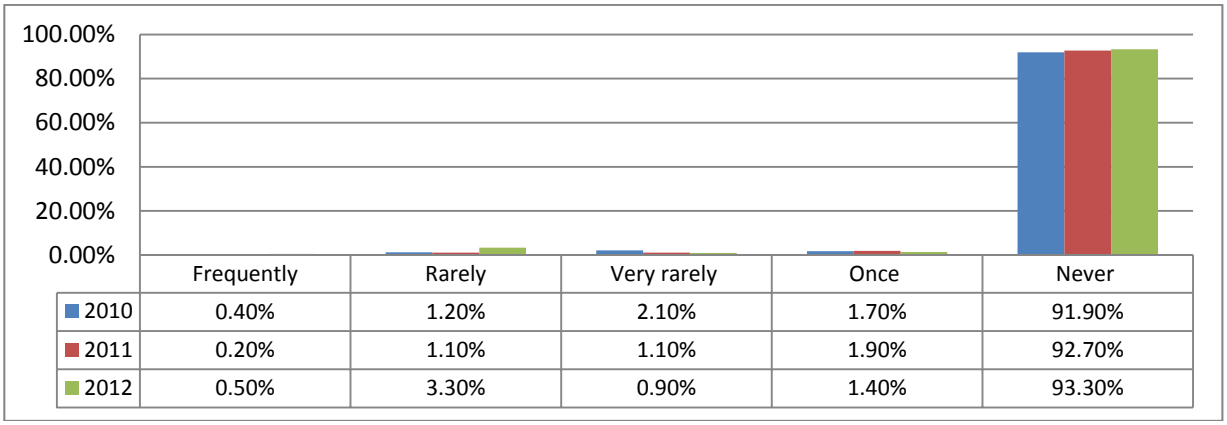
Table 20. Question: What crimes do you consider to be problematic for Georgia?

	2010		2011		2012	
	ბირი	%	ბირი	%	ბირი	%
Drug use	424	37.1%	1,862	62.1%	1,460	48.7%
Selling drug	386	33.8%	1,546	51.5%	1,646	54.9%
Corruption (bribery)	18	1.6%	269	9.0%	253	8.4%
Theft	33	2.9%	591	19.7%	484	16.1%
Crime against the life	170	14.9%	1,895	63.2%	1,505	50.2%
Sexual offences	13	1.1%	360	12.0%	256	8.5%
Trafficking of human beings	34	3.0%	483	16.1%	679	22.6%
Fraud	16	1.4%	502	16.7%	682	22.7%
Armed robbery	22	2.0%	409	13.6%	403	5.0%
Hooliganism	8	0.7%	154	5.1%	151	13.4%
Robbery	14	1.2%	314	10.5%	254	8.5%

Membership of "world of thieves"	2	0.2%	66	2.2%	48	1.6%
DK	2	0.1%	26	0.9%	151	5.0%

Another indirect sign of crime level reduction exists in that, in 2010, nine out of ten respondents (93.3%) said that they didn't engage in any unpleasant conversation with anyone, either those they know or strangers, regarding an unreasonable request for money a loan or a gift. In 2011, the same figure was lower – 92.7%. Previously, "footmen" and other representatives of the criminal world would request or demand money or shares in businesses as a gift or a collection of money for someone who was incarcerated, which included those connected to "thieves in law", etc. Positive declining tendencies have continued for three years.

Graph 20. Unreasonable request of money lending or item as a gift



	Frequently	Rarely	Very rarely	Once	Never
2010	0.40%	1.20%	2.10%	1.70%	91.90%
2011	0.20%	1.10%	1.10%	1.90%	92.70%
2012	0.50%	3.30%	0.90%	1.40%	93.30%

Results and "DK" answers are not indicated in the graph

Table 21 effectively indicates the reduction of pressure on the side of criminals, and that nine in ten respondents (92%) think that the power of criminals has significantly decreased; only 2.5% of respondents believe their authority has increased. This trend is observed over all three years of the survey.

There were 69 respondents (2.2% of sample) with the view that the authority of the criminal world has significantly increased, a bit increased or remained the same. The majority among those, 42 persons (3.8%), live in large cities; males are 36 (2.6%) and females 32 (2.1%). The most negative attitude among age groups belongs to those 61 years olds and older, comprising 17 respondents (2.3%); the most positive attitude is among the 21-30 yy. age group, only 6 persons in the group (1.0%) assessed the current situation negatively. Among those who believe that the authority of "thiefs in law" have increased - 54 persons (2.5%) are unemployed; 4 persons (1%) are self-employed and only 10 persons (1.5%) are employed.

Table 21. The assessment of the authority of "thieves in law" over the last five years

	2010	2011	2012
Significantly decreased	70	70	81
A bit decreased	10	10	7
Criminal don't have any authority any	6	7	3
Decreased (total)	**86**	**87**	**92**
Remained the same	3	2	1
A bit increased	1	1	1
Significantly increased	1	0	0.5
Increased (total)	5	3	2.5

Assessment of the problem of crime

In considering crime as a social phenomenon, it is necessary to know what the population thinks are the reasons for crimes, and who is more responsible for addressing it. Based on given options, "society" and "the state" – received 30.3% and 23.9%, respectively; "the victim" - 21.1%; and finally, "the offender" – 17.9%. These results show little difference when compared to the results from 2010. However, they reflect the perception of Georgian society that crime is mainly an institutional problem and not a personal one. In terms of policy considerations and the strategy to combat it, crime should be defined on the national level. This question was not included in 2012 survey.

Graph 21 . Question: What do you think, who is most at fault for crime?

Assessment of police in ensuring public order

The majority of respondents evaluated police performance highly in controlling crime.10

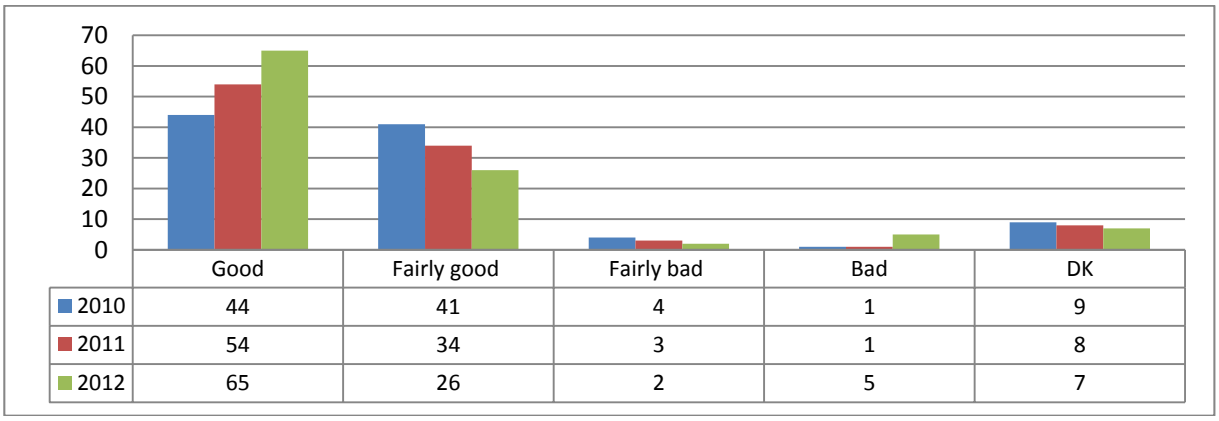
The majority of respondents in 2010-2012, 85%-91%, said that the performance of the police was good (44%-65%) or fairly good (26%-41%) in controlling the crime in their area.

Over this period, only 1%-5% believed that their performance was bad, and 2%-4% fairly bad.

Those who gave a negative assessment to police in regard to controlling crime in their area count 67 persons. Among them, 38 persons (3.5%) live in large cities, 7 (1.8%) – in small towns, 23 (1.5%) – in rural area; 36 individuals (2.6%) are males, 32 (1.9%)- females; 47 respondents (2.2%) are unemployed, 7 (1.8%) – self-employed and 15 (2.9%) - employed;

The survey results highlighted that Georgian society has a positive attitude towards the police, which is a common feature for developed democratic society.

Graph 22. Taking everything into account, how good do you think the police in your area is controlling crime?



	Good	Fairly good	Fairly bad	Bad	DK
2010	44	41	4	1	9
2011	54	34	3	1	8
2012	65	26	2	5	7

According to the 2012 survey, Georgian citizens give the most positive assessment of police out of the most developed countries (see table 22).

[10] It should be noted that in none of the European countries there is not any absolutely positive attitudes. As the law enforcement body, the police maintain specific duties that a segment of society doesn't favour. According to ICVS data in 2004, European respondents assessed police work positively on an average of 70%. In Estonia this finding is 41% [20, 141].

Table 22. The assessment of police performance (good and fairly good)

Country	%
Finland	89
USA	88
Canada	86
Georgia 2012	**91**
Georgia 2011	**87**
Georgia 2010	**85**
New Zealand	84
Australia	82
Denmark	82
Austria	81
Scotland	79
Ireland	78
England and Wales	75
Great Britain	75
Germany	74
Norway	73
Belgium	71
Hungary	70
Holland	70
Northern Ireland	70
Switzerland	69
Portugal	67
Italy	65
Sweden	65
Japan	64
Luxemburg	62
France	60
Spain	58
Greece	57
Estonia	47
Mexico	44
Poland	41
Average	**70**

The data of all countries given in the table dated to 2004-2005. The data for Georgia is for the period 2010-2012.

Cooperation with investigation

The attitude of the Georgian population toward cooperation with authorities in criminal investigations is interesting from a criminological perspective. The survey revealed that in

2012, the majority of respondents (61%) would certainly cooperate with a police investigation, which is 5% higher than with 2010 results (56%).

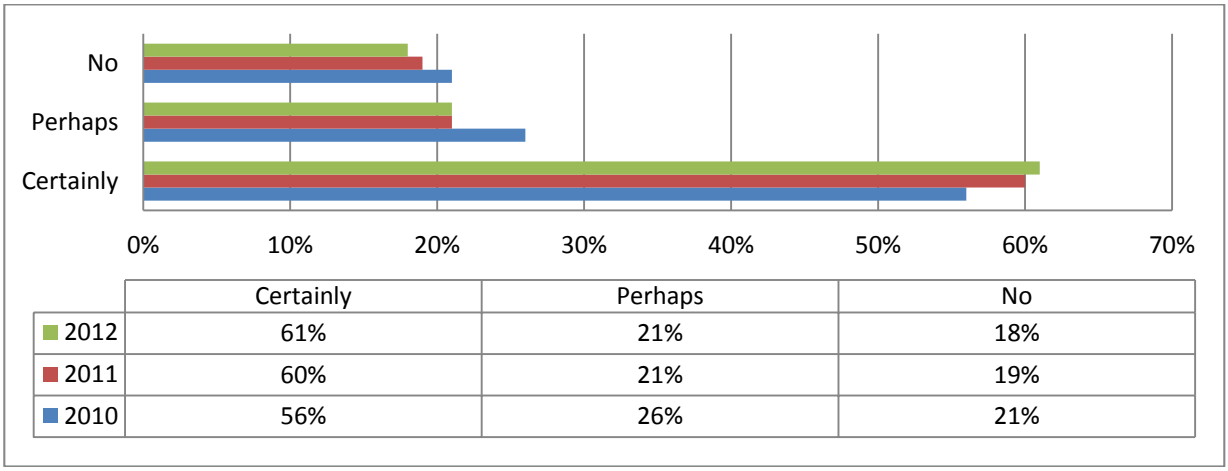
Two in five respondents (26%-21%) answered "perhaps and 21%-18% refused to cooperate with an investigation (see graph 23).

The respondents who refused to cooperate with an investigation in 2012 are 548 persons (18.3%); among them, 190 (17.3%) reside in large cities; 75 (18.5%) - in small towns; 283 (18.8%) – in rural areas. Among the regions, the highest percentage of refusal was in Kvemo Kartli - 108 persons (19.7%) and SHida Kartli – 68 respondents (12.4%). Among those respondents who refused to cooperate with an investigation, 258 respondents (18.7%) are males and 289 (17.8%) females.

408 persons (19.6%) were unemployed, 73 (19.5%) – self-employed, and 65 individuals were (12.1%) employed.

301 respondents (55%) have low, 120 (22%) – medium, and 127 (23%) – higher level of education. 97 of these respondents (17.7%) are from families who had dealings with law enforcement bodies.

Graph 23. Question: If you are a witness to crime would you cooperate with the investigation?



	Certainly	Perhaps	No
2012	61%	21%	18%
2011	60%	21%	19%
2010	56%	26%	21%

Respondents refusing to cooperate with an investigation (18% of the total sample), named the following reasons: lack of trust in law enforcement bodies (9.3%); fear of reprisal (25.4%); cooperation with the investigation is not an honorable thing to do (12.2%), and 10.3% of respondents mentioned being loyal to the offender, citing "The offender is also a human being".

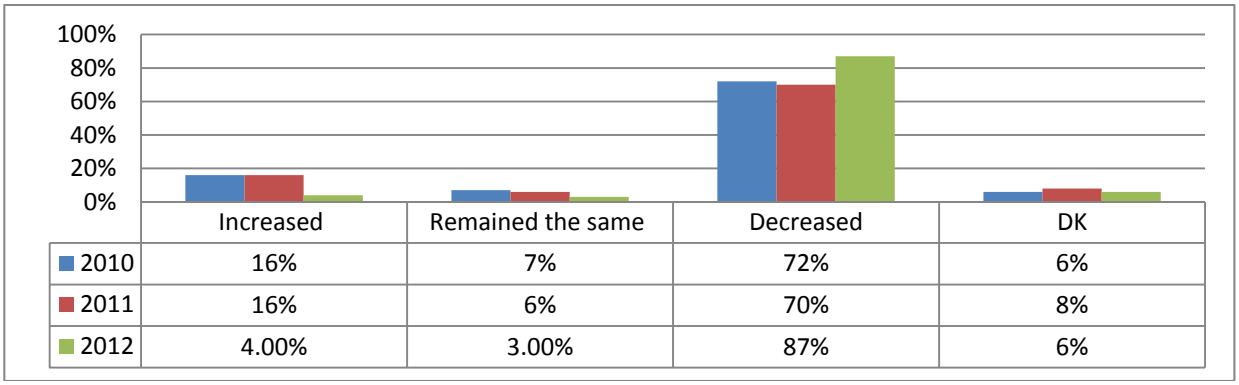
We may discuss this increasing willingness to cooperate with the earlier presented increasing number of reporting to the police. The above-memtioned factors indicate improved legal knowledge and correct civil approach among respondents.

Assesment of general criminal conditions in Georgia

The survey of 2010-2012 showed that 70% - 87% think that the level of crime has been reduced; the number of those who believe that the level of crime has increased fell from 16% to 4%, and the number of those who think that crime remained the same fell as well, from 7% to 3%.

The number of respondents who think that the level of crime has increased is 126 persons (4.2%): 51 individuals (4.7%) live in large cities (45000+); 7 persons (4.0%) in small towns (45000-); and 58 respondents (3.9%) in rural areas. Gender division is as follows: 53 persons (3.8%) are males and 73 (4.5%) are females; 95 respondents (4.6%) are unemployed, 12 (3.2%) – self-employed and 12 (3.4%) employed.

Graph 24. The assessment of crime level



	Increased	Remained the same	Decreased	DK
2010	16%	7%	72%	6%
2011	16%	6%	70%	8%
2012	4.00%	3.00%	87%	6%

When considering the reasons why crime rates have decreased, in 2010-2012 respondents primarily mention the following:

1. The result of judiciary reforms - proper performance of law enforcement bodies - 58%-82%;
2. effective performance of a reformed judiciary system 7%-18%;
3. appropriate criminal law policy 9%-12%;
4. effective measures taken in combating against the establishment of the "thieves in law" 30%-37%;
5. overcoming corruption in the state government 11%-12%;
6. Improvement of economical conditions 2%-5%.

Table 23. The reasons for reduction in a level crime

	2010	2011	2012
Proper performance of law enforcement bodies	58	74	82
Effective measures taken in combating against the establishment of the "thieves in law" and its traditions	34	30	37
Overcoming corruption in the state government	11	12	12
Effective preventive measures (providing information about crime and its outcomes)	6	11	13
Appropriate criminal law policy	9	9	12
Effective performance of a reformed judiciary system	7	8	18
Improvement of economical conditions	5	2	4
Other	1	0	6
DK	25	4	15

The following reasons were named by the respondents for an increase in the rate of crime in 2010-2012:

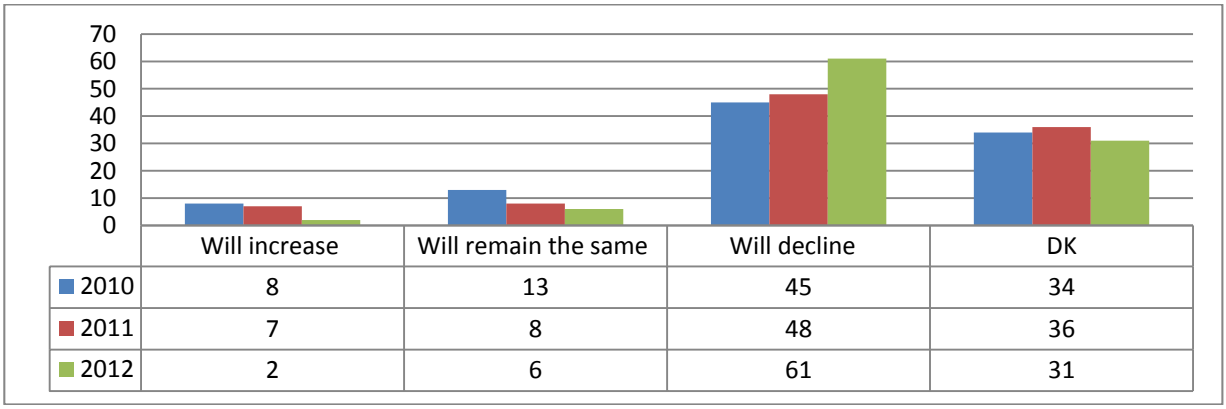
1. Economic instability and the current financial crisis – increased unemployment 73%-77% (in 2011 was 73.3%);
2. Poor social conditions 55%-64%;
3. Increase of drug and alcohol usage 16% - 10%;
4. Parenting problems – poor parenting skills 10.9% (in 2011 - 11.1%);
5. Political factors – political instability 4%-13%
6. The outcomes of the 2008 Russian-Georgian war 2-3%;
7. The gaps in the performance of law enforcement bodies - lack of professionalism in law enforcement bodies 8%-13%
8. Penalties not being severe enough 6%-8%;

Table 24. The reasons for the increase of crime level

	2010	2011	2012
Increased unemployment	77	73	73
Poor social conditions	55	63	64
Poor parenting skills	12	11	11
Increase of drug and alcohol usage	16	10	10
Political instability	11	8	13
Penalties not being severe enough	6	6	8
Lack of professionalism in law enforcement bodies	7	4	14
Illegal arms trafficking	8	2	6
Russian-Georgian war	3	2	2
Other	2	1	4
DK	4	5	7

The respondents are optimistic about future trends in fighting crime. According to survey of 2010-2012 45% - 68% respondents believe that the level of crime will decrease. The number of respondents who think that the crime level will increase has fallen from 8% to 2%; 31% - 36% of respondents said that they "don't know".

Graph 25. Question: Over the next 5 years, do you think the level of crime in Georgia will increase, remain the same, or decline?



	Will increase	Will remain the same	Will decline	DK
2010	8	13	45	34
2011	7	8	48	36
2012	2	6	61	31

The following data was obtained from the question: what crime prevention measures have you heard about? The majority of respondents (56.7%) named broadcasting of TV commercials and analytical programs; less than half (40.2%) mentioned special rehabilitation and re-socialization programs being developed by Georgian Orthodox Church for drug users; just every fourth (25.7%) respondent mentioned meetings at schools, and other educational institutions in support of legal literacy and crime prevention; 7.5% named meetings with the district police inspector; creating billboards about specific crimes (i.e., against trafficking or drugs) was also mentioned by 10.6%; a limited number of respondents, 6.2%, named the distribution of leaflets and brochures in the struggle against specific crimes. Every fifth (21.2%) respondent hasn't heard about any crime prevention measures.

Assessment of law enforcement and judicial systems in Georgia

Patrol police

According to the 2010-2012 data, the number of respondents that give 10 points for "absolute confidence" in patrol police has increased from 30%-40.1% (from 901 respondents to 1210). In the same time frame, the number of those who give a minimal score (4-1 points have reduced from 124 respondents to 108 (respectively (4.2%-3.7%).

The average score for confidence in patrol police in 2012 is 8.16; in 2011 it was 8.12. This means that the patrol police maintain stable authority among society.

A positive attitude was revealed in the regions as well. 35.7% of respondents (391 individuals) residing in large cities (45.000+) gave the highest assessment (10 points) to patrol police, (in 2010 this number was 25.7%); in small towns (45.000-) - 38.4% (155 respondents) (in previous years it was 32.0%); in rural areas - 44.3% (664 persons) (in previous years 32.9%).

The highest assessments from among the regions were in Samtskhe-Javakheti - 77.5% (111 respondents) (52.8% in 2010), in Adjara - 58.5% (150 individuals) (18% in 2010) and Tbilisi - 40.8% (307 repondents) (30.8% in 2010). Comparatively low are the assessments of patrol police in the following regions: Mtskheta-Mtianeti - 31.5% (27 individuals) (40.6% in 2010), Imereti/Racha/Svaneti - 22.6% (118 individuals) (19.3% in 2010) and Kvemo Kartli 34.9% (118 individuals) (25.5% in 2010).

It should be mentioned that in Tbilisi, where the highest number of respondents gave the highest score (10 points) to patrol police, also had the highest rate of negative assessment (1 point) at 2.8%.

The highest score was almost evenly distributed according to age groups – 31-40 yy and 51-60 yy. Based on age groups, the highest score (10 points) was named by respondents of 61 years old and older (46.6%). The most critical were respondents in 21-30 and 51-60 age groups, of which 1.3%-1.8% gave minimal scores, respectively. The assessment based on gender is the following: the highest score was given by 526 males (38.2%) and 685 females (42.2%). Among them, 42% were unemployed, 37% - self-employed and 35.2% - employed.

Police (excluding patrol police)

The survey of 2010-2012 revealed an increase of number of respondents that gave the police highest score (10 points) from 586 to 938 individuals (respectively 19.5% - 31.3%).

In the same period, the number of respondents who gave the lowest scores (4-1 points) decreased from 298 to 255 (9.9% -8.5%). In the 2012 survey, the average score for confidence in police was 7.6 and in 2011 - 7.27.

In large cities (45.000+), 26.2% of those surveyed (287 respondents) gave 10 points for confidence in police (in 2010 the rate was 15.7 %), in small towns (45000-) - 31.4% of respondents (127 individuals) (this result used to be 24.1%), in rural area 34.9% (524 individuals) (used to be - 21.3%), in Tbilisi - 30.6% (231 respondents) (used to be - 19.4%). The highest rating varies according to regions. For example, in Samtskhe-Javakheti it is 67.6% (97 persons) (used to be - 38.5%), in Kakheti - 49.3% (135 persons) (used to be - 35.6%), in Adjara - 48.6% (125 persons) (used to be -7.6%), in Imereti/Racha/Svaneti - 19.1% (100 respondents), (used t be - 12.1%), in Samegrelo - 20.6% (63 individuals) (used to be - 14.6%).

Based on age groups, the highest scores were most frequently was given among 51-60 and 61+ age groups (respectively 31.5%-37.5%), the most negative scoring (1 point) was given by citizens among 61+ age groups that were 3.3% among surveyed respondents.

Among the respondents who gave the highest rating to police were 399 (28.9%) males and 539 (33.2%) – females. Among them, 679 respondents (32.7%) were unemployed, 102 (27.4%) – self-employed and 152 (28.2%) – employed.

Prosecutor's office

The surveys of 2010-2012 revealed an increase in the number of respondents that gave the prosecutor's office the highest score (10 points) in confidence, from 397 to 645 individuals (respectively 13.2% - 21.5%).

During the same time period the number of respondents who gave to this establishment the lowest scores (4-1 scores) have decreased from 530 to 374 (respectively 17.7% - 12.5%).

The number of respondents who assessed the prosecutor's office with highest score (10 points): in large cities (45.000+) 17.3% (189 respondents) (in 2010 this result was 8.1%); in small towns (45000-) - 19.6% (79 individuals) (used to be - 17.8%); in rural area 25.1% (377 individuals) - (used to be 16.0%); in Tbilisi - 19.3% (145 individuals) (used to be 10.3%). The highest scores based on regions were the following: in Kakheti (109 individuals) 39.7% (used to be 30.6%). The lowest number of people who gave the highest score (10 points) were those in Kvemo Kartli - 30 respondents (8.9%) (used to be - 19.2%) and Shida Kartli - 29 individuals (13.2%) (used to be - 11.9%).

Based on age groups, the highest scores were given to the Prosecutor's office by respondents of the 31-40 yr. age group (24.3%). The highest score was most rarely given by those in the 51-60 yr. age a group (8.5%).

Among the respondents who gave 10 points to the above mentioned establishment were 276 males (20%) and 367 females (22.8%). Among them, 458 individuals (22.0%) were unemployed, 73 individuals (19.7%) – self-employed and 111 respondents (20.6%) - employed.

Court of Criminal Justice

According to the surveys of 2010-2012, the number of respondents who gave the highest scores (10 points) in confidence to the criminal court have increased from 402 to 657 respondents (13.4% - 21.7%).

In the same time period, the number of those who gave minimal scores (4-1 points) to the criminal court have decreased from 603 to 422 respondents (20.1%-14.0%). Negative assessments have decreased by 5.9%.

The average rate for confidence in criminal court in 2012 is 6.91%; in 2011 it was 6.73%. The number of people who gave the highest (10 points) score, according the settlement size, were: in large cities (45000+) 184 persons (16.8%) (in 2010 it was 7.3%), in small towns (45000-) – 93 individuals (23.0%) (used to be - 17.8%); in rural area – 374 respondents (25.0%) (used to be - 17.0%); in Tbilisi – 137 respondents(18.2%) (used to be - 9.2%). The highest ratings according to regions are: in Kakheti - 39.0% (107 individuals) (used to be - 31.6%), in Samtskhe-Jvkheti - 34.3% (50 individuals) (used to be - 22.4%); the lowest was in Mtskheta-Mtianeti 11% (10 persons) (used to be -24.5%);

The most critical assessment of the criminal court, according to age groups, was given by the 51-60 yr. age group. The highest score (10 points) within the mentioned age group was named just by 11.4% of respondents; The highest (10 point) rating was given by 16-20 yr. age group - 31.1% of respondents.

Among the respondents that gave 10 points to the criminal court are 288 males (20.9%) and 363 females (22.4%). Among them 462 persons (22.2%) are unemployed, 69 (18.6%) are self-employed and 111 respondents (20.5%) - employed.

Bar association

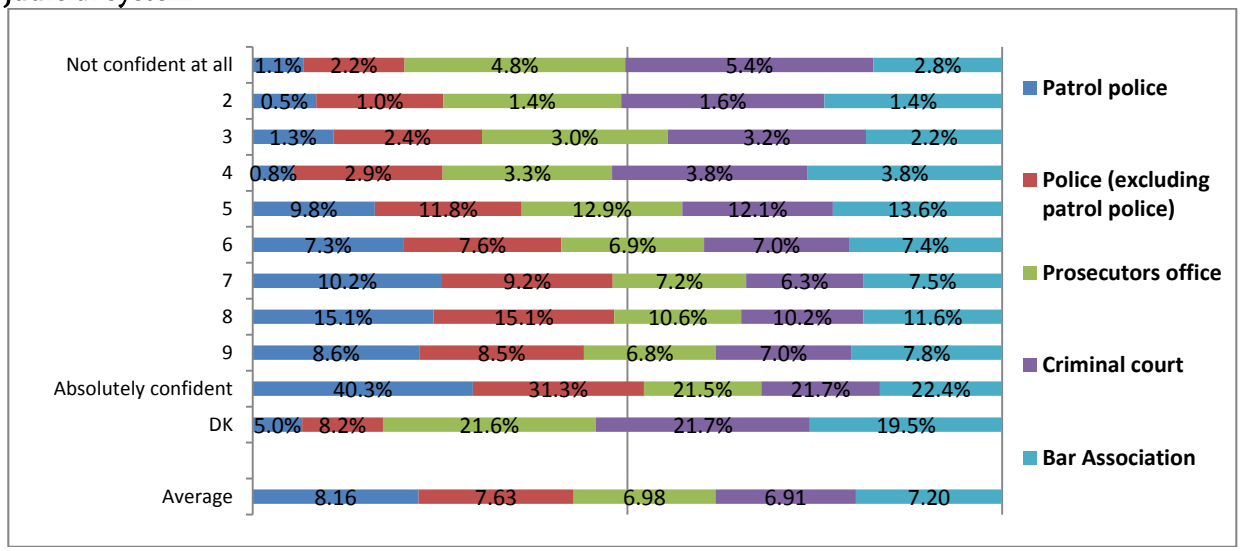
According to survey of 2011-2012, the number of respondents that give the highest score (10 points) in confidence to the Bar association have increased from 455 to 671 respondents (respectively 15.2% - 22.4%).

In the same time period, the number of respondents that gave minimal scores of confidence (4-1 points) has decreased from 325 to 305 (respectively 10.9-10.2%). The negative attitudes towards the Bar association have decreased by 0.7%.

The highest ratings (10 points) in confidence by settlement size are as follows: in large cities (45000+) - 201 individuals (19.1%), in small towns (45000-) – 98 individuals (24.4%), in rural area 24.2% (363 individuals), in Tbilisi – 17.9% (161 individuals). By region, the highest rating is in Guria - 37 individuals- 37.1%, and the lowest in Kvemo Kartli – 28 respondents - 8.2%. Regarding age groups, more negative assessments are given by respondents of the 31-40 and 51-60 age groups (respectively 12.2% – 13.3%), more positive assessments are given by 16-20 yr. age groups - 17.5%.

Among the respondents giving the highest (10 points) score to the Bar association were 291 males (21.1%) and 380 females (23.5%). Among them 481 respondents (23.1%) were unemployed, 76 persons (20.3%) were self-employed and 106 persons (19.7%) were employed.

Graph 26. Assessment of the level of confidence in Georgian law enforcement bodies and judicial system



Correctional institutions

Among those surveyed in 2012, 1119 respondents (37.3%) believe that the rights of prisoners are "absolutely" and "fairly protected" in correctional institutions.

Nearly 757 respondents (25.2%) said "fairly" or "absolutely unprotected". Compared to the 2011 survey, the positive assessment has decreased by 2.3% (used to be 39.6%); and negative assessments have increased by 1.9% (in 2011 was 23.3%). However, the numbers of those that believe prisoners are "absolutely protected" have increased from 161 respondents (5.4%) in 2011 to 277 respondents (9.2%) in 2012.

It is noteworthy that the number of respondents who didn't answer the question increased from 32.1% to 37.1%.

Table 25. How do you think are the rights of the prisoners protected in correctional institutions?

	2010		2011		2012	
Absolutely protected	141	4.7%	161	5.4%	277	9.2%
Fairly protected	901	30.0%	1,026	34.2%	842	28.1%
Fairly unprotected	694	23.1%	465	15.5%	459	15.3%
Absolutely unprotected	300	10.0%	234	7.8%	298	9.9%
DK	964	32.1%	1,114	37.1%	1,124	37.5%

Assessment of police activity in assuring public order

Analyses of calling the police

Based on the survey of 2010-2012, 150 of the 3000 surveyed respondents (5%) have called the police for the last 5 years. They have called the police once or more times (see table 26).

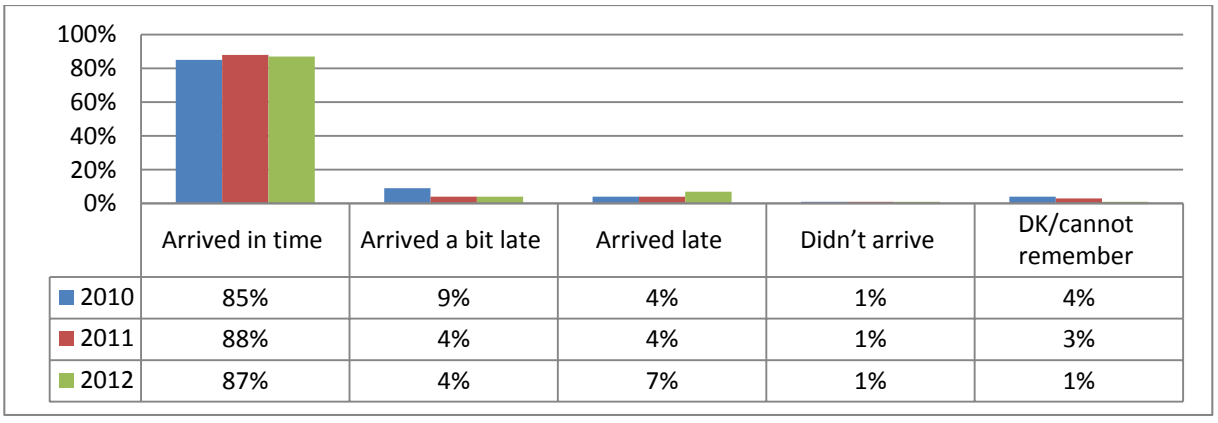
The survey of 2012 revealed that the population contacts the police more frequently in urban areas: large cities (45000+) - 83 cases (56%), small towns (45000-) - 25 cases (17%), in rural area – 41 cases (27%), in Tbilisi - 73 cases (49%). Those in the Samegrelo region most frequently called the police (5.2%), and none in the sample from Guria had contacted the police - (0.0%). Among those respondents who called the police were 60 males and 89 females.

Table 26. Question: How many times have you called the police for the last 5 years?

	2010		2011		2012	
Once	108	71.4%	122	78.5%	111	74.2%
Twice	31	20.6%	17	11.1%	24	16.3%
Three times	6	3.8%	8	4.9%	4	3.0%
Four times	1	0.7%	3	1.8%	3	1.8%
Five times and more	3	2.2%	4	2.3%	5	3.6%
DK/cannot remember	2	1.2%	2	1.5%	2	1.1%

Among those respondents who called the police in 2010-2012, 85%-88% said that the police arrived on time. 4%-9% said that the police arrived a little late. 7% declared that the police were late and only 1% said that they haven't arrived. These data are stable for the current period.

Graph 27. How quick were the police to arrive.



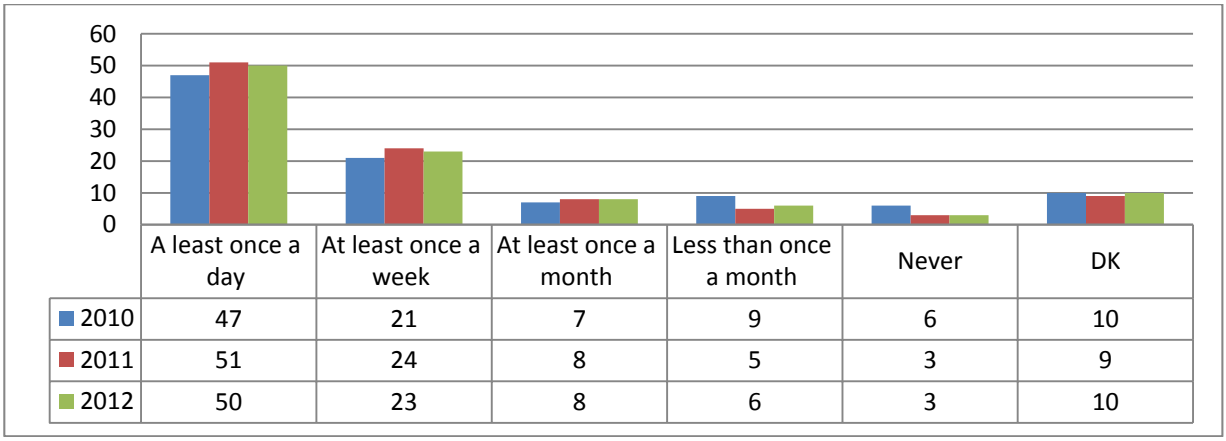
	Arrived in time	Arrived a bit late	Arrived late	Didn't arrive	DK/cannot remember
2010	85%	9%	4%	1%	4%
2011	88%	4%	4%	1%	3%
2012	87%	4%	7%	1%	1%

Based on the 2010-2012 surveys, 47%-51% (on average 49.3%) claim that at least once a day they see police driving or walking on their street while fulfilling their official duties. 21%-24%

of respondents had observed a police officer at least once a week on their street; 7%-8% (on average 7.6%) said they notice the presence of a police officer at least once a month; and only 3%-6% (on average 4%) had't seen police officers on their streets.

The data is similar to the previous year. Among those surveyed, on average 9.7% answered "don't know". The data falls within statistical margin. If we take into consideration the fact that part of population never goes out, we can assume that the assessment of police performance is quite positive and stable for the last 3 years.

Graph 28. Question: How often does a police officer drive or walk on your street?



	A least once a day	At least once a week	At least once a month	Less than once a month	Never	DK
2010	47	21	7	9	6	10
2011	51	24	8	5	3	9
2012	50	23	8	6	3	10

Respondents' assessments of police performance in the regions do not significantly differ from the data obtained in Tbilisi. However, it is significantly better than in 2011. In 2012 49.6% of respondents have at least once seen a police officer (in 2011 – 45.3%). However, the average number of respondent who have seen police officer at least once a week in 2012 have decreased for 2.9% comparing to 2011 (24.9% - 27.8%).

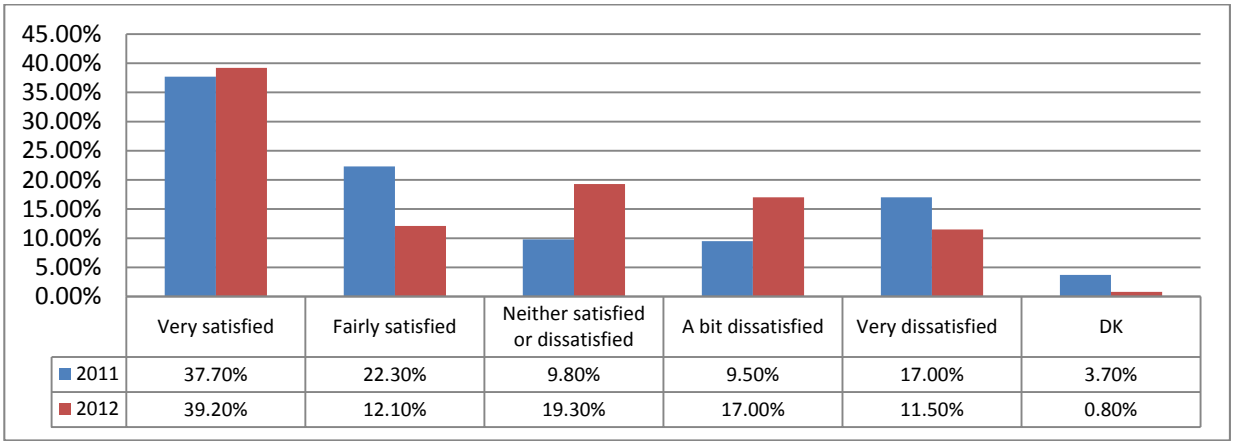
Table 27. Police presence by regions ("at least once a day" and "at least once a week") 2011-2012 year

	2011		2012	
	A least once a day	At least once a week	A least once a day	At least once a week
Kakheti	77%	18%	62%	14%
Samtskhe-Javakheti	14%	77%	41%	44%
Shida Kartli	72%	16%	81%	6%
Tbilisi	53%	18%	57%	14%
Samegrelo	53%	37%	52%	38%
Mtskheta-Mtianeti	47%	16%	50%	13%
Adjara	45%	16%	24%	23%
Imereti/Racha/Svaneti	40%	32%	47%	31%

Kvemo Kartli	28%	41%	30%	35%
Guria	24%	9%	52%	18%
Total	45.3%	27.8%	49.6%	24.9%

When asked: "Overall, how satisfied were you with the way the police handled the matter the last time? 39.2% of those who had interacted with police answered "very satisfied" (in 2011 - 37.7%); 17% remained "Very dissatisfied" (in 2011 - 11.5%), 19.3% gave a neutral assessment (in 2011 -9,8%), 0.8% didn't answer the following question (in 2011 - 3,7%). The increase of satisfaction of police performance among population is obvious.

Graph 29. Satisfaction with police performance



	Very satisfied	Fairly satisfied	Neither satisfied or dissatisfied	A bit dissatisfied	Very dissatisfied	DK
2011	37.70%	22.30%	9.80%	9.50%	17.00%	3.70%
2012	39.20%	12.10%	19.30%	17.00%	11.50%	0.80%

[11]

Legal service

Question: "Over the past 5 years, have you personally or anyone in your houshold used the service of a criminal justice lawyer specializing in criminal justice?" According the survey of 2012, 108 respondents (3.6%) answered yes. In 2010, 132 respondents (4.4%) answered yes. Among survey respondents (3,000), 61.4% of them have heard about the "free legal aid/public lawyer". Among those that used the legal service, 68.5% preffered to hire a private attorney and 25.9% used a public attorney. Meanwhile, 17.3% of respondents trust public attorneys, 69.8% - private attorneys; 19.6% trust "none of them".

Dealing with the prosecutor' office

The survey revealed that, in 2012, over the last 5 years, 98 respondents (3.3%) had dealings with the prosecutor's office . In 2010, 128 respondents had – 4.3%. Among those, 36 (36.4%) were "suspected"; 17 (14.2%) – "witness"; 17 (16.8%) – victims and 1 (0.7%) – "lawyer". The comparison of 2012 data with previous years reveals that the number of respondents who had dealings with the Prosecutor'soffice reduced by 14 cases (0.5%).

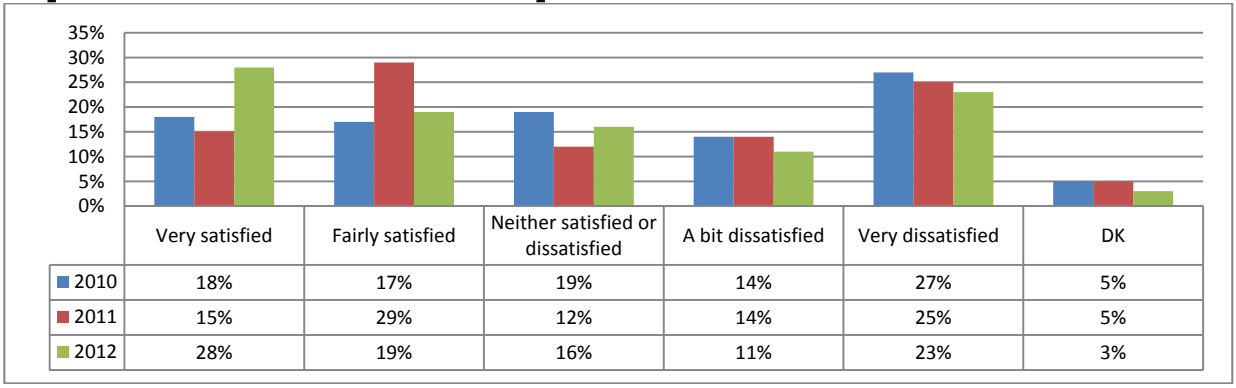
[11] This question was not included in 2010 survey.

Table 28. Status of the respondent

	2010		2011		2012	
Suspected	27	21.0%	31	27.2%	36	36.4%
Witness	18	14.4%	13	11.6%	17	16.8%
Victim	37	28.6%	53	47.5%	40	40.0%
Lawyer	2	1.9%	2	1.8%	1	0.7%
Expert	41	31.7%	4	3.6%	-	-
Don't remember	3	2.3%	1	1.3%	1	1.3%
Total	128		112		98	

Among those that had dealings with the prosecutor's office, 28% declared that were "very satisfied" with their service. 23% said they are "very dissatisfied"; 16% were neutral. Comparing to 2010, the number of respondents who were "very satisfied" increased by 10% (2010 – 18%) and the number of those "very dissatisfied" have decreased by 4% (2010 – 27%). The data proves the improvement the service of the prosecutor's office and increase of its authority.

Graph 30. Satisfaction with service of the prosecutor's office



	Very satisfied	Fairly satisfied	Neither satisfied or dissatisfied	A bit dissatisfied	Very dissatisfied	DK
2010	18%	17%	19%	14%	27%	5%
2011	15%	29%	12%	14%	25%	5%
2012	28%	19%	16%	11%	23%	3%

The reason for this dissatisfaction with the service of the prosecutor's office was a matter of interest. The respondents who had dealings with the prosecutor's office mostly claimed that the "Investigation of the case was prolonged" 34.2%; "Didn't receive comprehensive information at the time" - 18.8%; "Didn't treat me correctly/theywere impolite" - 17.5%; "Didn't recover my property (goods)" - 14.2%. Only 1% couldn't name the reason for being dissatisfied. Unlike in 2012, in 2011 45.1% of respondents couldn't or didn't name any reason, and only 1% claimed that they weren't treated properly (in 2012 the same answer was given by 17.5%). Much of the differences in the percentages are due to very low numbers.

Table 29. The reasons for dissatisfaction towards Prosecutor's office

	2011		2012	
Didn't recover my property (goods)	12	15.5%	5	14.2%
Didn't receive comprehensive information at the time	13	16.6%	7	18.8%
Didn't treat me correctly/theywere impolite	1	0.9%	6	17.5%
Investigation of the case was prolonged	8	10.3%	12	34.2%
Couldn't meet with the prosecutor	-	-	1	3.1%

Other	9	11.5%	12	34.7%
DK	34	45.1%	1	3.9%

Dealing with the criminal court

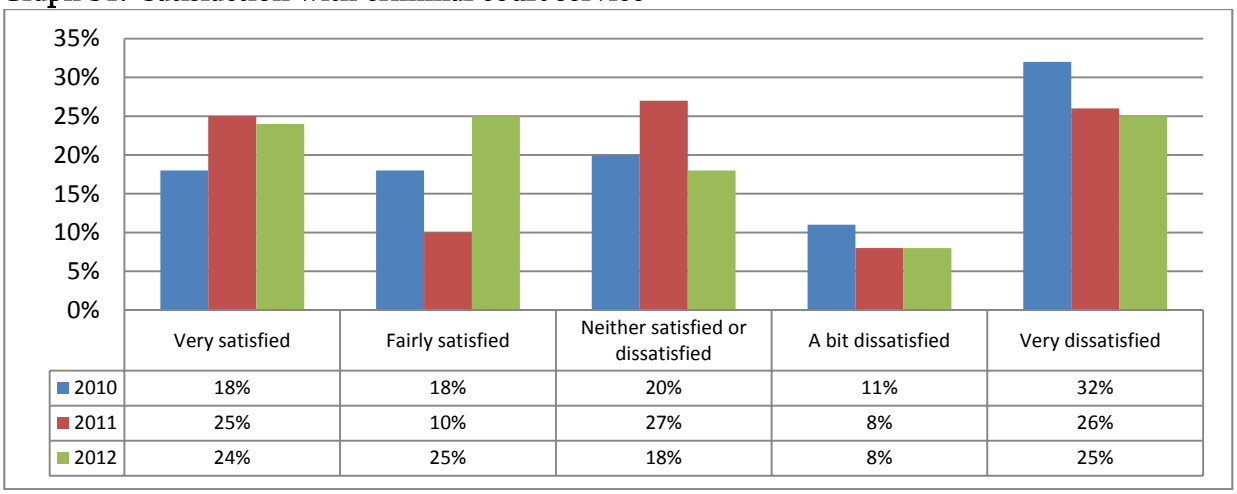
In 2012, 65 (2.2%) of respondents had dealings with the criminal court (in 2010 – 4.2% (12 respondents). Among those, 34.3% were "accused"; 11.4% - "witnesses" and 49.8% - "victims". As for the criminal court service, 49% is "satisfied" and 34% - "dissatisfied". The figure for satisfied repondents with the criminal court service has slightly increased (by 13%) since the 2010 survey (from 36% to 49%). However, the number of dissatisfied respondents has slightly decreased (from 34% to 33%).

Table 30. Status of the respondent

	2010		2011		2012	
Accused	29	22.8%	38	37.3%	22	34.3%
Witness	9	7.4%	12	11.4%	8	13.0%
Victim	35	28.2%	34	33.1%	33	49.8%
lawyer	2	1.6%	2	2.0%	1	1.0%
Expert	-	-	2	2.1%	1	1.9%
DK/cannot remember	-	-	6	5.7%	22	34.3%

In 2012, among the respondents who had dealings with criminal court, 24% declared that they are "very satisfied" with its service. 25% answered that are "very dissatisfied". 18% are neutral. Compared to 2010, the number of respondents who are "very satisfied" has increased by 6% (in 2010 – 18%) and the rate of "very dissatisfied" has been reduced by 7% (in 2010 – 32%). This data implies the improvement of criminal court service and increase of its authority.

Graph 31. Satisfaction with criminal court service



	Very satisfied	Fairly satisfied	Neither satisfied or dissatisfied	A bit dissatisfied	Very dissatisfied
2010	18%	18%	20%	11%	32%
2011	25%	10%	27%	8%	26%
2012	24%	25%	18%	8%	25%

The improvement of the criminal court's image among respondents is seen in the respondents' attitude toward participating in a new jury. 30% of respondents "would definitely agree" to jury duty (in 2011 - 23%); 16.9% - "would definitely disagree" (in 2011 – 15.8%); 21.4% - "perhaps

will agree" (in 2010 -24.9%) and 12.3% - "Perhaps won't agree" (in 2011 - 13.1%); 16.6% of respondents didn't answer the question (in 2011 – 21%).

Table 31. Assessment of jury system[12]

	2011		2012	
I wwould definitely agree	705	23.5%	909	30.3%
Perhaps I'll agree	746	24.9%	641	21.4%
Perhaps I won't agree	393	13.1%	374	12.5%
I would definitely disagree	475	15.8%	507	16.9%
It is obligatory	40	1.3%	24	0.8%
DK	630	21.0%	498	16.6%

In 2006, the policy of "zeo tolerance" was declared, meaning severe rules and punishment despite the severity of the commited crime[13]. The implementation of the above mentioned policy has achieved some goals and resulted in a decrease of crime level. Based on these surveys, society favors this approach: 34% of respondents – "absolutely agree" and 26.2% - "agree", in total 60.9% agree with this policy. Only 12.5% of respondents disagree, 9.7% have neutral attitude and 11% cannot answer.

Table 32. Question: To what extend do you agree or disagree with the state policy of zero tolerance that means the severe reaction upon the crime?

Absolutely agree	1,042	34.7%
Agree	785	26.2%
Neither agree, nor disagree	469	15.6%
Disagree	291	9.7%
Absolutely disagree	84	2.8%
DK	329	11.0%

Public opinion of law enforcement bodies

Question: Please name what are the sources that determined your attitude towards the following [law enforcement bodies] institutions:

On the 2010-2012 surveys, respondents named those sources from which they obtain information. It was not surprising that most (67.4%-81.9%) named television. "Friends" were also mentioned (8.6%-14.1%) as well as personal experience (2.7%-12.6%).

[12] This question was not included in 2010 survey

[13] The term "Zero Tolerance" appeared for the first time in a report in 1994. The idea behind this expression can be traced back to the Safe and Clean Neighborhoods Act, approved in New Jersey in 1973, of which inherits the same underlying assumptions. Originally proposed by Dr. James Q. Wilson and George Kelling, broken windows theory suggests that a society or subset of society that appears to be lawless will itself breed lawlessness. Broken windows theory is most closely associated with conservative sociology, focusing on social cohesion and law and order [10].

Table 33. Question: Please name what are the sources that determined your attitude towards the following institutions (2010-2012)

2012						
	TV	Friends	Internet	Neighbors	Personal experience	Other
Patrol police	67.4%	9.8%	3.4%	4.9%	12.6%	7.9%
Police (excluding patrol police)	70.6%	10.2%	3.0%	4.8%	9.3%	2.1%
Prosecutor's office	77.8%	9.0%	3.3%	1.9%	6.2%	2.0%
Criminal court	78.7%	8.6%	3.1%	1.7%	5.7%	2.2%
Correctional institutions (prisons)	78.3%	9.8%	3.0%	1.7%	5.1%	2.2%
Bar association	77.1%	10.4%	2.8%	1.4%	6.3%	1.7%
2011						
	TV	Friends	Internet	Neighbors	Personal experience	Other
Patrol police	70.2%	14.1%	0.9%	2.6%	10.8%	4.5%
Police (excluding patrol police)	72.5%	13.0%	0.9%	13.0%	8.8%	5.5%
Prosecutor's office	81.4%	9.1%	0.9%	1.8%	4.5%	4.5%
Criminal court	81.1%	9.9%	0.7%	1.9%	4.1%	4.6%
Correctional institutions (prisons)	81.9%	9.9%	0.3%	1.0%	3.0%	4.9%
Bar association	81.2%	10.2%	1.4%	0.6%	5.0%	1.4%
2010						
	TV	Friends	Internet	Neighbors	Personal experience	Other
Patrol police	72.6%	10.8%	0.8%	2.9%	10.8%	0.5%
Police (excluding patrol police)	73.6%	12.2%	0.6%	2.7.%	7.6%	1.1%
Prosecutor's office	75.9%	10.9%	1.1%	2.2%	4.8%	1.8%
Criminal court	76.8%	9.7%	0.8%	2.3%	4.8%	1.9%
Correctional institutions (prisons)	77.9%	11.6%	0.8%	2.3%	2.7%	1.9%

The assessment of penalty fairness

In defining attitudes towards prescribed penalties within society, respondents were asked the standard question (number 419) (which is also asked in EU ICVS): "Take, for instance, the case of a 21 year old man who is found guilty of burglary/housebreaking for the second time. This time he has stolen a colour TV. Which of the following sentences do you consider the most appropriate for such a case?"

In 2012, Georgian respondents had a more liberal approach to the type of penalty and its term when compared to 2010 and 2011. Among those surveyed in 2011, only 21.9% (in 2010 – 32%)

chose "imprisonment"; In 2012, 37.4% believe that the best penalty for this crime would be community service. In 2010, the same answer was named by 22.9% respondents. The respondents also named other penalties.

In a 2004 survey conducted in the EU, (excluding Greece) 38% of respondents named "imprisonment" and 48% chose other penalties. In developing countries, the majority of respondents 52% choose "imprisonment" and only 22% - other measures [9].

Table 34. Penalty for 21 yr. man that is found guilty of burglay second time and this time has taken color TV.

	2010		2011		2012	
Fine	561	18.7%	496	16.5%	587	19.6%
Imprisonment	960	32.0%	658	21.9%	656	21.9%
Community Service	686	22.9%	1150	38.3%	1111	37.4%
Suspended sentence	520	17.3%	461	15.4%	435	14.5%
Church involved Rehabilitaion	5	0.2%	-	-		-
Wouldn't punish	1	0.0%	-	-	-	-
Church should provide supervision	0	0.0%	-	-	-	-
Warning	8	0.3%	-	-	-	-
DK	254	8.5%	221	7.4%	200	6.7%
Provide with employment opportunities	3	0.1%	-	-	-	-
If the person is poor – fine, if not – imprisonment.	1	0.0%	-	-	-	-
Cut off the hand	1	0.0%	1	0.0%	-	-

For the question: "For how long do you think he should go to prison?" in the 2010-2012 surveys, 50.7%-58.2% of respondents (average 54.3%) answered "from one to three years"; 9%-17.3% (average – 13.0%) - "from one month to one year"; 16.8%-23.7 % (average 20.9%) said "from four to 10 years"; 1.8%-2.2% (average - 1.9%) named "from 11-25 yr".

We can assume that the majority of respondents can give an objective assessment to a specific crime by considering social danger and the demand for a fair penalty "from 1 to 3 years". However, there is a liberal opinion among the population that for minor crimes the penalties should be softer.

Table 35. Question: "For how long do you think he should go to prison?"

	2010		2011		2012	
1 month or less	6	0.6%	1	0.2%	6	1.0%
2-6 months	27	2.8%	19	3.0%	38	5.7%
6 months – 1 year	92	9.6%	38	5.8%	63	9.6%

1 year	127	13.2%	102	15.5%	90	13.7%
2 years	242	25.2%	164	24.9%	146	22.3%
3 years	161	16.8%	118	17.9%	97	14.7%
4 years	66	6.8%	54	8.2%	32	4.8%
5 years	92	9.6%	65	9.9%	52	7.9%
6-10 years	61	6.3%	34	5.1%	27	4.1%
11-15 years	3	0.3%	6	0.9%	-	-
16 - 20 years	5	0.6%	3	0.4%	2	0.2%
21 - 25 years	13	1.4%	1	0.2%	8	1.2%
DK	64	6.7%	53	8.1%	97	14.8%

The survey demonstrated that when compared to the 2010 survey findings, in 2011 and 2012 respondents' attitude towards law enforcement bodies and justice system haven't significantly changed.

Of all law enforcement bodies, respondents have the highest level of confidence in the patrol police;

1. Second in rating is police (excluded patrol police);
2. Third position – prosecutor's office;
3. Fourth – Bar Association (only from 2011 and 2012 survey results);
4. Fifth - Criminal Courts.

We also need to consider that when assessing the level of confidence in prosecutor's office and criminal courts, a large number of respondents "don't know" how to answer this question; this detail must have had some influence on the final outcomes.

Based on different age groups, representatives among those in the 30-50 age group were more critical when assessing law enforcement bodies, and for those 50 years and older– they demonstrated a higher degree of loyalty. The number of family members, the total income of the HH, nor whether a family member had been convicted or not, have had a significant effect on the answers provided by the respondents.

Penalty Liberalisation

The conducted research demonstrated that the respondents adequately assess the severity of crime and agree that there should be sufficient penalties to fit the crime.

In the table below, the offences are listed based on severity of the term of the sentence, and from the most severe to the least severe penalties.

The respondents believe the most severe penalty should be handed out to persons involved in illicit sale of narcotics – nearly nine out of ten respondents (86%) think that those guilty of this crime should be imprisoned.
The majority of respondents hold very negative attitudes towards both selling and using drugs. Collectively, they consider such crimes to be the main criminal problem facing Georgia.
Moreover, the majority of those surveyed (76%) think that armed robbery should be punished with a term of imprisonment.

Table 36 . Population's assessment of the severity of crime*

	Other penalties (%)	Imprisonment (%)
Illicit Sale of Narcotics	6	86
Illegal Import or Export from, or international Transit Shipment Across Georgia of Narcotics	5	86
Illegal Making, Acquisition, Keeping, Transportation, Dispatch for the Purpose of Sale or Sale of Narcotic Substances.	7	84
Robbery	15	76
Illegal purchase carrying, storage, acquisition, making or sale explosive devices without a relevant permit	15	73
Stealing of Fire-Arms, Ammunitions or Explosives	15	72
Hostage -taking	18	71
Larceny	22	69
Illegal Carrying, Storage, Acquisition, Making or Sale of Weaponry or Explosives	19	69
The illegal sowing or growing of crops that contain narcotic substances and whose cultivation is prohibited	36	53
Coercion	40	48
Fraud	44	46
Threatening	44	45
Misappropriation or Embezzlement	48	41
Accepting Bribes	49	40
Falsification	52	38
Hooliganism	59	31
Falsification in Service	61	27
Deserting	62	24
Illicit Entrepreneurial Activity	66	22
Illegal Obtaining of Credit	64	22
Illegal Crossing of State Borders of Georgia	68	18
Unauthorized Absence or Absence Without Leave of military service	71	16
Deception of Customer	81	10

* Penalty liberalization was omitted in 2011-2012 survey questionnaire

Juvenile delinquency

Table 37. Question: What crimes are common among minors?*

	2010	2011
Hooliganism	34%	29%
Homicide	24%	18%
Theft	23%	17%
Drug addiction	20%	15%
Carrying a knife	16%	6%
Wounding	12%	4%
Fighting	8%	9%
Rape	4%	3%
Robbery	3%	1%
Armed robbery	3%	2%
Carrying a firearm	1%	0%
Violence	1%	4%
Turf battles		2%
Alcohol consumption	1%	1%
Other	6%	6%

* This question is omitted from the questionnaire for 2012 survey

Note: in "other" the following crimes are included: alchohol consumption, physical injury, swearing, insult, fraud, prostitution, threat, drug selling, smoking a cigarette, intentional body injury, glue-sniffing, blackmail/phsichological influence.

Table 38. Question: Have you heard any of the below mentioned measures implemented by the state for the purpose of reducing the level of juvenile delinquency? *

TV commercials	68%
Meetings at schools and other educational institutions concerning to legal literacy and crime prevention organized by the representatives of law enforcement bodies	46%
Leaflets, brochures	27%
Billboards concerning the specific crime (i.e. drug or human trafficking)	22%
Websites of MIA, Prosecutors office, MOJ and Supreme Court	20%
Meetings with population by the district inspector of police	16%

* This question is omitted from the questionnaire for 2011 survey

Table 39 . Question: what measures among listed below will be effective in terms to reduce the level of juvenile delinquency?*

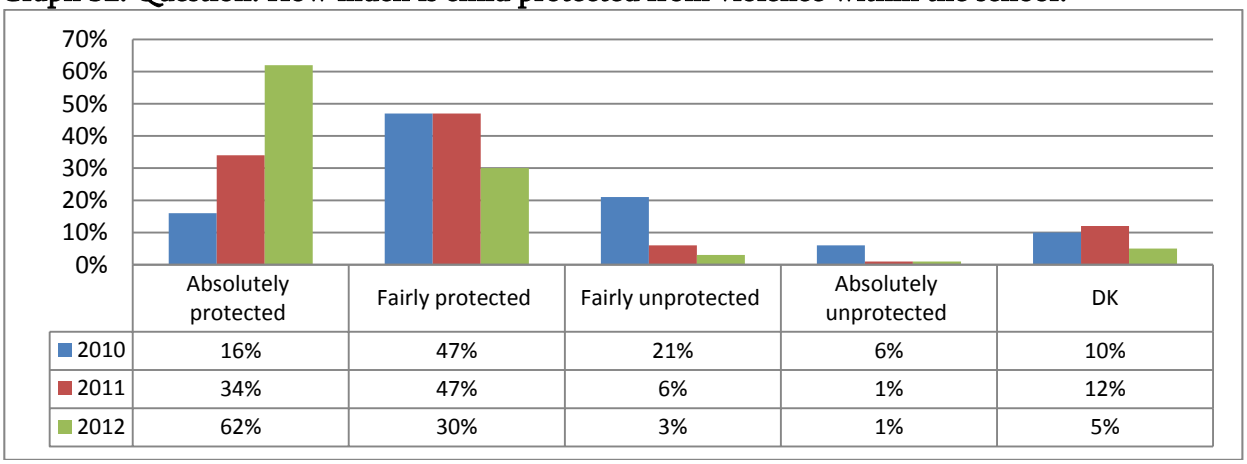
	First mentioned	Second mentioned	Third mentioned
Improvement of relationships in household (bringing-up the minor in full families)	54	10	11

Increase severity of sentencing	6	7	3
Increase opportunities for work (employment of teenagers)	15	25	12
Improve discipline in educational institutions	8	23	12
Increase positive leisure opportunities for young people	6	16	24
Increase of use of imprisonment	1	2	3
Establishment of juvenile department at the police department	2	4	11
Creation of juvenile criminal court	1	2	6
Increase of alternative measure of punishment, like community service	1	3	8

* This question is omitted from the questionnaire for 2011 survey

For the question: "how much are children protected from violence within the school?", in 2012, 62% answered "absolutely protected"; 30% think that children are "Fairly protected", 1% said "Absolutely unprotected" and 3% - "fairly unprotected". In 2010 only 16% had assessed children as "Absolutely protected", four times less than in 2012, 21% - as "Fairly protected"; and 6% had said "Absolutely unprotected" six times more. The introduction of "Mandaturi" service at schools likely had influence over the changes in response rate.

Graph 32. Question: How much is child protected from violence within the school?



	Absolutely protected	Fairly protected	Fairly unprotected	Absolutely unprotected	DK
2010	16%	47%	21%	6%	10%
2011	34%	47%	6%	1%	12%
2012	62%	30%	3%	1%	5%

Juveniles have lately been carrying various sharp objects less frequently compared to 2010, and the data for 2011 and 2012 similar and stable.

Table 40. Question: Are you familiar with persons who carry the items listed below and please indicate the reasons why they carrying each of them?

2010

	Knife	Knuckle-duster	Stiletto	Other sharp object
For self-defense	3.0	1.3	1.0	1.1
Accepted/everyone carries/For show-up	5.1	3.4	2.6	2.8

It's a habit	3.3	0.6	0.4	0.4
Accessory	2.7	0.8	0.7	0.6
Total – "for carrying objects"	**14.1**	**6.1**	**4.7**	**4.9**
I'm not familiar with	84.7	92.4	93.9	93.5
Don't know the reason	1.2	1.5	1.4	1.6

2011

	Knife	Knuckle-duster	Stiletto	Other sharp object
For self-defense	0.9	0.4	0.3	0.3
Accepted/everyone carries/For show-up	1.5	0.4	0.4	0.4
It's a habit	1.7	0.5	0.3	0.3
Accessory	1.8	0.6	0.5	0.5
Total – "for carrying objects"	**5.9**	**1.9**	**1.5**	**1.5**
I'm not familiar with	91.6	95.7	96	95.6
Don't know the reason	2.5	2.5	2.5	2.8

2012

	Knife	Knuckle-duster	Stiletto	Other sharp object
For self-defense	1.1	0.5	0.2	0.4
Accepted/everyone carries/For show-up	2.1	1.5	1.2	1.1
It's a habit	1.3	0.2	0.2	0.1
Accessory	0.8	0.4	0.2	0.1
Total – "for carrying objects"	**5.3**	**2.6**	**1.8**	**1.7**
I'm not familiar with	93.9	96.3	96.8	97.0
Don't know the reason	0.9	1.2	1.4	1.3

Table 41. Performance of police and courts according to respondent

	Very good job	Good job	Neither good nor bad job	Bad job	Very bad job	DK
Police	33.9%	48.3%	9.8%	0.9%	0.2%	6.8%
Court	18.3%	33.4%	16.8%	5.2%	2.5%	23.8%

Corruption in Georgia. Criminological description 2010-2012

Corruption always was a very serious problem for Georgia. According to international organizations, Georgia, together with other post-soviet countries, was included in the list of the most corrupted countries.

After the "Rose revolution," an uncompromising fight against corruption was declared that was carried out by legislative and structural reforms, and affected every governmental body. The fight against corruption was one of the priorities for the country that received fascinating results. Based on reports of international organizations Georgia is among the top countries in fight against corruption [11].

Within the Crime and Security Survey of 2010-2012, respondents were asked their perceptions towards the issue of corruption.

In 2012, only 10.7% of respondents totally agreed that corruption is a major problem in Georgia; 25.8% answered "tend to agree"; 47.6% "tend to disagree" or "totally disagree"; 15% answered "don't know". (See table 42)

Table 42. Corruption is a major problem in Georgia

	Number of respondents	%
Totally agree	321	10.7%
Tend to agree	773	25.8%
Tend to disagree	673	22.4%
Totally disagree	756	25.2%
DK	477	15.9%

Based on data from all three waves, the rate of corruption is reduced. Out of 3000 respondents, only 15 (0.5%) have declared being a victim of bribery. In 2012 this figure decreased to 7 persons (0.2%) (see table 43).

Table 43. Question: has anyone requested or expected you to pay a bribe (for the last 5 years)?

		2010		2011		2012	
Has anyone requested or expected you to pay a bribe (for the last 5 years)?	Yes	14	0.5%	15	0.5%	7	0.2%
	No	2,976	99.5%	2,983	99.5%	2,993	99.8%

In 2012, only 4.2% of respondents thought that the level of corruption had increased over the last 3 years. In 2011, the same answer was given by 8.1% of respondents (two times more). In 2012, 82.4% of respondents believe that corruption decreased. In 2011, the same data was 67.2%. These figures prove that citizens observe the success of the anticorruption campaign and give a realistic assessment.

Table 44. Question: how has the level of corruption changed over the last three years?

	2011		2012	
Increased a lot	93	3.1%	54	1.8%
Increased a little	151	5.0%	71	2.4%
Stayed the same	269	9.0%	238	7.9%
Decreased a little	1,121	37.4%	1,078	35.9%
Decreased a lot	894	29.8%	1,044	34.8%
There is no corruption in Georgia			47	1.6%
Don't know	473	15.8%	468	15.6%

For the statement "You are personally affected by corruption in your daily life" only 5.9% of respondents answered that they "totally agree" and "tend to agree". The vast majority of respondents (87.5%) declared – "Tend to disagree" and "Totally disagree". (See table 45)

Table 45. Question: You are personally affected by corruption in your daily life

	Number of persons	%
Totally agree	75	2.5%
Tend to agree	103	3.4%
Tend to disagree	162	5.4%
Totally disagree	2,462	82.1%
DK	198	6.6%

Respondents give a high assessment to current government's actions in the fight against corruption. 68.9% think that "The government is very effective in the fight against corruption" and "The government is somewhat effective in the fight against corruption" and only 9% say "The government is somewhat ineffective in the fight against corruption" and "The government is very ineffective in the fight against corruption".

Table 46. Question: How would you assess your current government's actions in the fight against corruption? *

	Number of persons	%
The government is very effective in the fight against corruption	1,035	34.5%
The government is somewhat effective in the fight against corruption	1,031	34.4%
The government is neither effective nor ineffective in the fight against corruption	222	7.4%
The government is somewhat ineffective in the fight against corruption	200	6.7%
The government is very ineffective in the fight against corruption	70	2.3%
DK	443	14.8%

* This question is omitted from the questionnaire of 2012

Respondents have named the fields where, according to their perception, corrupted officials work. The lowest number of respondents, 4.8%, said that people working in the police services are corrupted. In second place were "people working in the public education sector" - 4.9%; then comes "politicians at the local level" with 5.2%; "people working in private companies" – 6.1% and "people working in the judicial services" – 6.4%. The most frequently being named corrupt were: "Officials awarding public tenders" – 16.8%; "politicians at national level" - 12.5 and "people working in the customs services" - 10.3%.

Table 47. In Georgia, do you think that the giving and taking of bribes, and the abuse of positions of power for personal gain, are widespread among any of the following?

	Number of persons	%
People working in the police services	145	4.8%
People working in the customs services	310	10.3%
People working in the judicial services	192	6.4%
Politicians at national level	376	12.5%
Politicians at regional level	252	8.4%
Politicians at local level	156	5.2%
Officials awarding public tenders	504	16.8%
Officials issuing building permits	302	10.1%
Officials issuing business permits	273	9.1%
People working in the public health sector	207	6.9%
People working in the public education sector	148	4.9%
Inspectors (health, construction, food quality, sanitary control and licensing)	253	8.4%
People working in private companies	183	6.1%
Other	15	0.5%
None	502	16.7%
Don't know	1,302	43.4%

For the question: **Imagine that you have been a victim in a particular corruption case, and you want to complain about it. Which institutions/bodies would you trust the most to provide a solution for your case?** The answers of respondents were as follows: 42% of respondents consider the police to be the most trusted and efficient body; with much lower trust comes "the judicial system" - 23.5%; Public defenders have received – 18.5% and NGOs – 9.6%. Other institutions respondents would have addressed: specifically, to member of parliament - 2.4% to European Union Institutions -3.4% , to Trade Unions - 0.8% and to other institution - 0.7%.

Table 48. Question: Imagine that you have been a victim in a particular corruption case, and you want to complain about it. Which institutions/bodies would you trust the most to provide a solution for your case?

	Number of persons	%
The police	1,285	42.8%
The judicial system (prosecution services and courts)	705	23.5%
NGOs, other associations	287	9.6%
The public defender (Ombudsman, Giorgi Tugushi)	555	18.5%
Your political representative (Member of the Parliament, of the local Council)	73	2.4%
Trade Unions	24	0.8%
European Union Institutions	103	3.4%
Other	22	0.7%
Don't know	196	6.5%

Below is a comparison of a GORBI survey conducted in 2001-2003 and CSS of 2010-2012, provide to better demonstrate the trend of opinion on the fight against corruption in Georgia.

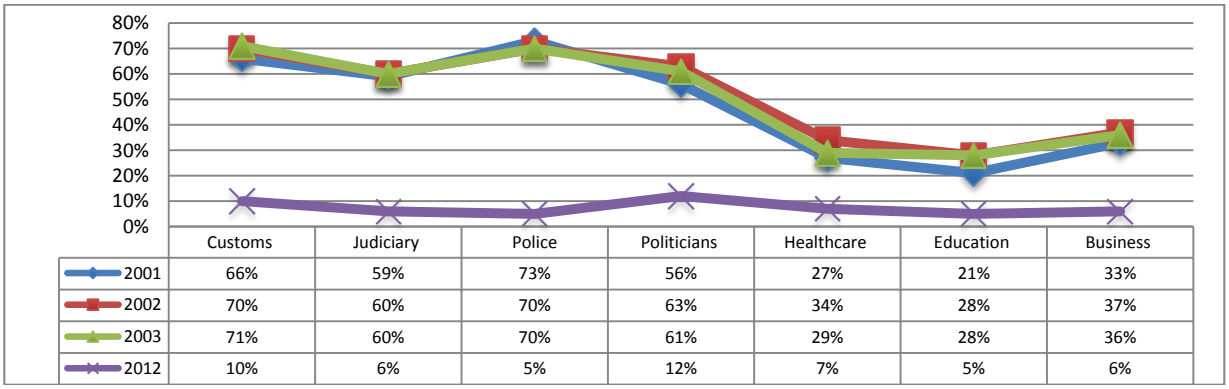
The comparison revealed that the most corrupted institution according to society in 2001-2003 was: Police – on average 71%; customs service - 69%; politicians – 60%; judicial system – 60%. The comparison with 2012 showed a 5-7 fold decrease.

Table 49. Respondents' opinion concerning the spread of corruption among various institutions/bodies.

	2001	2002	2003*	2012
People working in the customs services	66%	70%	71%	10%
People working in the judicial services	59%	60%	60%	6%
People working in the police services	73%	70%	70%	5%
Politicians at national level	56%	63%	61%	12%
People working in the health sector	27%	34%	29%	7%
People working in education	21%	28%	28%	5%
People engaged in business	33%	37%	36%	6%
Average	48%	45%	44%	6%

*. Corruption in Georgia – the second wave. The survey was conducted by GORBI

Graph 33. Respondents' opinion concerning the spread of corruption among various institutions/bodies.



Conclusion

1. According to the survey, the fight against corruption received positive results that have influenced respondents' attitude. Respondents give a positive assessment to implemented reforms and support the national policy of fighting corruption.

2. Based on data from 2010-2012, the rate of victimisation from corruption is reduced and reached the minimal and stable level.
3. The attitude of citizens towards traditionally corrupted institutions (police, judicial system, local self-govvernment, private business) have changed and is positive now.
4. The population gives an unbiased assessment to specific institutions in the fight against corruption. Almost two thirds of respondents (66.3%) consider the police and the judicial system the most trustable and efficient institutions, and if needed would be ready to contact them in cases of corruption.

Comments

The survey revealed that, due to lack of victimization numbers, in many cases it is impossible to explain the regularity of numbers of certain crimes, because the margin of error is very high. In order to form a precise picture of current situation, it would be better to increase the sample size. The obtained data reveals the main trends in crime and victimization level, prevention, safety, public attitude and anticipation.

Main findings:

1. In the last decade, Georgia was characterized by volatility and fluctuations in the crime rate, structure, and distribution, which is reflected in all the main statistical figures (of crime rate, all registered crimes by MIA, convicted persons, prisoners and probationers).
2. Since the Rose Revolution, the fight against crime has become a state priority, gaining a systematic character that is reflected in the decrease of crime indexes and the stabilization of crime conditions.
3. Neither the Russian-Georgian war in 2008, nor the upcoming parliamentary election in 2012, nor political or economic tension has influenced the crime level and tendencies. The results of all three waves of the Crime and Security survey show a decrease in every statistical representation of crime level, stabilization and a drastic improvement of the crime situation.
4. In 2006-2010, a sharp decrease of registered crimes (from 62283 to 32261 crimes) was observed, meaning the crime level had decreased by 48.3%. The MIA's number of registered crimes in 2011 decreased even further from 2010's number by 2478 units (7.1%) [12].
5. The 2010-2012 CSS studies (21 crimes for the last 5 years) have shown that the level of multiple victimizations has significantly decreased from 891 to 479 units out of 3000 interviewed persons (from 29.7% to 16.0%). During this period the victimization level decreased by 13.7%. In 2011-2012 the level of victimization stabilized from 16.8% to 16.0%.
6. During the 2010-2012 surveys, the level of victimization (21 crimes for the last year) was reduced by half, from 278 cases to 134 (from 9.3% to 4.5%). For the one year period of 2011-2012, the victimization level has been stable 5.5%-4.5%.

7. The level of victimisation in Georgia is currently lower than the countries participating in the ICVS (using 10 crimes for the last 5 years). The victimisation level for Georgia is 5%, which is 9 times lower than the 30 European countries included (45.5%) and almost 11 times lower than Estonia (58.4%), which was the only post soviet country that participated in ICVS (2004).
8. According to the survey results from 2010-2012, the number of respondents victimised by crimes against an individual or HH (12 crimes in total) has decreased on average, from 28.6% to 18.5%. For example, the number of car theft victims has decreased from 12 to 5 cases (1.1% - 0.1%) and is now stable.
9. According to the survey results from 2010-2012, the number of respondents victimised by crimes against an individual (9 crimes in total) has decrease on average, from 7.3% to 3.3%, (by 4%). For example, theft from and out of a car has decreased from 63 to 27 cases (from 2.1% to 0.9%) and is now stable.
10. According to the survey results from 2010-2012, citizens have gained a more optimistic attitude toward the crime situation in Georgia. For the last three years, the number of respondents who believe that the crime rate has dropped increased from 70% to 87%. Meanwhile, the number of respondents who believe that the crime level has risen decreased from 16% to 4.0%. The number of those respondents who believe that the crime level has remained the same has decreased as well (from 8.4% to 3%).
11. The vast majority of respondents were "not worried at all" about being physically attacked by strangers over the last 12 months (in 2010, 74.2% - in 2012, 76.1%), as well as for friends and relatives of being physically attacked (in 2010, 68.9% - in 2012, 74.8%), or being burglarized (in 2010, 64.4% - in 2012, 74.7%). According to the data from 2012, only 1.6% were worried about being physically attacked, 2.4% about their family members or friends being physically attacked, and 2.6% about being burglarized.
12. A large majority of respondents (respectively 96% - 98%) are confident about their safety during the morning and night hours. Compared to the 2010 data, the feeling of safety at night is higher in 2012; in 2010, 63.9% always felt safe, and in 2012 – 81.6%. The rate of those who answered "rarely/never/depends" has decreased from 5.1% to 3.1%.
13. In the surveys from 2010-2012, the number of respondents who believe that their neighbors would always help them if needed has increased from 57.4% to 74%. The number of those who believe that they would receive neighbours help "rarely/never/depends" if needed has decreased as well, from 10.1% to 5.6%.
14. According to the surveys from 2010-2012, more than half of the respondents are ready to cooperate with criminal investigations (56% and 61%, respectively), and only 18% and 21% would refuse to cooperate.
15. The CSS suggests that the criminal world has lost all its authority. In 2010-2012, their perceived authority has decreased. In this period, the number of respondents who believe that the authority of criminals has been reduced increased from 86% to 92%. The number of respondents who think that their authority has grown decreased from 5.0% to 2.3%.
16. According to the surveys in 2010-2012, respondents give high marks for the police's work at controlling crime in their neighborhood. Respectively 83% and 91% assess police work

as “good” or “fairly good” and only 2% and 0.6% assess its work as “bad”; only 4% and 2% declares about their work as “fairly bad”.

17. Based on the surveys in 2010-2012, the public’s confidence in law enforcement bodies and the judicial system have increased. The number of respondents that declare an absolute trust (10 points) in the patrol police has increased from 30% to 40.3%; in the police (excluding patrol police) from 19.5% to 31.3%; in the prosecutors office from 13.2% to 21.5%; in the criminal court from 13.4% to 21.7%; and in the bar association from 15.2% (in 2011) to 22.4% (in 2012).
18. According to the surveys in 2010-2012, 85% of respondents who had called the police in 2010, and 87% in 2012, declared that the police arrived in time. Among the same group, 4% in 2010 and 7% in 2012 declared that police arrived late, and only 1% said police didn’t arrive at all.
19. In 2012’s survey, 28% of respondents who had dealings with the prosecutors office were “very satisfied” with its service; 23% were “very dissatisfied”; 15.5% were neutral (according to survey in 2010, 19.1% were neutral). In 2012, the number of respondents who were “very satisfied” increased by 10% (from 18% in 2012) and the rate of those who were “very dissatisfied” were reduced by 4% (from 27% in 2010).This data implies an improvement of the prosecutor’s service and its image.
20. In 2012, 24% of respondents who had dealings with the criminal court declared being “very satisfied” with its service; 25% declared that they were “very dissatisfied”; and 18% were neutral (in 2010, 20.1% were neutral). Compared with the 2010 data, the number of respondents who are “very satisfied” has increased by 6% (from 18% in 2010), as the number of those “very dissatisfied” has decreased by around 7% (from 32%). This data also implies an improvement of the criminal court service and its image.
21. In the 2012 survey, the question was asked: “How much is your child protected from violence within the school?” 62% answered that children are “absolutely protected”; 30% consider their children to be “fairly protected”, 3% said “fairly unprotected, and 1% answered “absolutely unprotected.” In 2010, only 16%, four times less than in 2012, had assessed children as “Absolutely protected”; 21% as “fairly protected”; and 6%, six times more than in 2012, as “absolutely unprotected”. The introduction of mandatory service at schools has likely influenced these response rates.
22. In the 2011 survey, the respondents assessed the government’s fight against corruption highly. 68.9% consider the government to be efficient or somewhat efficient in fighting against corruption, and 9% consider the fight to be not efficient or very inefficient.

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THE PROBLEM of TORTURE IN 2007-2012 YEARS IN GEORGIA: RESULTS OF SOCIOLOGICAL SURVEY

Abstract

The author has organized a population survey by specifically prepared questionnaire, in order to be detected on empirical level public opinion about the violence from the state. For this purpose, two questionnaires were prepared: A - representative population survey on the topic of torture as a negative social problems and fight against "torture victim of former prisoners and B-questionnaire of former prisoners' who were victims of the torture.
The study showed that:

1. Till October of 2012 places of detention prisoners' abuses was systematic and widespread.
2. Majority of the prisoners' were victims of violence, torture and inhuman treatment.
3. After the parliamentary and presidential elections in 2012-2013 the attitude of population to the law enforcements improved.

Key words: Torture, Violence, Victimization, Criminalization

Introduction

After the scandal videos in autumn 2012, that was about the torture and inhuman treatment to the prisoners' in the penitentiary system, it was apparent in the detention institutions criminal activity of the representatives of administration was systematical and organized, that was declared publicly by the former government by the leading of Saakashvili and this was one of the reason of defeat "United National Movement".

The society has the negative and vulnerable reaction about the violation of prisoners' rights which was rapidly violate the Constitution of a country and all universal human rights, which is noted in international conventions and agreements.

The author made a sociological survey in accordance to the specific questionnaire, in order to study on the empirical level the public opinion about the governmental torture. In Georgia previously conducted the sociological inquire of public opinion about the victimization.

Survey methodology

The author has prepared two types of questionnaire (blog):

1. Questionnaire A - public survey on the issue "torture as a negative social problem and prevention"
2. Questionnaire B - questionnaire of former prisoners' who were victims of the torture.

Using of A Questionnaire the author has asked the 300 respondent. On the research took place 156 Female and 144 Male. There were 6 types of age group. (See table #1)

Table #1. Number of respondents by age		
1.	16-18 years	42
2.	19-24 years	49
3.	24-29 years	51
4.	30-49 years	54
5.	50-64 years	54
6.	65 and above	50

Torture as a negative social problem

To the respondents were asked the following questions: do you agree or disagree that in Georgia there is not a real guarantees to protect against the torture. 72% of the population responded the positively, 15% noted that there is no guarantees, 13% cannot answered. More pessimistically was groups of 24-29 years and 30-49 years respondents, more optimistically were persons of 65 years and above (see table #1)

Table #2. Do you agree or disagree that in Georgia there is no guarantees protection against of torture.		
1.	Agree	72%
2.	Disagree	15%
3.	Difficult to answer	13%

Following question (see table #3) – do you agree or not that the protection of government has increased from the October election of 2012, 64% of the population has answered positively, 12% has the idea, that such guarantees has decreased and 24% refrain from the answer. More optimistic are respondents from 19-24 and 24-29 age groups.

There are controversial in previous two questions. On the hand 2/3 of the respondents consider that in the country there is not an apparent guarantee from the protection the torture, and the other hand more than 60% has increased those kinds of guarantees. It should be noted that this contradiction is illusive, because in the first case essessed the condition of prisoners' to the whole 2013 years and in accordance to high international demand, on the other situation made an essessment of the period before the 2012 election when prisoners' had no rights. It is

important to mention young generation have more positive dependence to the achievement of new government that give the perspective to "trust credit".

Table #3. Do you agree or not that after the 2012 election has increased the government guarantee of protection from torture		
1.	Increased	64%
2.	Decreased	12%
3.	Difficult to answer	24%

On the question (see. table #4.), how often is used torture in 2013 the 12% of respondents answered that is used systematically, 10% considered – episodically, 50% has noted that it is not used, 28% could not answered.

Table #4. Do you think or not that torture in 2013 in Georgia		
1.	Is not used	50%
2.	Is used episodically	10%
3.	Is used systematically	12%
4.	I do not have an answer	28%

But despite high optimism (see. table #5) 62% of respondents agree there should take steps in order to be defended from the violence of law-enforcement agencies representatives, 15% noted that it is not necessary and 23% do not have a set position.

Table #5. Do you agree or not that from the violence of representatives of law-enforcement agencies should take steps for defendence of citizens:		
1.	Agree	62%
2.	Disagree	15%
3.	I do not have an answer	23%

At the same time respondents understand (Table #6) that the measures against the torture can obstruct the law-enforcements to investigation. This idea agrees 35% of respondents; do not agree 44% and 26% do not have answer.

After the questionnaire it should be see that for effective work to law-enforcements should not be used the torture in order to opening offence.

Table #6. Measures against the torture can interference the effective investigation to law-enforcements :		
1.	Agree	35%
2.	Disagree	44%

3.	I do not have an answer	26%

On the question (see. Table #7) „Do you consider or not that your friends, relatives and family memebers need the protection agains the torture?", only 21% declared that it is possible, 29% - lack necessity, 31% exclude such possibility and 19% did not answer the question.

Table #7„Do you consider or not that your friends, relatives and family memebers need the protection agains the torture?"		
1.	It is impossible	31%
2.	Lack necessity	29%
3.	It is possible	21%
4.	It is difficult to answer	19%

After the parliamentary election 2012 about the torture problems broadcasting the answers of respondents are following (see table #8):

Table #8. Do you think that after the 2012 parliamentary election thte torture broadcasting problems:		
1.	Very often	44%
2.	Requires volume	31%
3.	Improperly	14%
4.	Difficult to answer	11%

So on the question how often broadcasting the problem of torture by mass media, respondents of 44% answered that it is very often, 35% answered that sufficiently. 14% think that improperly, 11% did not answer the question. It should be noted that according to the results we can talk about the freedom of media and about the high level of democratization in the country.

It should be said that in the press and mass media notion of torture or action of government deliberately or without it distorted. For example, in April 2010 the survey of Kennedy Harvard School showed that such media centers' as "New York Times" and "Los Angeles Times" dropped to use the term "torture" about the waterboarding that was used by the government of United States of America in 2008-2012 years [4].

Along it was clear that press called the same action torture when it was used by the other countries' law-enforcements [3]. The above mentiones survey was the same as the survey of Manufacturing Consent of the Political Economy of Mass Media [6] about the term "genocide" [5].

Post-Soviet countries media was controlled by the government and the information about the torture was not apparent. The government of president Saakashvili was trying to limit free media activities, particularly the law-enforcement actions.

The answer is interesting on the question “should be change or not the liability burden of torture”? (See Table #9). Despite it, new government has the policy of criminal law and practice decriminalization. 35% of respondents consider that the liability should be more tighten, 27% considers that punishment should be more strict in some case and in some case should relief, 10% says that nothing should change.

For 16% it is difficult to answer the question and 12% support of reduction. The results show that respondents’ torture considers as a totally unacceptable phenomenon and 62% support the severe punishment.

According to the age group, the severe punishment support (from 50 to 64 years old) and more than 65 years group, despite of it young group (from 24 to 29 years old) 55% support the strict policy. In the gender perspective about the severe punishment is equal: 54% male and 46% female.

Table #9. Should change or not the Terms of use due to the severity of the torture?		
1.	Generally to tighten	35%
2.	In some cases, more severe, in some cases, minor	27%
3.	Remain such it is	10%
4.	Generally reduced	12%
5.	I cannot answer	16%

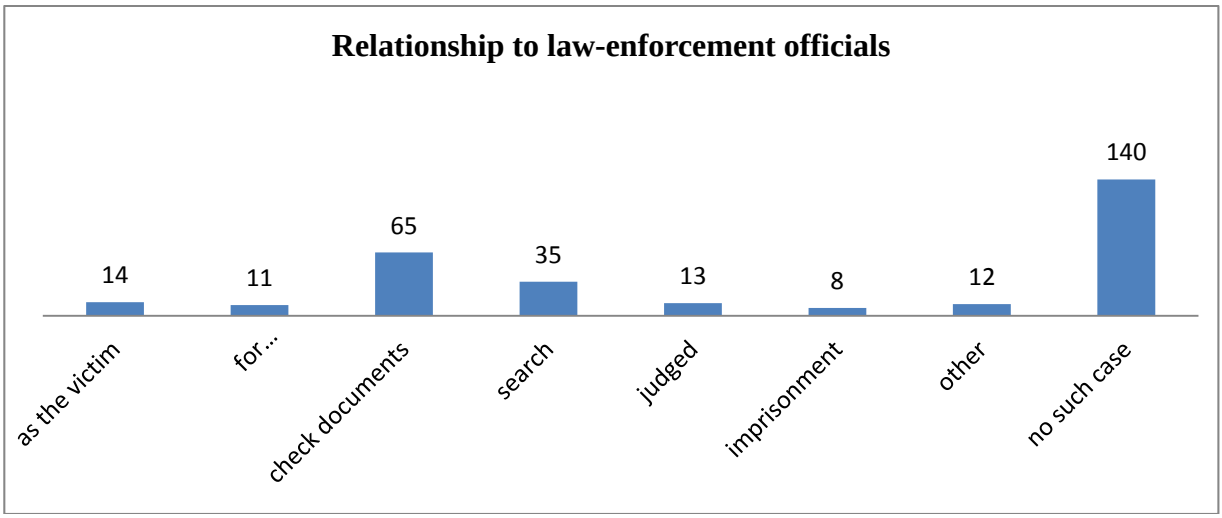
When asked "Do you think that the problems will require more effective measures asocial and criminal entities to unlock " (see Table 10) , the respondents 56 % answered that they needed; 25 % - believe - it is not necessary, 19 % - gatsemauchirs 's the answer Among the chief proponents of strict measures older age groups (30-49 and 50-64) as well as young people are more liberal. Gender perspective in the implementation of effective events 59 % of male support and 41% of female.
As we can see, the respondents' answers fell to the conservative attitudes that are "tough hand" policy and tougher sentencing to keep focused.

Table #10 Do you think that the solution of the problems of our society to take active measures to unlock asocial and criminal persons:		
1.	It is necessary	56%
2.	It is not necessary	25%
3.	I cannot answer	19%

Questionnaires - one aim of the study was the involvement of the problems in society . Survey showed that (see Table 11), almost half of respondents (46 %) over the last 5 years (including 2012) has not had any contact with the police. Among those who have had this relationship , it is logical that most of the respondents (21 %), who were on patrol or traffic control, police checked the documents. In this respect it should be envisaged that the traffic - traffic violations, a significant portion of fixed automatically (video camera), so direct contacts with the police are reduced, and this trend continues. 11 % of respondents searched or arrested. This is quite high , given that the total population of 4.5 million people, including 14 years of age. 5 % of respondents judged, and 3 % - of the court's decision deprived of his liberty. Respondents - 5 percent said that the victim or witness in a criminal case. The above data may not necessarily be in absolute terms, but point to certain trends.

Table #11. The last 5 years (including 2012) Have you had contact with the law enforcement co-workers? In particular:		Quantity	%
1.	As a victim or witness in a criminal case	14	5%
2.	Due to the administrative law	11	4%
3.	Checked the documents or police controlled you on the roads	65	21%
4.	Searched or detained	35	11%
5.	Prosecuted	13	5%
6.	Imprisonment by the court	8	3%
7.	Other	12	4%
8.	Have never had such a case	140	46%

For more detail also see: schedule #1



The survey also revealed that (see Table 12) the majority of respondents did not have any conflict between the law enforcement authorities. Among those who had any contact with the police over the past 5 years, 19 % - had a single conflict, 5 % - of - multiple, 4 % - multiple of 16% - refused to answer. It should be noted that the conflict in Georgia is quite common, and

more often with the police hot polemics disobedience and passive in nature.

Table #12 The last 5 years (including 2012) How often have you had a conflict situation, law enforcement co-workers?		
1.	Never	56%
2.	Once	19%
3.	Several times	5%
4.	Often	4%
5.	I cannot answer your question	16%

When asked "In the past 5 years (2012 included) did you see that law enforcement authorities actual violence or threat of violence " (see Table 13), the respondents 46% said that they have seen violence and threats of violence by the police, 25% of the respondents have seen once, and 13% said that often had conflicts with them. Respondents from answering to 16% did not answer. Based on the analysis of high-level conflict with the police, residents can discuss about how serious the social and political tensions in Georgia over the last 5 years and how politicized the police, who are often forced to perform unusual functions. Therefore, in 2007-2012 the population perceived not as a police public order and prevention of crime, but as a President Saakashvili in order to maintain his power repressive authority.

Table #13. "In the past 5 years (2012 included) did you see that law enforcement authorities actual violence or threat of violence "?		
1.	Never	46%
2.	Once	25%
3.	Often	13%
4.	I cannot answer	16%

Responding to the question, how often wore police violence, arbitrary or unreasonable in nature (see Table 14), the respondents 51% - has pointed out that - at least once, 8% - of respondents said that - some 29% - were not answered questions, and only 12% - admitted that there had been no such cases.

Table #14. In the last 5 years (including 2012) How often wore it violence unlawful or unreasonably heavy?		
1.	Never	12%
2.	Once	51%
3.	Often	8%
4.	I cannot answer	29%

The question "In the past 5 years (2012 included) Are you the impact of how often you have been subjected to torture in the third person (relative, friend, colleague) to ?" (See Table 15) 16 % - of respondents said that they impact on the third person (relative, friend , colleague) tortured. Whatever the number, it is worth special attention because it indicates that the repressive apparatus of the state to achieve their goals or in the office of a private, not avoided completely innocent persons araadamianul treatment. In such cases, usually occurs in countries with authoritarian regimes, which are part of the repressive machinery of the law enforcement system.

Table #15. The last 5 years (including 2012) in order to influence how often you have been subjected to torture in the third person (relative, friend, colleague) to?		
1.	Never	55%
2.	Once	16%
3.	Several times	-
4.	Often	-
5.	I do not have an answer	29%

While the government has often made statements to law enforcement agencies high rate and duties of their high ethical level, the survey (see Table 16), the last 5 years (2012 included), 34% of respondents law enforcement agencies abuse, and 38 % - inattention and disregard for their petitions and complaint. The above mentioned actions, at least, negligence and / or abuse of power by an expression, which, in the case of impunity, promote criminal violence / torture against citizens or degrade their rights .

Table #16. In addition to torture, over the past 5 years (including 2012), how often see law enforcement officers from the following actions?	Never	Once	Sometimes or systematically	No answer
Abuse	51%	32%	2%	15%
Inattention and disregard your statements and complaint	42%	35%	3%	10%

Torture victim of former prisoners survey (questionnaire B).

By the author of the article also was interviewed in custody until October 2012, 100 people, including victims of torture and inhuman treatment. Most of the victims have been released ahead of prison violence, respondents were part of a political prisoner status.

Torture methods used can be grouped into direct violence, which , as a rule , the more often we meet and Soviet prisons and camps relic of tradition. According to the survey (see Table 17), 29% of respondents (in total) indicates that it is used mokhrchobis, 79 % confirmed the beating , the power to torture - 17 %, suspension - 12% immersion - 8 %, burn the person by - 5 % , etc.

In addition to direct violence , is widely used to create intolerable conditions for prisoners, which was easy to disguise the offender to prison prisoners punishment internal measures permitted by law . To do this, they froze in cold buildings or sanitation, addressing an intimidating effect on the nervous system or the deafening sound, strong light; froze force posture in which it is applied stretching, handcuffs and msg hitch. Threatened with a weapon (11 %).

Table #17. How often do you use the following forms of violence over the past 5 years (including 2012)?		Never	Once	Often
1.	Torture with drowning	71%	25%	4%
2.	Torture with prevention of (sleep, water supply, food supply, natural needs are met and etc.)	39%	45%	16%
3.	Being forced posture (handcuffs and tied ets.)	67%	21%	12%
4.	Suspension, by twisting arms, shooting in the air.	88%	8%	4%
5.	Display of weapons, including the imitation of shooting	89%	11%	-
6.	Electric	83%	12%	5%
7.	Beating	21%	54%	25%
8.	Immersion in water	92%	8%	-
9.	Under the influence of the nervous system: the fear-inspiring or a deafening sound, strong light	46%	38%	16%
10.	Anti sanitary conditions in the presence of cold buildings	11%	44%	40%
11.	Other persons (cellmate) violence in order to implement	56%	29%	15%
12.	Burn damage hot objects, mdughareti, with cigarette burns	95%	5%	-
13.	Other	79%	14%	7%

As studies have shown (see Table 18), almost half of physical violence except under severe psychological pressure which bear the prison conditions are particularly difficult, because prisoners are already in a stressful situation in their own failure on the one hand, state law enforcement before, on the other hand, due to the negative impact from the other prisoners, who are often performed by the pressure exerted on the order of a specific person.

Table #18. In addition to physical violence in the past 5 years, if not already done so, you will malicious use of psychological pressure against your friend or do you?		
1.	Never	39%
2.	Once	44%
3.	Sometimes	2%
4.	I do not have an answer	15%

Interesting for us is physical violence / torture cause analysis (see Table 19). 56 % of respondents are more often the cause: a plea, to testify against him/herself or to other persons, anpirikit, refusal to give testimony, 54 % of respondents - for extortion of money or property by force to

seize, 36 % - were even unable to identify any motive that led to the violence of action. It should be noted that 25 % of respondents were victims of violence due to their protests and civil resistance of coercion.

Table#19. What is the use of physical violence or psychological pressure, and how often?	Never	Once or several times	Often
1. Guilty plea, or other persons to testify against himself, anpirikit, for refusing to testify	28%	56%	6%
2. Political, racial, religious, tolerated because of	45%	30%	25%
3. Revenge	53%	35%	12%
4. Extortion, money or property seized by force under the	33%	54%	13%
5. Ridicule	59%	29%	12%
6. Protests, civil resistance became participation	67%	25%	8%
7. Motive is not clear for your	55%	36%	9%

Conclusion

From the above mentioned it should conluded that:

1. Until October 2012, the custody and prisoners were systematicly abused (tortured);
2. The majority of prisoners were victims of violence / torture and inhuman and degrading treatment;
3. The 2012-2013 parliamentary and presidential elections improved the attitude of law enforcement towards prisoners.

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THE INFLUENCE OF LEGISLATIVE AMENDMENTS ON THE PARLIAMENTARY ELECTIONS OF 2012

Abstract
The elections of October 1, 2012, marked an important page in the modern political history of Georgia, and they are justly considered as a turning point on the country's extremely difficult road to democratic development. The author analyzed main legislative amendments which had influence on parliamentary election: Election Code and Amendments to the Organic Law of Georgia on Political Unions of Citizens

Key words: Election Code; Legislative amendments; Pre-election process; Transitional democracy

Introduction
The elections of October 1, 2012, marked an important page in the modern political history of Georgia, and they are justly considered as a turning point on the country's extremely difficult road to democratic development. It was thanks to these elections that it became possible to make a peaceful transfer of power for the first time in the recent history of Georgian statehood.

The population of Georgia played a very active civic role in ensuring the transfer of power by the Parliamentary elections. In addition, the role of the international organizations and society in the peaceful transfer of power should be especially noted. The involvement of long-term and short-term international observers in the monitoring processes in the pre-election period and on the Election Day deserves a positive assessment as well.

Although, a political party – The National Movement was defeated in election and the government changed smoothly and peacefully, on the whole, we cannot really consider the pre-election period peaceful. Furthermore, it can be argued that, in comparison with previous elections, it was distinguished with considerable political tention and physical confrontation.

The legislative amendments that were adopted unilaterally, made the political situation and the pre-election environment even tenser, should be mentioned separately. On the whole, it can be argued that the decisions without political compromises put a serious blot on the pre-election process.

Below, I will try to review the legal activities that made a serious influence on the pre-election period.

The Legal Reforms

It should be noted that, in order to hold the fair Parliamentary elections, it was important to implement preparatory pre-election activities that aimed at improving the election legislation and, for that purpose, making relevant legislative amendments.

Due to this, it was logical that the authorities prepared a package of relevant legislative amendments. Unfortunately, instead of improving the election environment, the aforementioned amendments were mostly directed against the new political team and its leader, Bidzina Ivanishvili, and, due to this, they were obviously politically motivated. On the other hand, the emergence of the new force on the political arena made the country's pre-election environment more competitive.

There were a number of factors that made the parliamentary elections of 2012 especially interesting, including the 2010 amendments to the Constitution according to which the party which won the parliamentary elections would be able to elect its candidate to the post of the Prime Minister of Georgia from 2013.

It should also be emphasized a reform of the election legislation started in November 2010, which finally resulted in the adoption of the new Election Code in December 2011. It unlike the legal norms operating during previous elections, introduced strict mechanisms of control on party funding [3].

It should be noted that in countries of transitional democracy, legal resources in the hands of the ruling party are one of the strongest tools to put political opponents in an unequal position and to ensure a privileged position for the ruling party. Under the aforementioned resources, we mean the opportunities of using the legislative, executive, and judiciary branches of government for political and electoral purposes. We also mean such legislative changes that only inflict to certain political groups and make it possible to implement law in a non-uniform manner.

In addition, important amendments were made to the Organic Law of Georgia on Political Unions of Citizens, which changed the rules of financing, financial reporting, and transparency of political parties in an essential manner.

Let's discuss both the positive and negative aspects of each of these legislative initiatives.

Amendments to the Election Legislation

In June 2011, with the direct participation of the Chairman of the Parliament of Georgia, the ruling party and six opposition political unions concluded an agreement on main directions of the Georgian election legislation. Although the society had some doubts to the aforementioned opposition parties regarding their independent politics, on the whole, results of this agreement were assessed positively. It should also be noted that a most part of the legislative amendments

did not serve to eliminate the existing shortcomings of the election environment [4]. There was an impression that the authors of the initiative aimed at getting the favor of international organizations.

Unfortunately, there remained a number of problems beyond the amendments that needed to be solved, for instance, in regard to the use of administrative resources. Despite the fact that the new Code offered certain initiatives in this regards, it still failed to solve existed problems completely. However, there were also some changes that are noteworthy, namely:

- it was prohibited to use means of communication, information services, and other types of equipment owned by bodies of state and local government and organizations that are financed from the state budget of Georgia;
- it is prohibited to use means of transportation owned by the bodies of the state or local government free of charge or under preferential terms.
- persons with the right to take part in pre-election agitation holding position in state or local authorities were prohibited from using their official capacity and working status in the course of pre-election agitation and campaign in support of or against any candidate/political party;
- it was prohibited to implement projects that were not previously envisaged in the state/local budget from the day of announcement of election day until the consolidation of the election returns, as well as to increase those budgetary programs that were envisaged in the budget before the elections, to initiate ad hoc transfers, or to increase planned transfers in the local budget;
- the list of political public officials increased, and the position of the governor was added to it;
- with the aim of preventing and responding to violations of the election legislation by public officials, the Interagency Commission was set up under the National Security Council of Georgia, and its functions were determined;
- it became possible to suspend expenses allocated through unlawful changes to the state/local budget in the pre-election period with a court decision.

Herewith, it was set up certain sanction for participation in pre-election campaign in violation of these requirements. For instance, this violation is subject to a fine of GEL 2,000 (Article 79, the Election Code).

Also, the new Election Code offered remarkable initiative regarding the conduct of the pre-election campaign [1].

It should be noted that the beginning of pre-election campaign is determined by the Georgian legislation. It starts from the day the election is announced. From the day the election was announced, the candidate/political party involved in the electoral process started active campaigning and found themselves in a politically strained pre-election environment.

At the same time, it should be noted that Mass media has certain obligations when covering a pre-election campaign. In this respect, the new Election Code offers certain additional regulations, namely:

- Mass media, including broadcasters are obliged to keep and observe the rules of placement of pre-election political advertising;
- it is prohibited to use the election number of any political party in social advertising;
- it is prohibited to produce printed materials funded by the state/local budget that depict any election candidate/political party or its election number and/or that contains an appeal in support of or against any election subject;

Also, a significant innovation was set up regarding the compulsory implementation of the transit rules for the cable television. Herewith, an Article 51 of the Election Code has presented certain sanctions. For instance, it says that non-compliance with the obligation to provide information coverage of a pre-election campaign will result in a notice, and failure to eliminate the violation within three days of getting a notice or repeated non-compliance with this obligation will result in suspension of authorization for the authorized person to transit broadcasting for a period of 1-year.

Amendments to the Organic Law of Georgia on Political Unions of Citizens

The agreement reached between the ruling party and the six opposition political unions in June 2011 also included amendment to the Organic Law of Georgia on Political Unions of Citizens. The aim of the legislative amendments prepared by the ruling party was to prevent political corruption. However, apart from the declared aims, there were also other, latent aims which obviously cast a shadow on the legal side of the amendments.

It should be noted that the first version of the legislation package of the Organic Law of Georgia on Political Unions of Citizens envisaged doubling the upper limit of donations. Namely, this limit was supposed to amount to GEL 60,000 for persons and GEL 200,000 for organizations.

The aforementioned amendments were unsuitable for local NGOs. In their opinion, the limit established by law was already high, and such a change could not ensure the creation of a more competitive election environment. The ruling party declared before that this decision would not change, because an agreement had already been reached among the political parties and it would only be possible to change it through another agreement [5].

After a short time, in October 2011, the new package of amendments to the Organic Law of Georgia on Political Unions of Citizens was proposed by the ruling party that was in essential contradiction with the version proposed by ruling party before. For example, the draft already provided for a ban on donations by organizations and established various restrictions on donations by persons. In addition, the draft introduced a category of persons to whom the

restrictions established for political parties would extend in certain cases. What is most important, the need for such initiatives was devoid of arguments and legally unsubstantiated.

Therefore, the society, media, and political parties have linked together the last version of the legislative package and Bidzina Ivanishvili's appearance into politics, which was confirmed by the fact that the first version of the draft doubled the upper limit of donations for organizations, while the new version, as noted above, made it completely illegal to receive donations from any legal entity. Presumably, such a decision was taken to deprive Bidzina Ivanishvili of the opportunity to finance political parties [5].

In addition, the legal side of amendments to the Chamber of Control of Georgia should be mentioned separately. The amendments gave the Chamber of Control of Georgia previously non-existent functions regarding the monitoring of donations and issues of funding of political party in general. Most of these functions went beyond the tasks and obligations that the Chamber of Control had at that time and were justly viewed as politically motivated. For this reason, the Chamber of Control was soon transformed into the State Audit Office which, in addition to monitor the legality and transparency of the financial activities of parties, was supposed to regulate a number of other issues related to donations in pre-election campaign. What is most important, it was given the authority to apply relevant sanctions (in the form of a fine) against political parties for the violation of the requirements.

According to Article 34^1 of the Organic Law of Georgia on Political Unions of Citizens, the State Audit Office is authorized to:

- establish standards of auditing of financing of a political party;
- verify the completeness, accuracy, and legality of the financial declaration of a party and the report of a campaign fund;
- conduct audit of the financial activity of a party;
- ensure the transparency of party financing and, if required, request information related to the finances of a party from the party, administrative bodies, and commercial banks;
- if required, request information from persons about the origins of the property contributed to or received from a party or other persons;
- provide interested persons with consultation about a party's financing;
- respond to violation of the legislation related to party financing and apply the sanctions prescribed by the law;
- apply to the prosecution service in the case of facts of a crime;
- if required, request a financial report from a person;
- develop monitoring methodology of a party's financial activity [2].

You will probably agree that adding of a number of functions to the Chamber of Control made it a very important link in the political system which could make serious decisions in regard to financing of political party/candidate.

At the same time, the proposed draft contained provisions that restricted freedom of political activity, speech, and expression, as well as the right to ownership. For example, according to the aforementioned legislative amendments, the restrictions imposed on parties also extended to ordinary citizens or organizations that expressed their opinion regarding a political party or made a statement in support of or against a political party. As a result, a politically active person could be subjected to full financial control by the State Audit Office, and his/her entire property could be sequestrated. At the same time, the sanctions for violation of the law were unjustifiably high and disproportionate [6].

It should be noted that the existence of such inappropriate and, at the same time, unsubstantiated regulations made it possible to use them against political opponents, which actually took place systematically during the pre-election process. All this, in the final analysis, inflicted serious harm to free and competitive pre-election environment.

The sanctions for violating the financial regulations envisaged in the Organic Law of Georgia on Political Unions of Citizens should be discussed separately.

It is important to emphasize the 2003 recommendation of the Council of Europe which envisages certain rules aimed at eliminating corruption in financing an election campaign by political parties. It recommends that the member states apply effective and adequate sanctions when political parties violate the rules of financing and/or conducting an election campaign [11]. The sanctions, of course, compel political parties and officials to refrain from receiving unlawful funding. The aforementioned makes the political process more open and transparent.

It is also normal that it is impossible to fight political corruption effectively without imposing relevant and adequate sanctions including for non-compliance with the obligation to publicize information about financing and for violating law.

However, it should also be noted that regulating the financing of political unions requires more effective and flexible system which will ensure that sanctions applied in the case of violation of law are adequate and impartial [10].

Proceeding from international practice and the recommendations of GRECO, the legislation must not impose disproportional sanctions that will, on the whole, interrupt political activity, political competition, and, accordingly, the formation of a diverse political spectrum in the country.

In its turn, the State Audit Office is obliged to be very careful and attentive with applying strict sanctions, since the state may use it as a tool for political struggle against political opponents. The signs of this were visible during the parliamentary elections of Georgia when the

imposition of sanctions on the Georgian Dream coalition by the authorities was perceived as a means of political struggle.

Also, biased application of law in political processes by law enforcement bodies may inflict serious harm to the principle of the political independence of the parties that can bring irreparable results. A clear evidence of this is the fine in the amount of GEL 2.86 million imposed on the member parties of the Georgian Dream coalition which inflicted serious damage to the financial interests of the coalition and, by doing so, to the principle of equality of political actors in elections [9].

Among the legislative amendments, we should also mention the introduction of new guarantees for financing of political parties by state. In this respect, we should emphasize the norm of the Election Code of Georgia according to which election participants that overcomes the 5% threshold of the votes will receive a one-time sum of no more than GEL 1,000,000 from the state budget to cover the costs of the election campaign, including GEL 300,000 for pre-election TV advertising expenses.

It seems interesting, that the budget funding of political parties is differentiated. For example, in accordance with Article 30 of the Organic Law of Georgia on Political Unions of Citizens, the sum allocated in the form of budget funding consists of the basic funding, a supplement allocated for an MP (member of parliament) elected through the proportional system, and a sum component that corresponds with the amount of votes received by the party. At least it means that the state funding may come in three forms:

- all parties receive equal budget funding;
- parties are given an additional bonus in proportion to the votes received in an election;
- parties are given an additional bonus in accordance with the number of MPs elected through the proportional system [2].

When talking about the electoral changes of 2011, it is necessary to mention the dynamics of the process itself and in what form the changes were supposed to be incorporated in the legislation.

For example, the version of amendments submitted for the third hearing of the Organic Law of Georgia on Political Unions of Citizens, in addition to imposing a ban on receiving donations from a organization, indicated that the sums that had not been spent before the amendments come in force (the end of 2011) were to be returned to the donors or transferred to the state budget.

More specifically, the draft of the Organic Law of Georgia on Political Unions of Citizens contained a wording according to which the sums (including donations from organizations) received in violation of the requirements of “this law” and were not spent before the law comes in force might to be returned to the donors no later than three calendar days, while, in the case

of non-compliance with this obligation, they were to be transferred to the state's ownership. This gave the law retroactive force. However, finally, as a result of the intervention of international and local organizations and the diplomatic corps, the law was not given retroactive force [7].

In spite of this, this action by the Georgian authorities followed by results. For example, several political unions spent quite considerable sums to purchase main assets and motor fuel and paid office rent, for which they wrote off sums from their accounts before the end of the reporting year. Specifically, they made payments in advance before they had received the services/goods [8].

Such use of the legislative lever for influencing the activity of political parties reflected negatively on the financial condition of the parties, which hindered the full fulfillment of their political objectives, especially in the pre-election period.

It should be noted that, thanks to the efforts of the activities of the "This Concerns You" coalition, civil sector, media, experts, international organizations, diplomatic corps, and society, the authorities made certain concessions and, later, a number of amendments were made to the Organic Law of Georgia on Political Unions of Citizens.

It can be argued that the aforementioned amendments improved the situation in a tangible way, though it failed to "ennoble" the election legislation fully and prevent political tension in the country.

In conclusion, we hope that, under the new government, an independent commission will be set up with the involvement of political parties, civil sector, experts, and scholars which will start working seriously with the aim of making fundamental changes to the election legislation and, at the same time, cooperate actively with international organizations, so that to adopt an election code based on the strong compromises among the political parties and fully corresponding to the international standards as well.

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THE ISSUES, EXISTING IN PRACTICE, CONCERNING THE DEFENDANT FROM THE CLAIM

Abstract

According to the Gerogian legislation, the defendant, as a party, has the right to present his point of view reguarding the claim. The above mentioned is confirmed by the Civil Procedure Code of Georgia and also by the Civil Code of Georgia. The defendant's right to submit objetions is asserted at the very stage of the jurisdiction and venue clarification. According to Article 21

of The Civil Procedure Code of Georgia [5, 21], if the jurisdiction of the Court is not defined unambiguously, it depends on the defendant's will to consent with the claimant choice of the jurisdiction of Court. A written agreement between the parties is required. If at the hearing stage, it appears that the Court considering the case, has no jurisdiction, the court shall explain to the defendant of his rights that he can file appeal against the non-jurisdiction. If the defendant is not against, not under jurisdiction court becomes court under jurisdiction. The author analyzed the issues relating to judiciary practice, concerning the defendant from the clime.

Key words: Claim, Defendant; Civil Procedural Code; Counter-claim

The Civil Procedure Code of Georgia, issued on November 14, 1997, is based on the principles of disposition and competition. According to the first part of the Article 4 of the Civil Procedural Code, the proceedings pass on the adversial base. The parties profit the equal rights and possibilities to prove their requests, deny or rebut the claims, opinions and evidences put forward by the other party. The court has no right to establish itself those factual circumstances which the adverse party's request or rights are based on [1, 34]. The parties themselves define which facts should form the basis of their claims or which evidences may prove these facts. The parties realize the procedural implementation of their substantive rights through claim and counterclaim. The defendent's processual means of defense from the claim are not studied profoundly. The study of the mentioned institute is very important in the realisation of the principle of competition, this study has the significant theoratical and practical value.

According to the Georgian legislation, the defendant, as a party, has the right to present his point of view reguarding the claim. The above mentioned is confirmed by the Civil Procedure Code of Georgia and also by the Civil Code of Georgia. The defendant's right to submit objetions is asserted at the very stage of the jurisdiction and venue clarification. According to Article 21 of The Civil Procedure Code of Georgia [5, 21], if the jurisdiction of the Court is not defined unambiguously, it depends on the defendant's will to consent with the claimant choice of the jurisdiction of Court. A written agreement between the parties is required. If at the hearing stage, it appears that the Court considering the case, has no jurisdiction, the court shall explain to the defendant of his rights that he can file appeal against the non-jurisdiction. If the defendant is not against, not under jurisdiction court becomes court under jurisdiction.

The Article 106 of the Civil Procedural Code relieves the plaintiff and the defendant from submitting of evidence proving well-known facts. The parties are also relieved, if the facts are established on the civil case entered into force, if during the hearings thereof, the same parties were involved [7, 106].

The Law defines not only the defendant's rights, but obligations, in particular, according to the Article 201 of the Civil Procedural Code, within the term assigned by the Court, the defendant shall submit his objections concerning the issues raised in the claim and evidences. The

defendant shall present his point of view reguarding the claim, does he accept or not the claim, if he does not – the facts and circumstances which his objections are based on. It is important to indicate the evidences proving mentioned circumstances, in this case, the evidence shall be appended to the objections, or, if the defendant cannot submit the evidence, he shall apply to the court with the request of the delay of evidence submission, otherwise, the defendant will not have the right to submit further evidence [8, 201].

In the case of not submission of evidence by the defendant the 7th part of Article 201 of The Civil Procedure Code of Georgia obligates the Court to deliver a default judgment because of the not submission of the objections. I think this article must be removed. As the court practice has shown the delivery of the default judgment on such a basis and its results waist much more time. However, Ph. Bassilia expresses the contrarian opinion. In his opinion: "Because of the non-submission of the objections, the delivery of the default judgment conditioned by the principle of Procedural economy that means the hearings of the case timely without delay. In this case, the judgment, if it is not contested, enters into the force and its execution will take place in the shortest time" [3, 112]. We share the opinion that, if the default judgment is not contested, it soon enters into the force, but the majority of such decisions are contested and in this case, as we have mentioned, makes the parties and the court waist a lot of time. In our opinion, in the case of non-submission of the objections, the ordinary hearings of the case should be assigned on the base of the 4th part of the Article 201 the Civil Procedure Code of Georgia, the defendant will not have the right to submit his opinion concerning the factual circumstances and evidence indicated in the claim and this will be the ground of the court decision against him, that will be contested according to the legal order of contestation of an ordinary decision and in this way the waist of time involved by the contestation of default judgment delivered because of the non-submission of objections will be evaded.

In accordance with the current norm, the court shall deliver a default judgment because of the non-submission of objections. However, there are the cases, the Court of first instance does not render a default judgment on this base, it assigns the hearings of the case and, this time, delivers a default judgment because of the plaintiff's absence. That will put the parties in the equal conditions.

There is a number of judgments of the Supreme Court, that cancelled the decisions of the Court of Appeals on the grounds that at the time when a default judgment was delivered because of the plaintiff's absence, prior to that there was the necessity of the delivery of the default judgment on the grounds of non-submission of objections by the defendant and the Court had not apply this requirement of the law. № ას 238-224-10 July, 2010. On the case, the Cassation Chamber noted: "The cassator Z. N-shvili indicated in the appeal that the Court of first instance had disregarded the 7th part of the Article 201 of The Civil Procedure Code of Georgia, according to which the Court of first instance was obliged to deliver the default judgment because of non-submission of objections by the defendant, the Court had not done it". The Cassation chamber notes that the Court of Appeals does not discuss and does not study the facts,

having procedural nature, which exist in the case that may indicate the necessity to delivery of the default judgment because of the non-submission of objections by the defendants. According to the clause "E" of Article 394 of The Civil Procedure Code of Georgia, the decision will always be considered to be awarded in violation of the Law, if the justification of the decision is so incomplete that its legal revision is impossible. Therefore, the Cassation Chamber notes that the Court of Appeals shall examine the reason of non-submission of the objections by the defendants and non-awarding of a default judgment in the Court of the first instance and shall award the decision". The Supreme Court awarded the similar decision of non-delivery of a default judgment. Case № ას 839-1125-09 11 March, 2011. The Supreme Court clarifies once again the requirement of the Law: "According to Article 232^1 of the Civil Procedure Code of Georgia, non-submission of the response (objections) by the defendant within the term indicated in the second part of Article 201, if it is caused by the inexcusable reason, the judge issues a default judgment without hearing. In addition, the judge satisfies the claim, if the circumstances indicated in the claim legally justify the requirement, otherwise, the Court assigns the main session" [10, 79].

There are cases in the practice that the court is obligated to explain to the defendant the results of non-submission of the objections, but the court does not do it and award a default judgment because of non-submission of objections. The above-mentioned is the absolute ground of the cancellation of the decision. There are a number of decisions of the Supreme Court which cancelled the decisions of the Court of Appeals on such ground. The Supreme Court defined on the case № ას-705-925-08 23 February, 2009: "The possible result of non-submission of objections is the awarding of a default judgment indicated in Article 232^1 of the Civil Procedure Code … the submission of the objections is the defendant's obligation, in the case of non-compliance thereof there is a presumption that the party has no interest or has lost it towards to the trial and, as a procedural sanction, according to the Article 232^1, a default judgment is awarded, but in the case when a party is not informed about his procedural obligations and their negative results, the court cannot presume that the party has no interest in protection from the claim. Thus, in this case the delivery of a default judgment is prohibited … The Cassation Chamber considers that the court, defining the term for the submission of objections, in the same decision shall explain to the party that in the case of non-submission of the objections within the term assigned by the court a default of judgment will be delivered. The mentioned explanation must be indicated in the operative part of a decision. Without such an explanation the court is not authorized to deliver a default judgment on the grounds of non-submission of objections" [9, 39].

The Civil Procedure Code of Georgia is built on the principle of competition. According to the first part of the Article 4 "The parties have the equal rights and possibilities to prove their requirement, deny or rebut the other party's request and evidence presented by this party"[4, 4]. In accordance with Article 102 of the Civil Procedure Code of Georgia each party "must prove the circumstances which he cites as the basis of his claims and objetions"[6,102]. These articles regulate the parties' rights and obligations during the ordinary civil proceedings, when the

claimant considers and there is an assumption that the defendant has infringed his right, but in the practice there are some cases when such assumption has no grounds, i. e. the claim is manifestly unfounded. In this case, the defendant, having infringed no right of the claimant, becomes the claimant's victim. The defendant suffers both materially and morally. The defendant, who is not a lawyer, must address to a qualified lawyer, pay a sum, which often presents borrowed funds, goes to courts, despite his self-righteousness. The defendant does not know what a decision the court will deliver, that is why he jitters. We think, in such cases, there must be a certain protective mechanism in the law, which will protect the defendant both materially and morally, will not make him waist time, funds and free from worry. In order to avoid such problems, we think that a new clause: "the claim is manifestly unfounded" - should be added to the first part of Article 186 of the Civil Procedure Code.

The defendant can protect himself both with objections and a counter claim. A counter-claim is an ordinary claim and it is called so because it is submitted because of the main (initial) claim and if this claim was not submitted, the counter-claim would be submitted as independent and main claim [2, 326]. The submission of a counter-claim and objections is limited in the time. The defendant has the right to submit a counter-claim only after the submission of the main claim to the court of the first instance. The defendant can submit a counter-claim at the stage of preparation for the hearing. If an excusable reason exists, it is possible to submit before the end of the trial. If the defendant did not prove the veniality of the reason of non-submission of the counter-claim, we think in the case when the defendant intended to submit a counter-claim on the grounds that there is the interconnection between the counter-claim and the initial claim and brought together the trial will be resolved quickly and correctly, in this case the defendant can initiate an ordinary suit and hereafter, he can demand to join it to the case instituted against him, this will perform the same function that the joint consideration of the claim and the counter-claim submitted timely by the defendant performs. A counter-claim is an ordinary claim having a claimant and a defendant. The initial claimant will be a defendant and vice versa, i. e. in the counter-claim the parties are "changed", as the counter-claim is an ordinary claim, it must respond to all the requirements to which the initial claim must respond. The Article 189 of the Civil Procedure Code of Georgia defines the case when the counter-claim is submitted, if: 1. the demand of the counter-claim setoffs the initial claim; 2. the satisfaction of the counter-claim denies entirely or partially the satisfaction of the initial claim; 3. there is interconnection between the counter-claim and the initial claim and their joint hearing involves the quick and complete adjudication of the trial.

According to the first part of the Article 190 of the Civil Procedure Code of Georgia, if the counter-claim is received after the preliminary proceedings, the hearing may be postponed at the request of the defendant or on the initiative of the court to another time. There is not specified which plaintiff's request we should infer. However, the initial claimant is purported, who needs time to prepare and the submission of the counter-claim is required, that is why the law shall define imperatively the delay of the hearing of the case and it should not be necessary the party's request. The second part of the same article imposes on the defendant, who declared

belatedly a counterclaim, the reimbursement of funds involved by the delay, I consider this position wrong, as the court had given to the defendant the possibility to submit the counter-claim, it should not "punished" him.

Thus, we can say that in practice there are problematical issues concerning the procedural protections of the defendant from the claim and without the study thereof the principles of disposition and competition will be neglected.

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PREVENTIVE PECULIARITIES OF ANTI-CORRUPTION LEGISLATION IN THE USA AND GREAT BRITAIN

Abstract
Corruption is simultaneous process of the mankind evaluation from the ancient time of its civilization. Abrupt increase of corruption was observed in the XIX century when market relations were established. First attempts to create anti-corruption laws were observed in the same period. However, significant changes of anti-corruption movement neither worldwide nor in separate countries were observed. Only in the second half of XX century, when the fight against corruption became the priority of state policy, it became possible to minimize its impact in every field. The experience of the countries, with complex governmental administrations, such as USA and Great Britain, is particularly interesting in this trend.

Key words: Corruption; Code of ethics; Bribe; Anti-Corruption Strategy

Corruption is simultaneous process of the mankind evaluation from the ancient time of its civilization. Bribery was fined even by Hammurabi Laws (4 thousand BC). Negative impact of this anti-social phenomenon is felt in every country regardless its statehood or tradition. Abrupt increase of corruption was observed in the XIX century when market relations were established. First attempts to create anti-corruption laws were observed in the same period. However, significant changes of anti-corruption movement neither worldwide nor in separate countries were observed. Only in the second half of XX century, when the fight against corruption became the priority of state policy, it became possible to minimize its impact in every field. The experience of the countries, with complex governmental administrations, such as USA and Great Britain, is particularly interesting in this trend.

Peculiarities of Preventive Anti-Corruption Law in the USA

US Anti-Corruption Law is very strict. For example, bribery, kick backing and other corruptive deals are either punished by fine equal to triple amount of the bribe or by imprisonment up to 15 years or by both together; when there are aggravating circumstances, the offender is punished by imprisonment up to 20 years. US law imposes punishment when senior officials get extra payment for the action which is within his/her professional duties and already gets official salary for it.

According to the American law, official can receive a bonus only officially by the authority. If the law is breached, he/she will be fined or imprisoned up to two years, or punishments are aggregated.

Agreement between any persons on employing a person in federal public service is a corruptive deal. Solicit or receiving financial or property benefits in exchange of support in employment at public service is punished under the Criminal Law. The offender is punished by one-year imprisonment or by fine equal to the solicited/received bribe or by both sanctions together. Special recruiting agencies are exception, which have permission to participate in the selection-employment process of public servants.

US Anti-Corruption Law has systemic character. It includes legal acts, which regulate lobbyist, bank, fund and other activities. Although it does not guarantee full eradication of the corruption, its level is much lower than in other countries.

The fight against corruption in the USA is simplified by the fact that senior officials do not have immunity there. Any governmental official, including the president, congressmen and senators can be punished under the criminal law though under particular rule after he/she is resigned from the position.

Another signification trend of the US Anti-Corruption Strategy is prevention of corruption in the public service. It relies on the establishment of the so-called Administrative Moral that is unification of Ethic and Disciplinary Standards of the Public Service.

Code of Ethic for Government Service was first adopted in 1958 in the form of Congress resolution which stipulated that any person in government service should:
1. Put loyalty to the highest moral principles and to country above loyalty to Government persons, party, or department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Although the Code had recommendation character, later on it became a basis of the legal regulations of the Administrative Ethic of Government Officers in the USA.

In 1962, so-called Official Rules for the Elected Government Officials (for the members of both chambers of the Parliament) and Servants of Executive Government" was adopted by the US Congress for the development of the Code. In 1965, President L. Jonson issued a decree which set standards of action, ethic norms for officials. In 1978 these rules were turned into the Law on Ethic of Government Officers.

After 1980s, ethic principles of the state service became target of more strict legal regulations. In 1989, US Congress adopted the Law on the Reform of Ethic Code which introduced significant amendments to the norms of conduct of officials and spread those norms over every branch of the federal government – legislative, executive and judiciary.

In October of 1990 the law was reinforced by the US President's Executive Decree #12731 "Principles of Ethical Conduct of Government Officers and Employees". These principles were spread not only on senior governmental officers but also for lower circle of employees.

According to the Decree:

1. Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest;
2. An employee shall not accept any gift or other item of monetary value from any person or group of persons for the performance of the employee's duties.
3. An employee shall not accept gifts from persons, whose interests may be substantially affected by the performance or nonperformance of the employee's duties;
4. Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

Person or group of persons or commission, working in the relevant state institution, is in charge to control execution of this decree – in case of necessity they can request additional information, call employees for interviews and conduct internal survey.

If violations are observed, one of the following sanctions may be imposed on the officer:

1. Partial or full disqualification;
2. Professional abasement;
3. Suspension of financial relations consisting Conflicts of Interest.

In case of serious violations, criminal liabilities may be also imposed.

Besides that, government officer is restricted to receive extra revenues (combined job). The additional income shall not exceed 15% of the main salary. This restriction refers to the officers

of all government branches except the members of the US Senate. Government officers directly appointed by the US President are prohibited to get additional income during their service in the state institution.

As for former government officers, they are prohibited to perform business activities during two years after resignation. Also, they are restricted to be representatives in the resolution of the issues, where state officer was involved in due to his professional duties.

Two-year restrictions refer to former 'senior officers' of the executive government. They shall drop all contacts with former job, cannot represent somebody's interests at his former office or any other state institution.

One more significant provision of the US Anti-Corruption Strategy sets restrictions for government officers to get gifts from private persons and organizations.

For example, US Senator and employees of his office shall not receive gifts from private persons and organizations that may be or are interested in the approval of any draft-law if the total value of the gifts exceeds 100 USD in a calendar year.

Total value of gifts the senator receives in the calendar year from other sources (except relatives) shall not exceed 300 USD. Ethic Code also sets restrictions on getting funding of traveling from private persons. The Senate set limit for the period of three days (and two nights) travelling inside the country and seven days (and six nights) outside the country. Those restrictions refer to the family members of the Senator too.

Member of US Congress Representative Chamber has right to receive gifts from one source in a calendar year and their total value shall not exceed 250 USD. One similar restriction refers to the colleagues of the Congressman too.

In addition to that, every gift, including the gifts to the spouse of the officer, whose "fair market value" exceeds 100 USD shall be declared. These restrictions refer to every gift, except the ones received from relatives.

Restrictions on gifts are set for government officers of other category too. A government officer and his/her spouse can receive gifts in a calendar year and their total price shall not exceed 100 USD. If price exceeds the estimated limit, government officer is entitled to hand it to the relevant unit of his/her state institution within 60 days.

Rules, regulating the acceptance of gifts and awards from foreign citizens, are of particular attention. For example, government officer can receive a gift from foreign citizen if it is offered as a souvenir or demonstrates respect and its value does not exceed the "estimated minimal limit."

A government officer can receive a gift with the value over the "estimated minimal limit" if it benefits to the development of USA's links in the fields of science or medicine and if declination of the gift may insult the presenter or somehow impact on international relations.

Analysis shows that an effective system is created in the USA which sets pre-conditions for the fight against corruption.

Peculiarities of Preventive Anti-Corruption Law in Great Britain

In Great Britain, the basis of the Criminal Law against Corruption (Bribery) is the 1889 Law on Bribery in Public Bodies and Laws on the Prevention of Corruption adopted in 1906 and 1916.

The former law condemns "soliciting or receiving, or agreeing to receive any gift, loan or other values as an inducement for government official to doing or forbearing to do anything."

A person, found guilty in the aforementioned crime, will be imprisoned or fined with the value of the gift or a loan. Besides that, he loses right to be elected or appointed to any public service for the term of seven years. If the crime is repeatedly committed, a person might be prohibited to work for public service for ever, prohibited to receive any compensation and pension which he could deserve in usual situation.

1906 Prevention of Corrupt Act foresees criminal liability regardless the person, accepting the bribe, committed actions for what the bribe was paid and motives of the bribe-giver.

According to the 1916 Prevention of Corrupt Act and amendments to it, a person is held responsible for bribery if the topic and agreement of the corruptive deal referred to the deal with central or local governmental bodies. The bribery is punished by imprisonment from 3 to 7 years.

British law considers law violations related with the receipt of honor awards as a separate part of the corruption. It is noteworthy that criminal liability is imposed on both the briber and bribed person. Briber is punished by imprisonment up to two years and fine based on the court decision. Bribe-receiver is punished by imprisonment up to three months and fine that is envisaged in the 1925 Act on Wicked Misuse of Awards.

1809 Act on the Sale of Positions and 1967 Act on Criminal Law envisage liability for selling, purchase or other deals on positions for corruption, including the corruptive deals in employment issues both in Great Britain and its colonies. A perpetrator is punished by imprisonment up to 2 years and is forever deprived from the right to occupy position as a state official.

British law singles out bribery of judges and court clerks. Persons, giving gifts or money to court clerks in order to influence their official conduct or action, commit a crime that is punished by fine or imprisonment up to two years.

As for corruption on financial markets, British legal system demand financiers to notify to law enforcement bodies about any suspicious acts or deals, otherwise the financier is considered to be a participant in the deal and he will also be held responsible for the crime.

In the frame of anti-corruption strategy in Great Britain, a program on establishment of honesty principles is being implemented in every layers of the society including public labor market.

In October of 1994 an independent consulting committee was set up of ten respectful public figures including two MPs. One of the Committee goals was to study and evaluate financial and business activities of public organizations, public agencies.

The Committee supervises the activities of all ministers, government officers, members of the National and European Parliaments, senior officials, members of nongovernmental public agencies and local authority. However, the Committee did not develop recommendations on the violation of conduct standards in concrete cases and focused on general principles of the development. As a result, in 1995, the Committee set seven principles of the work of public servants – so called Conduct Ethics:

1. Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.
2. Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.
3. Objectivity - holders of public office should make choices on merit;
4. Accountability - Holders of public office are accountable for their decisions and actions to the public and must provide full information in case of public inspection;
5. Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. Leadership - Holders of public office should promote and support these principles by leadership and example.

Although violation of these standards did not cause legal outcome and persecution and was considered as a violation of the Code of Honor, the standards worked as preventive tools in the process of the fight against corruption.

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ACTUALITY OF EXAMINATION OF THE EVALUATION SCHEME OF ACTION COMPONENTS (Article 194 of Criminal Code of Georgia)

Abstact

Criminal Legislation of Georgia implying action against legalization (laundering) of criminal income article 194 of the Criminal Code contains certain regulations raising obstacles while the practical application of the legislation.

The first obstacle is related to the fact that the issue about ending moment of legalization (laundering) of criminal income is not settled by lawmakers when criminal capital is applied in economic activity by an accused within indefinite period of time.

The second one –possibility for involvement of laundering of intangible assets in the subject of offence to be considered is not defined by lawmakers, first of all, it implies right of property.

Key words: Money laundaring; criminal income; guilt; criminal liability.

Growth of criminal investments worldwide penetrating in legal economy of various countries has determined actuality of the strategy for measures against legalization of income (money laundering) obtained through criminal activities. According to the data of International Monetary Fund, sum of turnover of "black" money in different financial systems of the world amounts to 590 billion-1,5 trillion US dollars, which is 205% of gross national product of all countries.

In modern world threat of systemic growth of such crime draws the indignation of the most countries of the world commonwealth. Along with globalization of financial system, the question about coordination of various states against laundering of criminal income is raised at international level [1, 3-6].

For this purpose the study on legalization of criminal income became relevant. Examination of this issue is of special interest in terms of criminal and legal dogmatics. In the process of the study detailed analysis of signs of crime takes the central part, as their precise realization is directly connected with adequate substantiation of criminal liability. In this direction analysis of action components envisaged under article 194 of Criminal Code of Georgia is of significant importance.

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In consideration of the aforesaid statement, the court and investigation practice established do not exist in Georgia. Actuality of this theme is conditioned by its less development. Only one work in Georgian language is provided in the book issued by Iv. Javakhishvili Tbilisi State University. However, there is the special study on this issue. It is noteworthy that normative theory worked out by the Georgian scientists (Gamkrelidze, Turava) has not occupied the relevant place in the analysis of action envisaged under article 194 of Criminal Code of Georgia.

Based on the above stated complex analysis of international criminal regulations is vital in legislations of some developed countries and in the sphere of actions against legalization

(laundering) of criminal income if it is will be closely related to normative analysis of the given action components [2,9,10].
The components of legalization (money laundering) of criminal income in terms of normative theory claims well-grounded study.

In order to achieve this goal the following tasks are to be set and carried out:
- objective components of action has to be opened, main elements of objective components are to be separated and analyzed;
- subjective components of action has to be opened; main elements of subjective components are to be separated and analyzed;
- components of action are to be formulated.

Normative-logical approach towards criminal liability represents a methodological instrument for fulfillment of the mentioned tasks. As a result of its application the following scheme may be developed:
I. Preliminary actions
II. Main actions: 1) objective components: a) subject of the action. Origin of the subject of the action; b) action (inaction) 2) subjective components.
III. Legal resistance
IV. Guilt

Practical value of the above-mentioned studies is that its results gives the opportunity to apply the elaborated recommendations by an author for precise qualification of action components envisaged by article 194 of Criminal Code of Georgia. The conclusions made and proposals developed may be used for both investigation and judicial activities. The scientific results received may be applied for perfection of legislation against economic crime [7,8,11].

To sum up, well-grounded conclusions will be made as a result of study of dogmatic problems triggered while qualification of crime set forth under articles 194 and 194[1] of Criminal Code of Georgia.

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FORMS OF MARRIAGE – GENERAL OVERVIEW

Abstract
Author of article analyze forms of marriage in historical perspective from ancient time to 21-th sentry At the early stage of family development of industrial forces changed the status of woman, her conditions and rights in family. Moving towards the relatively developed forms of farming and agriculture attached the leading role to a man; consequently a man became the leader of the community and the legacy regulation through maternity line was eliminated. In the XXI century the form of marriage contracts have been widely introduced. Economic growth in developed countries has supported its common practice and married couple signs such established form of marriage contract in order to insure property. Author conceder marriage relationships as phenomenon mostly associated with traditions;

Key words: Marriage; Monogamous family; Marriage contracts; Church marriages

At the early stage of family development, matriarchate was the initial form of the human labor and domestic unity. It was the age of female superiority, which has been leading for a certain period of time. Before formation of a couple of family, the identity of father had been unknown and mother was considered as the only indispensible parent.

Development of industrial forces changed the status of woman, her conditions and rights in family. Moving towards the relatively developed forms of farming and agriculture attached the leading role to a man; consequently a man became the leader of the community and the legacy

regulation through maternity line was eliminated.

Matriarchal family has been a transitional form from couple family towards the monogamous family. In terms of monogamy, a man took relative priority to a woman. A man brought wife to his community and the children were brought up within the similar community of father and were given father's surname.

Within the slave – holding society, written legislation confirmed the domineering status of a man in the family, which totally depended on existing of private property.

During feudalism and capitalism, monogamous family was undergoing further development; however, it still retained the superior position of a man in the family.

Patriarchate family community in Georgia has appeared during this period, existing as one of the stages during the family development process, as it has been historically proved.

Marriage has been defined by the Roman lawyers as the equal unity between a man and a woman; however men and women have never been equal in ancient Rome in reality.

The ancient Roman law acknowledged only two kinds of marriage: 1. legal Roman marriage, when both parties were Roman. 2. Marriage of Roman citizens to Pereginis, whose authorities were defined under the Civil Law of Rome.

Before the VI century, the Roman law approved only the form of marriage, according to which the woman subjected man's power and marriage in terms of which, the woman had to obey the regulation not of a husband but the power of father.

The existence of monogamous marriage formations attract special attention, which occurs in the history of farther countries. For example, there has been one basic form of marriage among Irish peasants, trobriadic islands and Israeli cobbucis, which implied monogamous marriage between one man and one woman.

There is also the information about various types of marriage here. For example, olighemia is the marriage of a single individual to a number of women. Marriage between one man and several other women is called polyandry. Another form, which occurs as an alternative type of marriage, is a group marriage – cohabitation of several men and several women simultaneously [6].

The question arises – which factors preconditioned the priority of particular marriage type?
Some scholars referred to economic factors in certain social communities, considered as essential points. For example, in the north – east Siberia, Polygyny has been commonly spread among the reindeer-breeder tribes of Chukchi. This was caused with the necessity that every

herder reindeer had to marry few wives.

According to the modern family law, marriage between a man and a woman is a free, optional family union based on equal rights, mutual love and respect; such union should be registered at the regional outlet of the civil registrar agency [4].

Special attention must be drawn to general overview of various forms of marriage in different countries of the word and the priorities, attached to each of them. Among them, three basic groups should be outlined:

1. The marriage registered in state authorities, leading to legal results.
2. The marriage, contracted on alternative basis. This form of marriage is mostly applied by the countries, where the registration of marriage act at state authorities is considered as equally legislative as church marriage registrations.
3. Church marriages exclusively [1, 32].

In the XXI century the form of marriage contracts have been widely introduced. Economic growth in developed countries has supported its common practice and married couple signs such established form of marriage contract in order to insure property.

As stated in the civil code, paragraph 1172, "the couple is authorized to sign marriage contract, which shall define their property rights and liabilities, during the marriage as well as after divorce." This is the very first lawful norm of marriage contract [1, 17].

The marriage contract is the legal form of civil transaction for a family. The contract is the agreement signed between couples with definite or an indefinite date of expiry. Such transaction may be signed any time before, or after the marriage and comes in force since the date of marriage registration. The marriage contract is submitted in writing and thereafter certified by the notary public [1, 20].

Important enough is the fact that the marriage contract defines exclusively the property rights and liabilities of married parties. Personal rights and liabilities of the couple are not changed under this contract. It rather states the duties towards the existing property, as well as that purchased in future.

The marriage contract can be amended if the spouses agree to do so; the party concerned is also authorized to apply court based on application, while the decision made by judge shall serve as the basis for introducing amendments into the marriage contract, which had created extremely inappropriate conditions for one of the spouses.

Marriage contract is a very practical institution, which has been approved and well established in many European countries.

This contract allows the parties to consider their property rights and liabilities not only during marriage, but also after divorce. To be more specific marriage contract is even capable of determining in advance the volume of property and who the share will fall to during marriage as well as after divorce, which part of property shall be disposed by each of the spouses, etc. Such contracts may also permit spouses to attach legal authorities for co-property over certain items and vice versa. At the time being, this institution is not widely used in Georgia unlike the foreign practice. However, putting it into practice would avoid disagreement between couples, which mostly appears publicly at the court during divorce proceeding.

In many CIS countries, there is the family law code, which at the same time acknowledges the marriage contract institution. In these countries, the problems refer to cases of family law and appropriate applications of civil - legal norms. As a result of analysis among the civil and family law in these countries, it has been determined that marriage contract is a dual kind of transaction: on one hand, civil – legal and the family – legal type on the other. Thus, if civil legal norms regulate marriage contracts, family legal norms determine its specific character [3, 34].

There are interesting opinions about trans-national marriage forms. Recently we may meet lots of couples with one foreign partner.

Mixed marriages are called the cases, when partners belong to various countries, nationalities and cultures.

In modern society, we can hardly find the states, populated with people belonging only to the similar race, ethnic or religious group. As the professor G. Khubua mentions: "absolute majority of countries functions in multicultural, multi-ethnic social communities, characterized with different language, race, religious background, which implies that mixed marriages frequently take place" [2, 35].

Following the historic past, various tribes tried to connect their representatives to each other, which anticipated alliance formation among certain communities against other tribes.

In early ages, mixed marriages had basically political and economic character. As an example, we can refer to the King Davit Aghmashenebeli, whose marriage to the daughter of Kipchaks tribe leader assisted him in making armed forces stronger by attracting more Kipchak worriers in Georgian army. Another example of mixed marriage is King Tamar, who married Yuri, the son of the Vladimir – Suzdal country sovereign - Andria Bogolubski, in order to get into closer relationship with northern neighbors.

There have also been other examples of mixed marriages between catholic and orthodox throughout history. Mixed marriages have even led to the formation of new nations through mixing multiple posterities as the descendants from such mixed marriages. These generations

are called Gasmoules. The church has always been trying to regulate relationship between spouses of mixed marriage and supported them by developing certain rules.

In the XXI century in terms of rapidly developing globalization, growing number of transnational marriages are not at all surprising. People leave their residence area and national boarders for their studies, work and immigration.

During the Soviet Union, boarders were locked and the cases of mixed marriages were quite rare. After the breakdown of Soviet power, people started to flood to European countries as the migration process rapidly increased to improve their social – economic conditions.

Due to the increasing number of transnational marriages, the conflicts of interrelation and values have become pressing points for further discussion, which might occur between spouses in future.

An important reason for discomfort and tension between partners may become gender roles, which are different in construction and culture and may become acute during socializing process.
The children, born as a result of mixed marriages are fairly called as third culture children. This clearly states the difficulty appearing between the parents while bringing up the child. They need to consider cultural values of each other, which shall not damage family life of parents, or child in any way.

Serious disagreement may be caused by originality of traditions and specific character features of each country. Some people, unable to overcome transitional period, cancel marriage and return to their homeland, which is unacceptable for normal functioning of society.

Thus, marriage is a pre-state institution, which makes family stronger and represents a constitution of civilized society. Family members are connected not only with domestic problems, but strong and healthy family makes social, moral existence weaker and is directly connected with financial part. [5]

A family is a social phenomenon, which undergoes constant changes; it moves from the least developed form towards the most advanced one and the society consequently advances from the lowest stage to the highest one. These are the changes affecting the rights and liabilities of the family members.

In every country family – marriage relationships are mostly associated with traditions; it also creates the difference in this particular respect, which means different customs and conditions of marriage; this is consequently reflected in legislation afterwards.

In Georgia, as in Orthodox Christian country, traditional understanding of marriage is surely

heterosexual form (the marriage between a man and a woman); this is justified by religious, social and moral norms existing in the country.

Clear enough that no society can function without the regulation of traditions and behaviour. The relationship between people is settled by legal norms, which is the best tool for practical purposes.
Finally, marriage is a diversified phenomenon, represented as the regulated relationship by the law and considered as the legal category.

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THE PROBLEM OF PROTECTION OF RIGHTS OF A CREDITOR IN CONDITIONS OF THE CONTRACTUAL LIABILITY

Abstract

Development of the market economy, strong establishment of the principle of freedom of agreement (contract) in a daily life, development of new types of relations and contracts, inevitably form significance of the problem of protection of rights of the parties to the agreement. In this case, within the framework of the given research, we will discuss the problem of protection of rights of a creditor in the contractual relation. In the contemporary period, the problem of provision of legal interests and protection of rights of participants of the civil turnover has got great relevance. The author analyzed legal approaches to protect rights of creditors in conditions of the contractual liability according to Georgia Civil Code

Key words: Creditor; Contractual liability; Borrower; Obligations; Civil Code

Development of the market economy, strong establishment of the principle of freedom of agreement (contract) in a daily life, development of new types of relations and contracts, inevitably form significance of the problem of protection of rights of the parties to the agreement. In this case, within the framework of the given research, we will discuss the problem of protection of rights of a creditor in the contractual relation [7]. In the contemporary period, the problem of provision of legal interests and protection of rights of participants of the civil turnover has got great relevance. According to the article 42 of the Constitution of Georgia, each individual has the right of appeal to the court to protect his rights and freedoms. The right of appeal to the court is a legal principle. Participation of legal entities and individuals in the civil turnover often depends on their ability to ensure restoration of the violated right and to protect it through the court proceedings. In the most of the cases, when there is a liability, they remain without a legal protection before the dishonest contractor. Mainly, when such an obligation exists and in case of its breach by the second party, the creditor achieves fulfillment of the obligation by means of payment in kind. Though, payment in kind, which is otherwise called as real payment (or, real fulfillment) is the first method of protection of the right, but this fact doesn't make it effective, all the more, in the conditions of the existing crisis and inflation.

It's important for the civil turnover to fulfill the civil rights in a correct way. In order to protect the interests of the authorized person, the economic processes should be taken into consideration, as well as, macroeconomic trends, which sometimes cause crisis. The insolvency of the entrepreneur subject develops and the factor of unfairness in the sphere of the commercial business increases. Implementation of civil rights lies in the fulfillment of capacities (authorities) of the authorized person, which itself is implied by the content of this right.

Any participant of the civil turnover is able to protect the right. The subject holding the right is equipped by the authority of protection of the right through usage of the relevant mechanisms stipulated by the law. Restoration of a disputable or breached right depends on a number of factors. More concretely, one should consider which right is being protected and which kind of violation takes place. First of all, the dosage of protection of the right (the content of protection of the right) is defined by the legal nature of this right. If there is breach of the property right, or similar proprietary interest, it should be considered that the mechanism of protection of the right differs from the protection mechanism of the obligatory right (in case of its violation). This is natural, as property and obligatory rights vary from each other by their legal nature. To be more precise, in the property-law relations satisfaction of interests of an authorized person takes place on the account of a useful feature, through the direct impact on the object [6, 7]. As for the law of obligation relations, here satisfaction of a person's interests is achieved by a definite action of an obliged person. The practical essence of such a classification lies in varied legal regulation of property law and law of obligation relations. The property law means of

protection of a property and other proprietary interests are specific as absolute rights are being protected through them, thus, by means of them; the holder of the property right protects the right from any illegal breach from the side of a third party. The proprietary means of protection of the right differ from the law of obligation methods of protection of property rights. Usage of law of obligation means of protection of rights is being applied when there exists law of obligation (contractual) relation between an owner and a violator of a right, e.g., when a lessee doesn't return a lesser (the owner) the property after the lease agreement has been expired and, by this he/she (the lessee) breaches the right of the owner. In such a case, the methods of the law of obligation, regarding protection of the right, are used and, here, the specifics of the concrete relation formed between the parties should be considered. Therefore, the Georgian legislation doesn't give the right to the owner to choose a type of a complaint and doesn't consider the so called "competition of lawsuits", which is characteristic for Anglo-American law systems and not the Continental-European rule of law. Subsequently, if a dispute arises between participants of the contractual or other relation of the law of obligation, it will not be allowed to make a property-law request for protection of the rights. This forms the practical meaning of differentiation of the methods stipulated by the property-law and law of obligation [10].

As for the dosage of protection of the violated right, it depends on the type and rate of breach. This criterion is clearly shown in the distinction between the misconduct and failure of fulfillment made by the legislator. In the first case, the misconduct committed by the debtor, what resulted in the damage, does not grant him/her (the debtor) the exemption from payment in kind. In the second case, the failure to fulfill the obligation is the grounds for exemption from payment in kind.

In the means of protection of private rights there are considered coercive material-legal measures, through which the breached or disputable right is restored or recognized and the violator is affected [3,419]. A Civil Law subject is granted different means of protection. For instance, the means of protection of the private right are: Recognition of the right, imposition of payment in kind, which is also called real fulfillment, compensation for damage (including moral damage), self-protection of the right etc. The problem of participant of the turnover is expressed in creation and implementation of an optimal choice, which is considered by the law. Solving of this problem can be provided, first of all, by the in-depth knowledge of legislation and, on the other hand, by existence of the necessary conditions of their usage.

In the civil legislation, means of protection of rights can be divided into two groups. In the first group there are means that carry universal nature - are common and can be used in protection of any civil right. Such means are stipulated by the Civil Code of Georgia. In controversy to the Russian legislation, the Civil Codes of Georgia and Germany don't contain concrete articles, which defined the list of the means of protection of rights [12]. Besides the universal ones, there are the means, which are used for protection of concrete rights [10].

Classification of means of protection of rights is implemented by different criteria: according to the sphere of usage (universal and special); by the implementation methods (through bringing a lawsuit to the court, by applying to State organs, by independent action) and so on. Though, in literature, the classification by the means of protection of rights, for which these means are used, is considered to carry more practical meaning. When a creditor uses a relevant chosen means, the given criterion can serve the main criteria at once and, here, its practical meaning is expressed. In controversy to other Civil Law relations, the relations of the law of obligation are characterized by dynamism, which is expressed in the following pattern: the obligation of one party to fulfill an action is opposed by the demand of the other party on its fulfillment. Therefore, the right, which is formed by an obligation, carries relative nature.

As it's known, in the Civil Law obligation it's used with different meanings. First of all, obligation is a legal relation and as any other legal relation, it also has its own elements [5]. More concretely, one of the elements of the obligation is its subject (parties of an agreement): a debtor – a person, who is liable to pass the property, fulfill work, implement service, conduct any other action, and a creditor, who is entitled to demand from the debtor fulfillment of the obligation. This is a simple model of the law of obligation relation (unilateral liability) [7]. In reality, as a rule, in the civil turnover, more complicated constructions are used: First of all, as the party of the debtor, so the party of the creditor can be represented by several persons. The second, sometimes, the parties take the bilateral liabilities, when the both of the parties at once are the debtors (in case of existence of an obligation) and at the same time, they represent creditors too. In the corporate sphere, practically, all the contractual liabilities are built on the principle of the bilateral obligation [5].

When there's breach of liabilities, the violated rights of the creditor can be protected as by universal, so through special means. In case of failure to fulfill, or when there is misconduct, the debtor takes an obligation before the creditor, which is stipulated either by the agreement or by the law. When the liability is being breached, there arises an issue of compensation. The debtor should reimburse the creditor the damage caused by breach of the contract. In case of existence of a contractual liability, if the party agrees, usage of this means of protection of the creditor can be significantly adjusted. Often, additional grounds for release of the debtor from the taken liability can be considered by the contract (e.g. absence of fault), compensation for the damage in a reduced amount etc.

Relevant reimbursement of the damage depends on the amount defined for the real damage and for the sum of unearned income. As for the case of inflation, while the liability exists, the article 389 of the Civil Code stipulates revealing of the public order, the norm represents nominalism principle. Here, when interpreting and applying the article 389 of the Civil Code of Georgia, the fact of identification of currency rate increase or reduction by the courts, relation of the national (Georgian) currency with the foreign currency is interesting, which is close to the household attitude to the "money rate" and has nothing in common with the legal interpretation. Besides, it's noteworthy that as the courts satisfied the lawsuits on the damage

caused by the difference of the currency rate (here is meant the GEL-USD exchange rate), they (the courts) ignored the following circumstance: The possible fluctuation of currency in the conditions of the market economy. And, what if the currency rate of GEL toward USD increases? - It will result in full chaos. First of all, this will be the case during the court hearings on disputes of the parties. The given example of interpretation of a norm by the Court of Appeals regarding the financial reform implemented in Russia, when the nominal value of the currency had been changed, proves the correct and right explanation, strengthens the idea of protection of the debtor's financial interests in such a circumstance (or of the public subject – in cases when the State takes some measures), when it defines, that payment should be made according to the currency rate by the time when the monetary obligation arises. This is completely logical, as during implementation of the State interests, the interests of the individuals and legal entities of the Private Law should be maximally protected, and, in this field, it's provided by the Georgian Civil Law Legislation. In the relation of the law of obligation, when the party fulfils the liability improperly, more concretely, when the latter breaks the term, the creditor becomes authorized to demand fulfillment of the liability, as well as, payment of a fine for the delay [4]. The fine is the superior request of fulfillment; it's not dependent on compensation for the caused damage. If the creditor, besides of the fine, sets the requirement of reimbursement for the damage, the both of the requirements should not be satisfied, as the fine itself is the minimal compensation for the damage. In this case, the creditor is given the preferential right, - in other words, the creditor is given an opportunity to choose between the reimbursement for the damage and the payment of the fine. It's not allowed to impose at once payment of the fine and compensation for the full damage, as this would be the penalty sanction, which would extremely harden the debtor's situation and would result in unjustified enrichment of the creditor. The same can be said about the payment of the interest for violation of the term of obligation fulfillment. According to the article 403, paragraph 1 of the Civil Code, the debtor, who breaches the term of payment of the monetary obligation, is liable to pay a concrete interest defined by the law for the delayed time, if the creditor, according to the other grounds, cannot demand to pay more. The Article 403, paragraph 1 of the Civil Code stipulates the special measure of responsibility. This norm carries a universal nature and it was elaborated for protection of rights and legal interests of the participants of the civil turnover from the unlawful and, sometimes, even fraudulent acts of dishonest debtors.

The interest defined for violation of the term, carries the preventive function of timely fulfillment of the liability, thus, it's one of the securities for payment. It represents the means for reimbursement of the minimal damage in the shape of the fine. In this case too, it's not allowed to make the debtor to pay the both - the fine and the interest for default defined by the law for violation of the term of payment, as the fine, so the interest for default are the reimbursement sums and it shouldn't be allowed to impose the double standard payment on the debtor for the same breach. And this mostly concerns the case when, according to the last sentence of the paragraph 1 of the article 403 of the Civil Code, the debtor is imposed to pay the interest for default because of violation of the set term (if on the basis of the other grounds, he can't request more). The requirement of this article gives an opportunity to the debtor to choose

between the payment of the fine and the interest for default (for the delay of implementation), which is stipulated by the law. The article 387 of the Civil Code defines the sequence of payment of the monetary liability by the different grounds (agreements) and not by the rule of definition and calculation of the monetary obligation arisen from one legal relation. The given article regulates the cases when the deadlines for fulfillment of the various liabilities approach at once… On the first place the interest for payment should be paid and then - the principal amount of the loan.[14]

While selecting securities for the borrower's obligations, the creditor should consider specifics of the concrete means, correlation of appropriateness and necessity of their usage. A fine and deposit, at the same time, represent the Civil Law liability measures. Their existence makes the debtor fulfill the liability in kind (real fulfillment), as the request for payment of a fixed fine or a penalty wont' be related to any difficulty for the creditor, when the latter has not only to justify the existence of the other kind of damage, but also should prove it procedurally. A bail, guarantee, bank warranty, all these increases the possibility for the creditor to satisfy his/her requirement in case the debtor breaches the liability. The securities for the borrower's obligations, as a rule, do not exist without the principal obligation. The peculiarity of this kind of a relation lies in the following: If, for some reason, the obligation, for guarantee of which the above mentioned securities have been used, doesn't exist anymore, the term of usage of the securities will be terminated too.

By the grounds of the request, the creditor is authorized to present the following requirements to the debtor: *the principal request* – when the creditor requests fulfillment of the liability (here, a combination with compensation for caused damage is possible); *the secondary request*: when the creditor demands to reimburse for the damage, which occurred because of an act of the debtor. *The creditor wishes to leave the agreement* (here, the combination with compensation for the damage is possible). *The facultative, non-principal requests* – when the creditor sets such requirements, which don't derive directly from the principal liability, though, still, independently represent the necessary precondition for fulfillment of the principal liability (violation of the specific obligations). According to the article 316, paragraph 1, the main legal security for fulfillment of the liability, is the right of the creditor to request from the debtor fulfillment representing the principal request.

During breach of the contractual liability, the creditor is entitled to decline the agreement and request reimbursement for the damage caused to him/her by failure of fulfillment of the agreement. An agreement on leaving of a contract concluded between the parties is a deal of the parties and it's generally regulated by rules on conclusion of an agreement. According to the article 335 of the Civil Code, silence on the made offer (on leaving of an agreement) should be considered as acceptance…[15] There are certain difficulties met in practice regarding

[14] The decision of the Supreme Court of Georgia on the case #3ვ/321-02.

[15] The decision of the Supreme Court of Georgia on the case #ას-760-1396-03.

differentiation of leaving, declining, abrogation, cancellation and termination of an agreement. The participants of the civil turnover, often, use these concepts incorrectly because of the lack of the clear differentiation between them (between the concepts). Leaving and declining of an agreement, as a rule, result in the same legal outcome; in such a case, a mutual restitution takes place – the parties restore the condition that had existed before the agreement was concluded. By its legal grounds, leaving of an agreement comes close to the unjustified enrichment (articles 976 and 979), as in the both of the cases, a return of what has been gained from a deal takes place. Though, these two institutes significantly differ from each other: in the case of leaving, the deal is valid, and as for the unjustified enrichment – here, it (the agreement) is invalid. Besides that, when leaving an agreement, while defining an obligation, the debtor may be imposed compensation for damage (article 407 of the Civil Code), which, as a rule, isn't a case during unjustified enrichment.

The mostly spread protection means for the creditor, of course, is a monetary compensation, which means that the debtor should reimburse the damage, which is caused by breach of the obligation. It should be mentioned that, besides of compensation for the loss, the court may impose a concrete fulfillment on the debtor, to be more precise, the fulfillment on the cases, where the loss caused by violation of the liability cannot be completely reimbursed by concrete fulfillment. As for compensation for damage, frequently, several types of loss are separated from each other. Mainly, in all the cases, damage caused to a health and property is completely reimbursed. Often, the cases of a non-pecuniary, in other words, moral damage are regulated differently. According to the article 413, paragraph 2 of the Criminal Code: "In the case of a bodily injury or health damage, the victim is entitled to request compensation for the non-pecuniary damage. If the debtor fails to fulfill the imposed liability and, accordingly, breaches it (the liability), here arises a question: According to the legislation, what kind of the legal protection means does the creditor hold for protection of his/her interests? – Theoretically, we can distinguish four types of legal protection securities. First of all, the creditor may request fulfillment of a concrete act, the second, he/she can demand monetary compensation for the damage, third, within the framework of the bilateral agreement, the debtor is authorized to reject the liability imposed on him/her, and the circumstance which gives him/her such a right is caused by the fault of the creditor, thus, he/she (the debtor) maintains the right on receiving the responsive fulfillment. And, finally, in the extreme case, he/she may decline the agreement or terminate it, and, in such a way finish the existing contractual relation between the parties. It should be stressed that, the mentioned means of the legal protection, in principal, carry mutually exclusive nature, for instance, if a delay of fulfillment of an action takes place by the debtor's fault, the creditor may be given a right to implement a concrete action in the shape of a legal protection means, such as the right related to compensation for damage.

In case if the debtor fails to fulfill the contractual liability imposed on him/her, the first means of legal protection that the creditor may apply to, is implementation of a concrete action. The question is whether or not, the court can and will assign to the debtor implementation of the liabilities imposed on him/her during the existing contractual obligations, and whether or not

the court decision may have an impact on bona fide fulfillment of the obligation. According to the articles 361-389 of the Civil Code of Georgia, the core idea of the debtor's liability lies in fulfillment of the obligation put on him/her, and despite the fact that there are many detailed rules stipulating implementation of acts (as we see it in the Civil Code of the Netherlands, the articles 6:27-5:51, which stipulate in detail fulfillment of an agreement), apparently, there is no such a rule upon which, in case if the debtor breaches a liability, a judge can request from the party fulfillment of a concrete act related to the contract. At least, no similar norm can be found in the Civil Code. Part 3, Chapter 3 of the Civil Code of Georgia, concerns only compensation for the damage in the shape of the legal means of protection from violation of the agreement. Therefore, the legislation stipulating the responsibility for failure of fulfillment may be interpreted as the responsibility related to the culpable act. The legislation of the Netherlands stipulates this question analogically.

By itself, breach or abstention from fulfillment of an action isn't termination of an agreement. Until the moment when the agreement is terminated, the liabilities arisen from the contract are in force not only while the other party is responsible for the payment of compensation to the creditor for violation of the obligation, but, also, when the party is not responsible, as it may apply to a force majeure. Therefore, when the creditor, in favor of whom the fulfillment takes place, has to terminate the agreement and in such a way refuse to fulfill the obligation imposed on him/her, when the other party is responsible for breach, declining of the contract does not take from the creditor the right to request compensation for damage. In case of leaving of the contract, the legal ground for the obligatory relation stays valid. Only, transformation of the law of obligation relation occurs and, instead of it, the obligation of the reverse fulfillment takes place.

We should focus on the norms, which regulate different aspects of the Civil Law relations, which can't be referred to as the means for protection of rights. Though, in definite conditions, relevant norms can be effectively used for protection of the rights of participants of the civil turnover. These are the norms regulating the securities for the debtor's obligations, which differ from each other by the rate of impact on the debtor and by the method of achieving the goal of forcing the debtor to fulfill the obligation in accordance with the rule defined by the agreement.

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CLASSIFICATION OF LAWSUITS

Abstact
The discussions about classification of lawsuits in the shape of the special methodological science, started during the second half of the twentieth century. It's been broadly used in the legal science, including the civil procedure rules law, as a special method of the scientific research. The author studied the nature of violation of material-legal relations (legal relations), legal interests and rights conditions division of lawsuits into following categories: a) a civil lawsuit, as a claim for protection of civil, labour and other horizontal (private-law) relations, rights and legal interests; b) an administrative lawsuit, as the means for protection of rights and legal interests deriving from administrative and other vertical (public law) relations;

Key words: Civil lawsuit; Administrative lawsuit; Public law; Arbitrary lawsuits; Legal lawsuits

The discussions about classification of lawsuits in the shape of the special methodological science, started during the second half of the twentieth century. It's been broadly used in the legal science, including the civil procedure rules law, as a special method of the scientific research.

The traditional lawsuits are divided into several types based on the procedural aim (procedural-legal classification), or according to the disposition of the disputable material-legal relation. The given classification of the lawsuits by criteria, I think, is an arguable question in the present civil procedure.

As, the Georgian procedural science has got very few literature on a lawsuit, I suppose, it will be advisable to discuss a foreign doctrine. According to the doctrine, classification is division of items, subjects, events and facts into groups (classes). By common typical signs of classified objects, every class has its permanent definite place. Deriving from the aforesaid, it can be concluded that, a task of classification is "to divide items into groups in a sequence, which would be most advantageous for defining characteristics of the items". Thus, for fulfillment of the tasks set before classification, the most essential and relevant characteristics should be used for classification of facts and events. The essential characteristics are those, which express the inner nature and essence of events [8,23].

Definition of a lawsuit, as a claim for protection of breached or disputable right, or legal interest, gives an opportunity to practically use its relevant characteristics, which should become grounds for classification of lawsuits.

1.The nature of violation of material-legal relations (legal relations), legal interests and rights conditions division of lawsuits into following categories: a) a civil lawsuit, as a claim for protection of civil, labour and other horizontal (private-law) relations, rights and legal interests; b) an administrative lawsuit, as the means for protection of rights and legal interests deriving from administrative and other vertical (public law) relations; In the past, the criminal law procedural legislation included those criminal lawsuits, which nowadays don't exist in the given legislation.

The aforesaid classification of lawsuits is general as it goes beyond the frames of one field of law. It's based on universal, generic concept, as the claim for protection of any right or legal interest, despite of its belonging to a concrete field and in spite of nature of breach. This way, civil and administrative lawsuits are the variations of the holistic generic concept of a lawsuit.

2. Depending on which authorized organ discusses and decides on civil and administrative lawsuits, the last mentioned can be classified as:
a) legal lawsuits;
b) Arbitrary lawsuits.

On the other hand, lawsuits are divided into:
a) civil lawsuits, which are discussed by civil litigation;
b) administrative lawsuits, which are discussed by administrative litigation.

The claim for protection of rights and legal interests of civil legal relations is discussed by civil litigation. The practical purpose of classification of lawsuits is in the fact that classification gives an opportunity to focus as on general characteristics of a claim form of protection of rights and interests, so on specifics of procedures of discussion and resolution of lawsuits by courts of general jurisdiction and courts of arbitration.

3. By the nature of the disputable legal relation, from which the claim for protection of rights and legal interests was formed, there differ lawsuits, which derive from civil, labor and other horizontal (private-law) relations and lawsuits, which are originated from administrative and other vertical (public-law) relations. This classification is called material-legal classification or classification by the material-legal sign.

From the other side, knowledge of procedural peculiarities contributes to correct usage of a lawsuit as a means of judicial protection of rights and legal interests, discussion and resolution of civil cases in a more correct way, by which it helps the successful solving of tasks, which the organs of relevant jurisdiction are facing. It should be mentioned that, not all the scientists are unanimous in regards to the question of classification of lawsuits, for instance, according to the authoritative opinion, Loginov, Gurvinch, not only denied the practical importance of classification of lawsuits, but put under doubt even its existence. He was stating that, here was meant not classification of lawsuits, but a simple list of them. By the fact that Loginov approached division of lawsuits from the angle of nature of a legal relation as a mere "terminological division", his idea, according to Gurvinch, is not correct. The point is that, Gurvinch recognized existence (necessity) of material-legal classification of lawsuits, though, according to his opinion, this classification is non-scientific, as it's not universal and exhaustive. Deriving from the last mentioned, it should be noted that, none of classifications can be universal, comprehensive, perfect, and that is why, it's incompatible with the theory to establish an absolutely sharp boundary [8, 68].

4. In the theory of the civil procedural law, it is not less traditional to classify lawsuits by procedural signs, which is represented as a procedural aim [10, 68-69]. According to this aim, lawsuits are divided into the following categories: Claims for alteration of legal relations and declaratory (right defining) lawsuits.

An aim of a lawsuit shouldn't be a sign for classification, as any classification is division of objects into interlinked classes according to their typical signs. Therefore, a sign of classification should reflect not only the totality of unity of classification objects, but also its difference from the another totality [11, 55].

Loginov denied classification of lawsuits by the ways of protection. According to him, not the lawsuits are divided into categories, but the ways of protection of civil rights are [10,103]. The scientist was justifying his position relying on the statement that "a lawsuit, in regards to any protection method chosen by a plaintiff and approved by a court, by its concept remains the same, as its nature isn't dependent on a protection method" [10,104]. We cannot agree with this idea because of various opinions. First of all, it should be mentioned that, the position of Loginov, when he replaces classification of lawsuits by classification of protection methods, derives from his negative attitude, which he expresses toward this issue. He, in his article "The Concept of a Lawsuit and a Claim Form of Protection of a Right" [13] defined a lawsuit as "the start of a civil law proceeding" as "an application of an interested party to a court for discussion

and resolution of material-legal dispute of a plaintiff and defendant". By this he denied the importance of a lawsuit as a legal instrument. He wrote: "The doctrine on the structure of a lawsuit isn't scientifically justified and is practically useless". By his opinion, the subject of individualization is not a lawsuit, but a dispute. Loginov defined the right on a lawsuit as a right to applying to a court. By the idea of the scientist, the functional significance is limited to the stage of initiation of a civil case, besides, on this stage of the procedure, the importance of a lawsuit is almost nullified, therefore, by the idea of Loginov, in the moment of starting a case, identities of civil cases should be defined not through lawsuits, but by the elements of a concretedispute.

According to all the above mentioned, a nature of a lawsuit, as a claim for protection of rights and legal interests, does not actually change and can't be changed because of the method of protection of a breached right or a legal interest, though, this does not mean at all that it is not possible to divide a lawsuit by methods of protection of rights and legal interests. Any lawsuit, as a claim for protection of a right or a legal interest, considers existence of a definite method of its protection. A lawsuit and a method of protection of a right (interest) are correlated as a whole and its essential (inseparable) part (a sign), as there are different ways of protection of rights and legal interests.

When discussing classification of lawsuits, we cannot avoid mentioning of such an arguable question of a procedural law science as a transforming lawsuit. Gurvinch has revealed and justified the theory of transforming lawsuits. A transforming lawsuit is a claim, which amends or terminates a legal relation by means of a court decision, which implements an authority of a plaintiff in regard to claiming for legal and well-grounded amendments.

Existence of transforming lawsuits is recognized by the Georgian legal literature, for instance, by the view of the professor T. Liluashvili, "transforming lawsuits are not accepted by all the procedural experts, - as they claim that, in reality, these lawsuits are declaratory lawsuits" [3, 96]. The theory of transforming lawsuits doesn't have right to exist. The Georgian legal practice isn't familiar with such kind of a lawsuit either. In this regard, the ideas and arguments established in the works of Dobrovolsky and Ivanov should be paid attention. This is of the utmost importance, as the other authors who are against the theory of transforming lawsuits, rely on their (of Dobrovolsky and Ivanov) views.

Despite of criticism, the theory of transforming lawsuits has a right to exist. With reference to this, the ideas and arguments established by the works of Dobrovolsky and Ivanov are worth to be paid attention. This is very important, as other authors, who stand against the theory of transforming lawsuits, rely upon their opinions.

The main thesis of these authors lies in the fact that the theory of transforming lawsuits relies on lawmaking functions of a court. Though, this kind of functions aren't characteristic of a court, the task of which lies not in creation of rights and liabilities, but in their protection, as a

court can't create a law, therefore, a court decision can't be considered as a legal fact to which a law relates a modification of a disputable legal relation. Deriving from the last mentioned, it can be concluded that the theory of transforming lawsuits carries a non-scientific nature and, practically, is fruitless. By our opinion, transforming lawsuits, according to their essence, are nothing more than declaratory lawsuits. The position of Dobrovolsky and Ivanov, expressed against transforming lawsuits, is right, though, we can't agree with their idea regarding the view as if the court doesn't create the law and the decision doesn't carry the meaning of the legal fact. The legal fact is related to creation, alteration and termination of the legal relation. Though, it's not directly defined, but the court decision forms liabilities in the future, and, accordingly, creates, alters or terminates legal relations between the parties. "The court decision represents the norm, a rule of behaviour, fulfillment of which is mandatory within the whole territory of Georgia. Keeping in mind such a court decision and an act, which has been drawn up on it's (of the court decision) basis (amendments were made by a notary to a Certificate of Inheritance according to a court decision), which is directly related to the dispute that should be solved, and, as well, is mandatory for the court"."The court decision is mandatory if it has to be fulfilled, in other words, after the decision enters into force, the party is being imposed the liability of its fulfilment" [3,208].

According to the law, transforming lawsuits are those lawsuits, which are directed toward alteration and termination of a legal attitude. Regarding this, a fact of ascribing of transforming lawsuits to declaratory lawsuits by many authors, including Gurvinch and Dobrovolsky, should be taken into consideration, for instance, Gurvinch was attributing transforming lawsuits to lawsuits on invalidation of a deal, and as for Dobrovolsky, - he referred them to lawsuits on establishment of paternity, though, both of the lawsuits are typical declaratory ones. The only difference is that the first lawsuit is a negative declaratory lawsuit, and the second – a positive declaratory lawsuit.

A negative declaratory lawsuit, in opposite to the transforming lawsuit is directed to declaration of a disputable legal relation as non-existing. On the other hand, the positive declaratory lawsuit is directed toward declaration of a disputable legal relation as an existing one.

For the following reasons a court can't refer to a lawsuit on seizure-release of a property as a transforming lawsuit: Any transforming lawsuit is directed toward alteration or termination of an existing, real legal relation. The lawsuit on seizure-release of a property is directed toward a property right of a plaintiff on a (seized) property and in this regard it (the lawsuit) belongs to positive declaratory lawsuits. Satisfaction of such a lawsuit doesn't imply termination of a property right of a defendant on a disputable property, as it never belongs to a defendant. When a court refuses to satisfy a lawsuit on release of a seized property, by this it states a right of a plaintiff on a disputable property, though it recognizes that a defendant has such a right.

A lawsuit on alteration of the amount of alimony, on forced exchange of a living space, on divorce, on division of a common living space, on exchange or division of a living space, belongs to transforming lawsuits, etc.

One of the reasons, which, according to Dobrovolsky, is significant, is that the criticized theory of transforming lawsuits didn't correspond (contradict) to legislation (here is meant the fundaments of civil legislation and civil law proceedings of the Soviet Union). By my idea, it was the other way around - the theory of transforming lawsuits was and is built upon strong legislative base and the essence of a court decision. And, Dobrovolsky and Ivanov defined it as an act of protection of individual rights and interests protected under the law of the disputing parties. Such a definition of a court decision makes it possible to conclude that transforming lawsuits and modified decisions exist, because, as in the old, so in the active legislation, one of the methods of civil defence is alteration or termination of a legal correlation, in other words - its modification.

Thus, existence of transforming lawsuits and modified decisions is not a whimsy of Gurvinch, but the legal reality, which is caused by a right of a plaintiff to alter or terminate an existing legal relation, realization of which can take place in the shape of a court decision.
As for ideas of Georgian scientists on the aforesaid issues: T. Liluashvili writes in his piece of work: "Analysis of a court practice gives full grounds for conclusion that claims for alteration of legal relations, which, sometimes, also, are referred to as executive lawsuits, are the most popular ones, and most frequently, individuals and legal entities apply to it. For instance, the following belongs to such lawsuits: lawsuits on paying back a debt, on returning a subject of leasing, on vacating an apartment, on payment of alimony, on reinstatement of employment and so on."

An article 180 of the Civil Procedure Rules Code of Georgia concerns a declaratory lawsuit. The declaratory lawsuits always imply existence of disputing parties, therefore, in such lawsuits there are always two arguing parties – a plaintiff and a defendant, with which it differs from establishment of a legal fact by conduction of undisputable proceedings. Also, an additional precondition – a legal interest, is set to it. That's why, if there are all the preconditions for bringing a lawsuit to a court, considered by the article 181 of the Civil Procedure Rules Code, but there's no legal interest, a court should refuse a plaintiff to accept and discuss a declaratory lawsuit [3, 308].

Whether it's a declaratory lawsuit or a claim for alteration of legal relations, it should be classified by the doctrine and not by the law. As for the court, it has to satisfy the lawsuit only in case if a person holds a real legal interest, and the fact of having such an interest should be established while discussion of any lawsuit, as just the formal note made in the lawsuit on the fact of holding the legal interest doesn't mean that the legal interest, which can be protected by the law, is actually present. This should be clarified during the flow of the process and has to be shown in the court decision [2,280].

The article 180 is factually a declaratory lawsuit. The point is, that according to the article 178 of the acting Civil Procedure Rules Code, if a declaratory lawsuit is brought to the court, legal interest should be shown there. In the Georgian legal practice, establishment of such a requirement caused unjustified breach of plaintiffs' rights on the stage of launching the cases. To be more precise, when refusing to accept a lawsuit, courts often state that a declaratory lawsuit is present there and a legal interest is not shown in the lawsuit by the plaintiff. According to the decision of the Supreme Court of Georgia, the legal interest is not a mere result of an individual's consciousness, but a real happening existing in the society, which should be considered by all means. Thus, a party has to have a legal interest not only when bringing a declaratory lawsuit to the court, but, also, when bringing any kind of a lawsuit (to the court). The procedural legislation of some countries (e.g., of Russia) doesn't recognize the declaratory lawsuit at all.

Thus, deriving from all the above mentioned, it can be concluded, that by the method of protection of a right and a legal interest, lawsuits are divided into the following types: claims for alteration of legal relations and declaratory lawsuits.

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EXPLOITATION OF CYBERSPACE FOR PURPOSES OF RETALIATION IN COUNTRIES WITH ECONOMIC AND POLITICAL TRANSITION ON THE EXAMPLE OF GEORGIA

Abstract

This thesis investigates acts of retaliation and deterrence conducted through internet that are specific to post-Soviet Union countries.

In modern world, acts of retaliation partly transcended from real to cyber world, reaching its highest levels. On one hand, this is influenced by the lack of legislative statutes that encompass discussed field, on the other, rapid advancement of digital technology has triggered various new methods of retributive justice.

Nowadays, retaliation using the internet is a well spread phenomenon. Active social players realized that implicit benefits of cyberspace, eventually, equipped them with high anonymity, fast proliferation of the information, and deficiency of the legislative acts related to cybercrime. Therefore collaboration of abovementioned three factors provides interested parties with an ultimate weapon for retaliation.

Key words: Cyberspace; Cyber crime; Cyber Retaliation; Cyber Warfare

An analysis of preliminary data, gathered in Georgia reflects that recent acts of retaliation through means of cyber space exploitation have significantly increased. In fact, high number of cases involving cyber retaliation substantively grew in the beginning of the second decade of the 21st century. Emergence of stated is relatively bind in a context with a political turmoil, economic instability and rapid social change.

Ultimately, contemporary acts of cyber retaliation include inciting religious hatred, agitation of massive reprisals against sexual minorities, using internet to spread violent ideas for political causes, suppressing rights of media and freedom of speech by the high-level officials, imposing terrorist threats, and finally, initiating quarrels among the members of the different internet communities that overgrow into grave conflicts in real life.

Remarkably, consequences of cyber-retaliation are civil unrest in the country, disregard of the articles stated in the Human Rights and Constitution, and protraction of growth of the democratic community.

Following sections attempt to frame the issue of specification of cyber-retaliation, namely problems stated in paragraph 5, in post-Soviet Union and other countries on the example of Georgia. Followed by historical overview, authors will provide an insight on theoretical fundaments, key assumptions, and conclusions.

1. Historical Overview

To some extent, all member countries of the former Soviet Union underwent a complex process of redevelopment in the end of the 20th century. The collapse of the union left many countries in an economic recession and political turmoil. While generally former member countries built their legislative, judicial and executive power systems on the example of the former Soviet system, Georgia, on the contrary, chose to implement variety of legislations typical for western countries, following the 2003 Rose Revolution.

Rapid transition from the Soviet to Western system has taken its toll, leaving the Georgian people with mentality and traditions often attributable to the former Soviet Union countries, while implementation of new laws and procedures dragged them into a more pro-western stylized legal system. Combination of both, traditions and rapid reformation negatively affected Georgian people. New types of crime patterns emerged, combining "eastern" and "western" manner of committing them.

In Georgia, traditional acts of retaliation were commonly historical. Over the past millennium, Georgians preferred to revenge against each other, rather than allow law enforcers to deal with the criminals. Blood feud and vendetta, though in decreased frequency, is still in existence in certain regions of country.

Over the second half of the past century, members of a well-known organized crime syndicate, thieves-in-law committed various acts of retributive justice, mainly based on the "eye for an eye" principle. Corruption and failure to combat organized crime gave thieves-in-law overwhelming power to impose cruel and unofficial laws and a mentality which ruled public for the upcoming decades. After their supremacy on the streets became non-negotiable, leaders of organized criminal groups started to penetrate government offices. These deviant government officials, in varying degrees, used means of retaliation for enforcing their will. After the 2003 Rose Revolution a new political party, "The United National Movement" took over government and started the reformation of the country's infrastructure. Together with a majority of other law codes, criminal law code and criminal procedure law codes were also renewed. Georgian society practically encountered the new legal approaches towards the thieves-in-law. These new legislative implementations generally focused on the combat against organized crime and

corruption. With accusation of being corrupted, 16.000 policemen were fired instantly from their working places and replaced by new staff members. Newly recruited police officers underwent specialized trainings provided by joint cooperation of MIA police academy of Georgia, USA Embassy and Bureau of International Narcotics and Law Enforcement. As a result of new legislative implementations, along with the "zero-tolerance" policing adopted by the government of that time, the organized criminal activities in Georgia were remarkably reduced. Traditional acts of retaliation, principally committed by members of organized criminal groups, almost seized to exist. However, abolishment of the traditional types of retaliation gave birth to novel methods of technological retribution.

2. Statement of Problem and Case Studies

One of the examples of such newly born types of retaliation is "cyber retaliation". It emerged after vast popularization of electronic computers and computerized gadgets. In case of Georgia, massive establishment of "cyber dimension" began in the beginning of the 21st century. This sudden shift formed new sources of delivering information to the public. While usually people use cyber space to communicate, interact, share information and work, there are societies that misuse this valuable source to their own advantage. Cyberspace is there for everyone to use – or to abuse [1].

The following paragraph will shortly frame, describe and introduce the recent examples of specific cyber-retaliation cases from Georgia, as well as from the former Soviet Union countries.

Acts of retaliation are believed to be more spread in countries that are in a transitional phase in terms of politics and economics. Sudden changes in the course of mentality are bound to have a negative effect on public obeying newly imposed laws and customs. Regarding Georgia, transition was fast, leaving the society confused about newly imposed lifestyle and behavior. The reformation of legislative and judicial systems caused, *inter alia*, misunderstanding between the government and the people that eventually led to massive protests and public meetings. As the cyber space became a primary source of information, leaders of opposing parties started to exploit it as a driving mechanism for their ideas and beliefs.

Since judicial system isn't yet well trusted, some groups prefer use of acts of retaliation, rather than mediation or punishment. While traditional retaliation is strictly prosecuted in Georgia, unpleased members of society started to use newly emerged possibility – namely cyber retaliation. Legislative background against cyber retaliation is still full of square brackets. In practice, existing statutes do not fully encompass cybercrime therefore it became one of the favorite instruments for adversaries.

A) Religion and Cyber Retaliation

Religious disputes caused acts of retaliation many times throughout the course of history. Up to the present time, countless number of wars was fought by representatives of various religious groups and denominations. Today this tendency still remains, however, strengthened by the

new means of dissemination of the information - the internet. It has brought people from all over the world together, thus overcoming limitations of time, space and locality, and accelerating religious transnationalism and the flowing of the ideologies [4].

The rise of cyber network has a profound impact on the way conflicts are carried out and the faithful practice their religions. Nowadays, online religious communities use cyber space as an instrument to preach their beliefs, provide advices for concerning religious doctrine, answer pilgrims' questions, and otherwise spread the religion. Some websites, like www.patheos.com, also combine teachings of different religions. As pointed out by Hojsgaard and Warburg (2005a, p. 2), by 2004, the number of religious web pages had grown considerably worldwide, with up to approximately 51 million pages on religion, 65 million webpages dealing with churches, and 83 million webpages containing the word of *God*.

While the purpose of these online tools is to spread belief to the masses of people, preaching humanity and social order, sometimes these same sources become epicenters for disputes and spreading of religious hatred. This in fact, the other side of the coin, still remains to be an uphill battle for the law enforcement agencies worldwide.

Present-day religious conflicts usually start with a minor incident. These occasions are normally settled locally; nevertheless, sometimes they fall under the highlights of certain media broadcasters. Internet is one of such broadcasters, which allows its users to make their comments concerning occasions that have occurred. Since incident involves two, or more, opposing sides, supporters of each side have equal chances to express their points of view concerning what happened. Comments often include violent hate speeches and harassment of opposing side, which eventually leads to an act of retaliation from the harassed side. Finally, a small incident that would rather be forgotten in a short period of time might overgrow into severe conflict that is supported by followers of opposing groups worldwide. Unstoppable queue of the acts of cyber retaliation from both sides may ultimately result transcendence from cyber to real life retaliation.

The classic example of using cyber space as an instrument of retaliation was a massive online dispute that resulted in taking down Islamic minaret on the 26th of August 2013 in village Tchela, in Adigeni region of Georgia. Process itself caused clash of the law enforcers and the representatives of the Muslim community. Prior to the act of demolition of the minaret, Christian dwellers of the village Tchela have protested against construction of the Islamic religious symbol, which eventually grew into public unrest and altercation between opposing groups. Via internet, local disagreement became a matter of an argument in the Georgian internet domain, as well as, involving activities of the countless followers of Muslims and Christians. Acts of cyber retaliation stemming from both sides of online quarrel finally overgrew into a real life conflict.

Another example is "The Moluccan Conflict" of Eastern Indonesia. Due to their seemingly harmonious lifestyle, nobody really expected that a minor quarrel between a Christian bus driver and a Muslim passenger in Ambon town in January 1999 would end up in a bloody and enduring multidimensional conflict: hundreds of churches and mosques were destroyed, thousands of people on both sides were killed, and hundreds of thousands had to flee - nearly one third of the Moluccan population [5].

Both abovementioned incidents were triggered by the constant acts of retaliation in the cyberspace. Both incidents occurred under the circumstances in which a dispute, in general, should have been settled down locally. However, rapid dissemination of these minor occasions via Internet has resulted in a massive aggression of members of affiliated religious groups worldwide against each other. In both cases religion itself was not the cause of the civil unrest. It was the people involved in it that very soon grouped around the religion as their prime marker of identity.

B) Sexual Orientation and Cyber Retaliation

Social minorities, in particular, often become victims of hate speeches and hate crimes. Information-communication technologies act as a force amplifier, enhancing power and enabling social actors to raise their weight and attain a reach and influence pro or against these minorities. Preliminary analyses show that together with the popularization of the internet, as a source of mass media, acts of harassment, humiliation and retaliation against minorities have seemingly increased in number. While both, traditional and internet based retaliation acts, have a number of similarities, latter has taken severity of humiliation and abuse to its highest levels. Among other groups of social minorities, members of lesbian, gay, bisexual and transgender (LGBT) communities are one of the most target groups on the worldwide web.

In Georgia obvious acts of cyber retaliation against LGBT persons began in the second quarter of 2012, following an incident of 17th of May - International day against homophobia, biphobia and transphobia. A sudden appearance of the members of the *Pride* parade in the center of Tbilisi led to a minor conflict involving demonstrators and random bystanders. While law enforcers were successful in suppressing the aggression, this incident had a wide discussion on the web, accompanied by many hate speeches and agitations of violence against LGBT persons. This first attempt to put the issue of LGBT rights on stage in Georgia was soon forgotten.

Police forces, however, experienced real difficulties during *Pride* parade held on the same day, next year. This time both sides of conflict, the LGBT demonstrators and the opposing groups, were well prepared. Georgian cyberspace was filled with advertisements prior to the planned parade, encouraging members of sexual minorities to participate in an organized march in the center of the capital city. These advertisements were not ignored by the opposing groups. First spark that later ignited huge fire was lit on the internet and the media. Prior to the International day against homophobia, biphobia and transphobia, adversary parties retaliated against one another using the internet. Local news broadcasting websites and social networks

became a whirlpool consisting of hate speeches, agitation toward aggression, and calls of uniting against demonstration planned by the LGBT persons. As expected, many thousands of people gathered to oppose the *Pride* parade. To disallow physical violence LGBT parade participators were safely removed by the police forces. Official sources confirm dozens of protestors got injured. Acts of traditional and cyber retaliations lasted for months after the failed parade itself.

Analyses of both cases clearly show that it was the internet that played a major role in the second encounter. In 2012, few to none advertisements of the planned pride parade took place. General public wasn't aware of gathering of the LGBT individuals, thus there were no means to alter it. Nevertheless, many acts of cyber retaliation were initiated against the demonstrators afterwards. In second case, internet broadcasted planned parade prior to the date. Discussions over LGBT gathering literally flooded news, blogs, forums and social networks. There, radicals expressed their hostile attitude towards organizers of the *Pride* parade, banned celebration of the international day against homophobia, biphobia and transphobia in Georgia, and called for the reinforcements of accomplices to massacre demonstrators.

Relatively similar incident was witnessed on the 17th of May of 2013 in Moscow, Russia. Leaders of LGBT societies trying to organize a parade for supporting rights of sexual minorities were attacked by members of the nationalist group. A physical encounter between opposing parties forced the police to take confrontational measures and arrest aggressive radicals from the both sides. Prior to the planned parade, a huge wave of advertisements of *Pride* parade was published in the Russian cyber space, resulting relatively same consequences as there were in case of Georgia.

It is clear that internet has increasingly become the battleground for the fight for recognition. If certain preventive measures will not be enacted, it might be only a tip of an iceberg that has been encountered so far. Nevertheless, some former Soviet Union countries were successful in taking first steps toward the recognition of LGBT rights. Same march has succeeded in Ukraine, while still encountering problems from opposing groups.

C) Cyber Retaliation as an Element of Cyber Warfare

Cyber warfare occurs when one country perpetrates a cyber-attack against another country that would to the reasonable person constitute a state act of war [13]. Cyber warfare refers to politically motivated hacking to conduct sabotage and espionage. It is a form of information warfare sometimes seen as analogous to conventional warfare [16]. Richard A. Clarke defines cyber warfare as "actions by nation-state to penetrate another nation's computers or networks for the purposes of causing damage disruption" [3]. Similarly, former NSA and CIA director Michael Hayden referred to cyber warfare as the "deliberate attempt to disable or destroy another country's computer networks" [14].

While definition of cyber warfare has been, more or less, coined, causes of cyber warfare apparently are in need of further criminological research. Needless to say, that defining cause of

a certain problem is usually a key to enacting effective means of preventing, ultimately, solving it. This article isn't intended to enumerate or investigate causes of cyber warfare, but rather point out one of the potential causes – the cyber retaliation.

Analyses of facts gathered clearly show that cyber retaliation is usually a hostile answer to a prior belligerent action and/or a cyber-attack. Yet, cyber-attack is defined as "a hostile act using computer or related networks or systems, and intended to disrupt and/or destroy an adversary's critical cyber systems, assets, or functions" [2]. It can be assumed that cyber retaliation is an act of cyber-attack from defending side motivated by previous cyber or other attack made by offending side.

While term cyber-attack may sound, more or less, harmless, consequences may result scenarios ranging from virus that scrambles financial records or incapacitates the stock market, to a false message that causes nuclear reactor to shut off, or dam to open, to a blackout of air traffic control system that results airplane crashes – anticipate severe and widespread economic or physical damage [11]. While none of the enumerated scenarios have thus far occurred, numerous cyber-incidents occur regularly.

Cyber warfare initiated by Russia against Georgia in beginning of August of 2008 may be referred to as an act of cyber retaliation, following Georgia's military campaign against South Ossetia. On 9th August part of Georgian cyber space was compromised. An official websites of ministry of foreign affairs and parliament of Georgia along with commercial and financial institutions were "defaced" [17] and compromised with the distributed denials of service attacks. In fact, hackers replaced original content of webpages with images that expressed visual similarities of the former president of Georgia Mikheil Saakashvili and Adolf Hitler. Officially not confirmed, yet number of facts point out to a blackout of the communication systems in Georgia, thus leaving the military forces without means of communicating with each other. The Russian side of the mentioned conflict blames Georgia of an act of cyber retaliation against Russian internet news broadcasters.

Similar scenario took place in Estonia in the spring of 2007. Estonian Foreign Minister Urmas Paet accused the Kremlin of direct involvement in the cyber-attacks, which led to a massive shutting down of websites of Estonian organizations, including Estonian parliament, banks, ministries, newspapers and broadcasters [19]. According to the Guardian reports the cyber-attacks began in late April, coinciding with Estonia's decision to move a Soviet World War II memorial, the Bronze Soldier, from a central location in Tallinn, the Baltic nation's capital.

Further example of cyber-attack is Iran's nuclear program grounded to a halt, the subject of sophisticated cyber-attack that sent centrifuges spinning widely out of control. It was not a tangible weapon that caused this. "Stuxnet", a computer "worm" [18] that appears to have many authors from around the world, targeted Siemens industrial control systems compromising its

normal operation. This cyber-attack is believed, yet not confirmed, to be conducted by United States and Israel joint cooperation as an act of cyber retaliation against Iran's political course.

Landmark examples above demonstrate three acts of cyber retaliation, hence not officially named so. In all three cases, a cyber-attack followed certain acts conducted by defending sides, opposing interests of offending side. While enumerated incidents haven't caused severe damage, incident with "Stuxnet" malware could have resulted irreparable wrong.

D) Government using Cyber Retaliation and Deterrence against Media

Freedom of expression is a fundamental human right as stated in the Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" [15].

United Nations declare freedom of media and press a worldwide priority. Free, independent and pluralistic media is considered as an example of good governance in both, young and old democracies. Such media ensures transparency, accountability and rule of law; it promotes participation in public and political discourse; finally it contributes its toll to the fight against poverty.

Media, to some extent, is unofficially referred to as fourth branch of power, after traditional *trias politica*, which occasionally is accepted in many countries. It can be a powerful tool to control government and prosperity of democracy in the country. Hence, main responsibility of the media is delivering of objective information to the general public, sometimes it falls victim of suppression from the representatives of other three major power branches, resulting skewing of the delivered information. Essentially, these are the same powers that deter the representatives of the media groups, forcing them to inform general public with certain information that is advantageous for their own purposes. This is, perhaps time worn accusation, however outcome of it is usually an act of underreporting of the actual situation, eventually leading to a serious protraction of advancement in a country.

Case studies show that the suppression of the rights of the media through deterrence is a somewhat of an often occasion worldwide. Usually, a whole broadcaster, or sometimes, individual journalists are being targeted by certain government officials or political party in order to skew information, or neglect some acts, to their own advantage. Since, there are no legal means for officials to force media to underreport certain acts, they usually use means of threatening and sometimes acts of retaliation. Nowadays, cyber technologies opened a new boundary for acts of retaliation – the cyber retaliation.

Meanwhile, absolute majority of the acts of deterrence against representatives of the media remain in secrecy, one scandalous incident that took place in Georgia on May of 2013 led to a disclosure of obvious fact of cyber retaliation. On 5th of May of 2013 ministry of internal affairs

of Georgia initiated an investigation of criminal case envisaged by first part of article № 157 of Georgian criminal law code – namely "intrusion of privacy of the citizen of Georgia" [7]. Case involved a journalist and a former deputy minister of internal affairs. According to the case details, latter used internet to disclose secret surveillance video materials, captured by special team of operators from the former department of constitutional security department of the ministry of internal affairs of Georgia, uncovering certain details of journalists' sexual orientation. Prior to dissemination of videos via internet, journalist wrote an article in a newspaper, accusing personal adviser of prime minister of Georgia, deputy of the chief prosecutor of Georgia, and former deputy minister of foreign affairs of illegally overtaking a certain business company. As victim claims, there has been a sequence of threats against him before publishing mentioned article. Journalist neglected acts of deterrence against him, and soon became victim of cyber retaliation. On 12th of May of 2013 former deputy minister of internal affairs was found guilty of criminal act envisaged by the second part of article № 157 of criminal law code of Georgia [8].

Above mentioned incident brought another disturbing fact to the surface. Now former minister of internal affairs, Irakli Gharibashvili announced that ministry of internal affairs of Georgia possesses more than 25 000 hidden audio and video materials, whereas some of them may contain data that depicts private life. According to official statement of Irakli Gharibashvili, on 5th of September of 2013 hidden materials contained on 110 storage disks were destroyed [9]. Remaining materials will be overlooked by a special commission which is obliged to determine if they contain data on private life.

Case study shows that mentioned hidden audio and video data was used as compromising materials against individuals by acting members of the government. Main purpose of these materials was to deter certain social actors, thus forcing them to unwilling cooperation with representatives of certain government agencies.

Present officials of ministry of internal affairs of Georgia admit that certain people from former government had an access to these hidden materials, therefore it is hard, if not impossible, to determine how many copies have been made and/or who possesses these materials now. Assumption is however obvious. These data may still be used by the unknown possessors to deter or retaliate against social actors that are, so to say, unwilling actors these materials.

E) Political Cyber Retaliation

Throughout the course of history, politicians often used different sophisticated schemes to compete for the power. In the politics, campaign advertising is considered as one of the most important means to emphasize the political activities. Internet, with its endless informational capabilities, recently became a strategic/operational "center of gravity" of an advertisement of the political campaigns. Moreover, today internet's features and possibilities challenge the traditional patterns of authority in the "Information Age".

While cyber space is sometimes used as a driving mechanism of political advertisement, its "other side of the coin" may be using of it as a powerful instrument of anti-advertisement. Politicians are well aware of this tactic and are widely using it nowadays. "War has rules, mud wrestling has rules - politics has no rules" [14]. Having similar quotes and thoughts in mind, some politicians or political parties neglect the articles imposed in law and engage in political arena without recognizing certain unwritten principles. While legislation has arguably a narrow scope on cyber space, internet has become a favorite tool for political backdoor activity. It provides these social actors with unlimited variations of schemes they may utilize against their adversaries.

However, the idea of cyber space as an "offshore" propaganda tool is fast spreading. If one political party started using it, opposing political party might use it as well. With existing legislation acts, cyber space provides almost no limitations to the members of a political arena to take part in an "electronic battle for power", thus leaving the general public aside as spectator of the ongoing clash. Although,"Du choc des opinions jaillit la vérité[16]", sometimes "electronic political battlefield" turns into a place of cyber retaliation.

Theoretically, it can be assumed that both opposing political actors have same proportion of power to compete in for their causes. Everything seems legit – equality is granted to both sides of competition. However, general public, here assumed as spectator of ongoing political collision, may sometimes fall as a victim of the endless cyber retaliation acts of this ongoing opposition.

An incident that took place in Georgia in June 2013 has all its bonds tied to the cyber space. An unknown user of popular video portal Youtube has uploaded clip named "Taliban Jihad against Georgian Troops in Afghanistan" under the nickname of "Hammad Zaman". Video presented a clear threatening message to the members of Georgian armed forces serving in an ISAF mission in Afghanistan. It showed pictures of killed Georgian soldiers with audio accompaniment which stated that "same fate awaits all remaining Georgian troops participating in *crusade* against Afghanistan." This message also included a threat of retaliation against former president of Georgia and all the Georgians, finalized with a statement: "we will punish you!"

The investigation body concluded that uploader of the mentioned video is a citizen of Kyrgyzstan, Samar Chokutaev who currently lives in *de facto* republic of Abkhazia [10]. According to an official statement of the spokesperson for the ministry of internal affairs of Georgia, Chokutaev was found guilty by the decision of the Tbilisi city court in a criminal act - "publicly disseminating information on encouraging commitment of the terrorist act that creates threat for committing of such crime" envisaged by article 330^1 of criminal law code of Georgia".

[16] "From the clash of opinions emerges the truth"

Discussed incident provides food for thought for criminologists, sociologists and/or representatives of other scientific fields. On one hand, what was driving force, a motive, of this conduct, on the other hand - who has benefitted from it? Meanwhile, aim of this article is not investigation of the abovementioned case; it can arguably be assumed that mentioned act is closely tied with political anti-advertisement or, perhaps, an act of cyber retaliation against certain political party.

Due to certain characteristics, described incident may be accounted as new way of cyber retaliation in post-Soviet countries. Although beneficiary of this act is not clear, one fact remains certain – Video "Taliban Jihad against Georgian Troops in Afghanistan" caused serious moral panic in Georgia (spectators), especially after *coincidence* that after two hours from the upload of the mentioned video 3 more Georgian soldiers were killed in Afghanistan.

3. Conclusion, Theories, and Key Assumptions

Statement of problem and case studies clearly show that cyber retaliation has become a considerable issue in Georgia and in the modern world. Research shows that the legal framework overall is not yet compatible to encompass cyber retaliation phenomenon, thus neglecting certain types of deviant acts that participators may commit against each other, or against society.

An act of deterrence may be considered another key assumption that usually takes place prior to an act of cyber retaliation. Deterrence itself may be committed using cyber instruments, or without. Nevertheless, as described in paragraph (D) of second article of this article, fearing an act of retaliation in the cyber space victim of deterrence may be seriously limited in own fundamental rights granted by the Constitution and The Human Rights. Ministry of internal affairs of Georgia has once already failed to secure all the hidden audio/video materials. This fact may only strengthen fear of being retaliated against. Since up to now, there is no clue concerning individuals who currently possess discussed hidden audio/video materials, it is logical to assume that freedom of expression and/or other fundamental rights of Georgian people are severely strained.

Why is cyber retaliation so popular? In particular, several theories can be applied.

Firstly, cyber space became primary instrument of the “information highway”. With the amount of users growing each day, more and more spectators join “international goggles” of observation. Paragraph (A) of second article of this proposal demonstrates how may a petty local incident, strengthened by the cyber retaliation instruments, transcend into a massacre.

Secondly, speed of dissemination of the information in the cyber space leaves no doubts that facts will reach targeted society swiftly. Nowadays, Internet provides its users with information 24 hours a day. Facts that were once uploaded to the internet will eventually remain there, thus leaving almost “non-washable stains”. Cases described in paragraphs (B) and (C) of second

article of this proposal show how rapid could effects of cyber retaliation occur. In fact, cyber-attack launched by Russia against Georgia paralyzed Georgia cyber space in the matter of two days. Same is true in case of Estonia. Sequence of messages spread on forums, social networks and other sources of information on the internet instantly gathered thousands of people in the center of Tbilisi.

Finally, internet may guarantee an individual with anonymity which sometimes is impossible to trace and/or uncover. In majority of cyber related criminal incidents, it is infeasible to identify the criminal. Hence criminal has been identified; legislation which only partly covers cybercrime isn't usually capable of encompassing certain deviant acts. Live example of this assumption is occasion described in paragraph (E) of the second article of this article. According to official declaration of spokesperson of ministry of internal affairs of Georgia, uploader of the indicated video was found guilty by decision of the court in the criminal act - "publicly disseminating information on encouraging commitment of the terrorist act that creates threat for committing of such crime" envisaged by article 330[1] of the criminal law code of Georgia." Theoretically, author did publicly disseminated information with threatening of commitment of the terrorist act. However, nor author, nor the act itself possessed threat to Georgia or its citizens. Discussed fact clearly points out that legislation is yet several steps behind of the technological progress.

Overall discussion is aimed to emphasize the fact that cyber retaliation issue has to be put on the agenda. Ignoring it may create substantial obstacles and cause disruption if it remains outside of limits of the power of the legislation. In terms of cybercrime, we are already starting with a handicap of decades. Criminologists, sociologists, and experts of the field should work in cooperation with legislators and responsible government bodies, combining theoretical and empirical studies. A further research must be carried out to measure true extent of deviant conducts related to cybercrime and cyber retaliation. Establishing a credible source of quantitative data and properly carried out fieldwork will, eventually, provide a good lode from which to mine insights and hunches.

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