

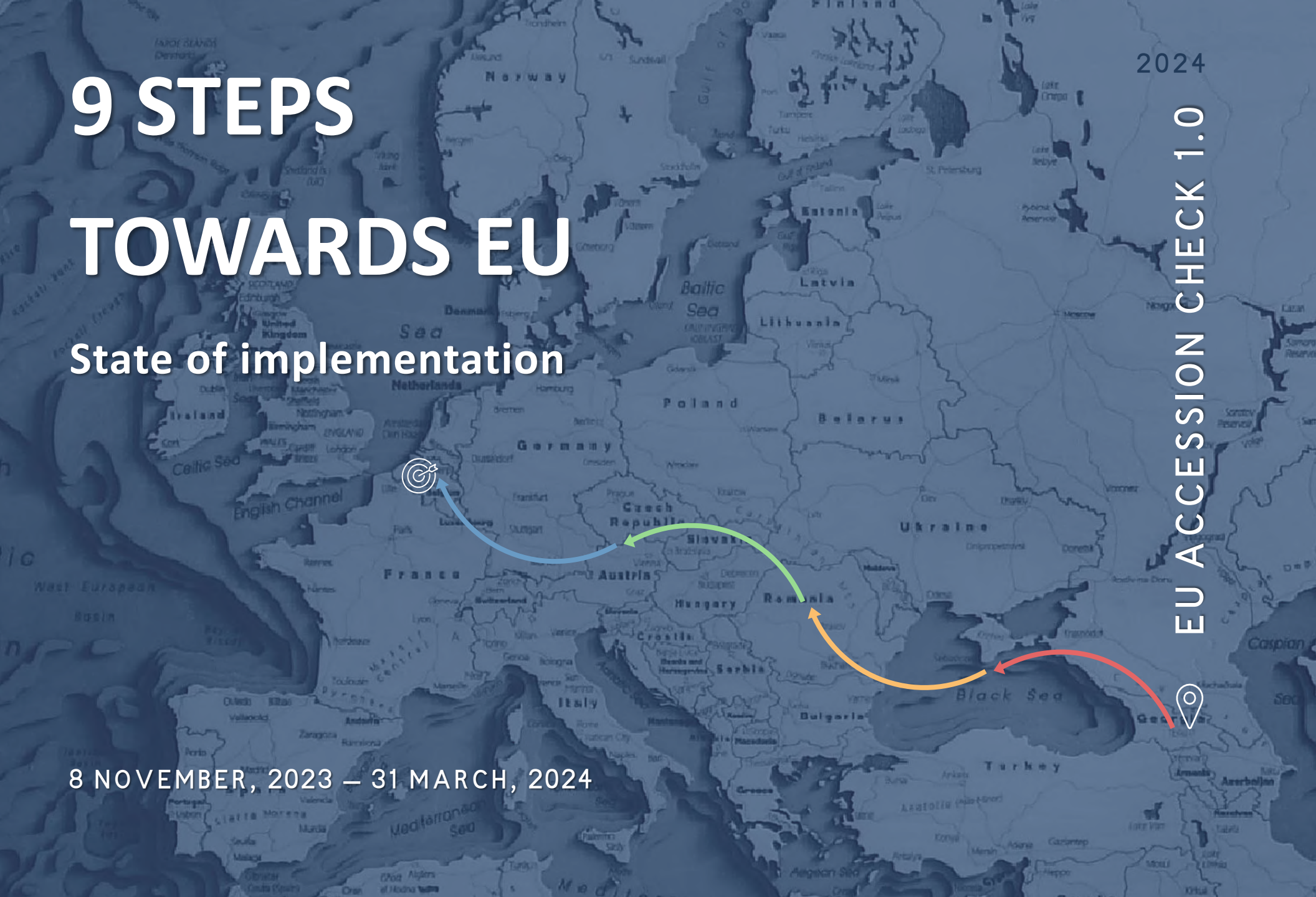
2024

9 STEPS TOWARDS EU

State of implementation

EU ACCESSION CHECK 1.0

8 NOVEMBER, 2023 – 31 MARCH, 2024

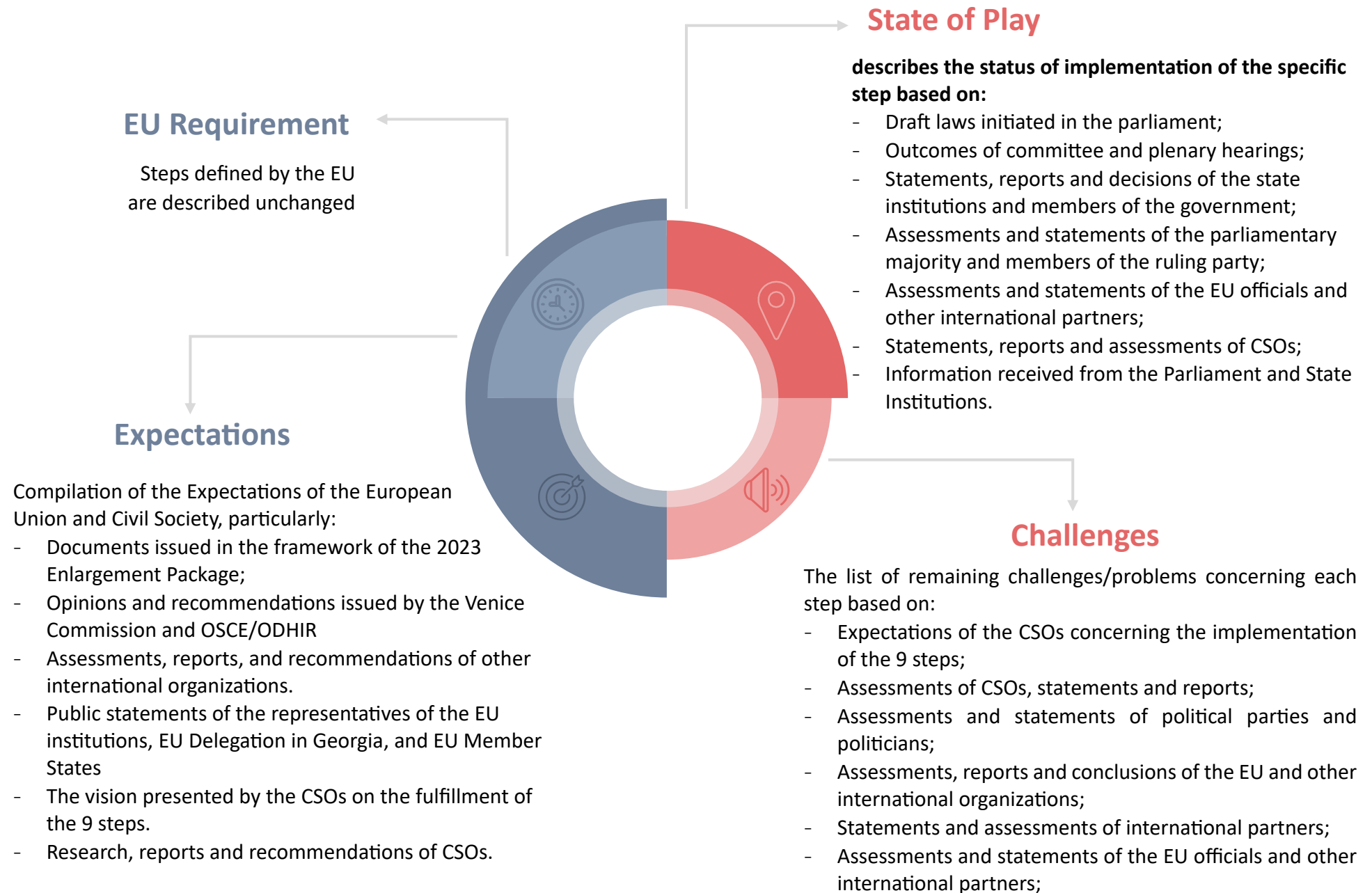


The document is produced in the framework of the internal project „Opening EU accession negotiations“ of the „Civil Society Foundation“

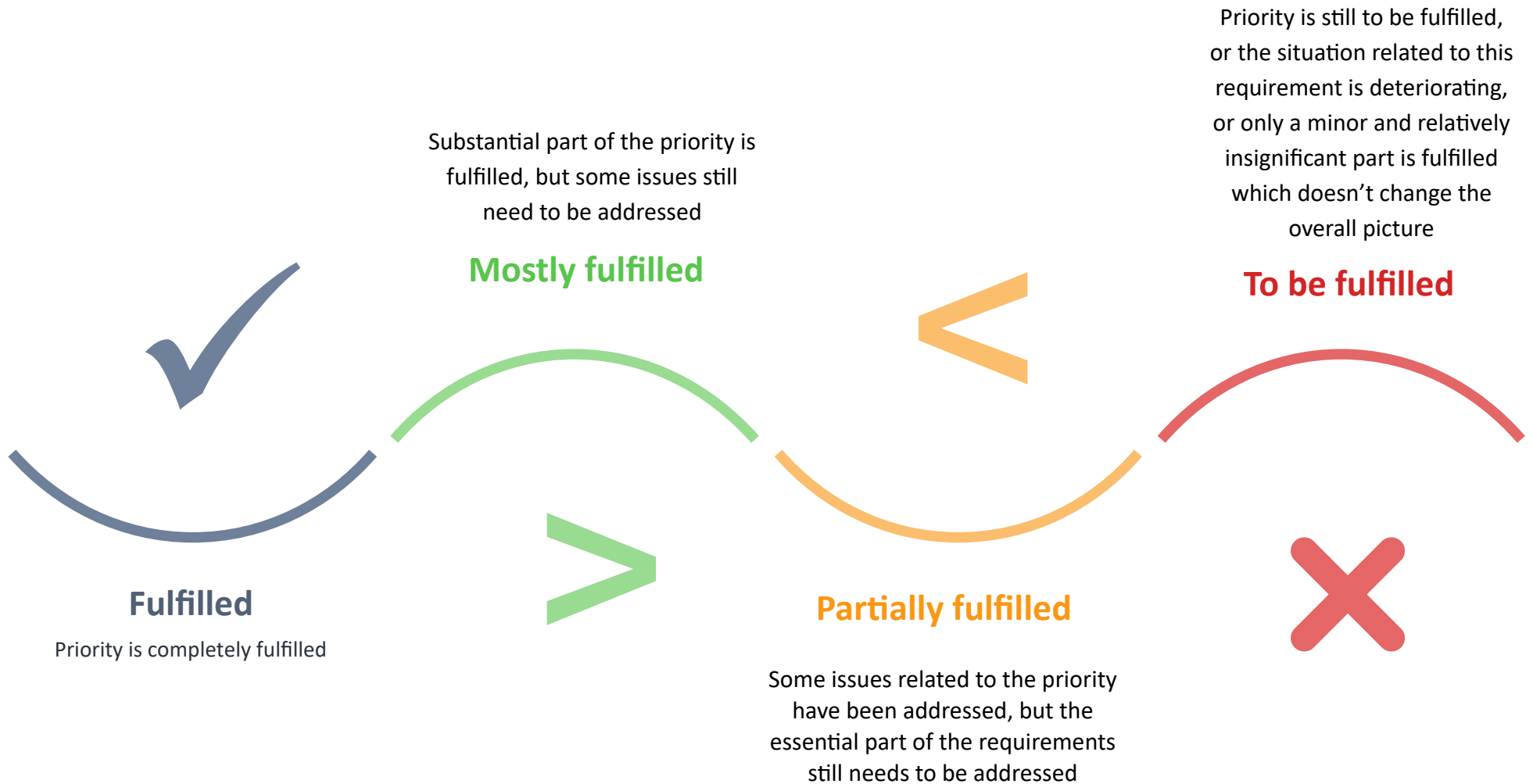
The document is elaborated by the following organizations: „Georgia`s Reforms Associates“ (GRASS), International Society for Fair Elections And Democracy (ISFED) „Georgian Foundation for Strategic and International Studies“ (GFSI), „Democracy Research Institute“ (DRI,) „Georgian Court Watch“, Georgian Young Lawyers’ Association” (GYLA), “Social Justice Center” (SJC), „Georgian Democracy Initiative“ (GDI), Institute for Development of Freedom of Information (IDFI), „Governance Monitoring Centre“ (GMC), and „Sapari“



Methodology



The implementation of the document is assessed with 4 different verdicts



For the section – „State of play“,
four icons are used
to describe the situation concerning each topic



Used in connection with issues
addressed



Green Hourglass is used for issues
that have been partially
addressed, but the process is still
ongoing



Red Hourglass is used for issues that
have not been addressed, although
progress is still viable and situation
could be changed



Used in connection with issues to
be fulfilled or deteriorated
situation

STATUS



Introduction

In March 2022, Georgia applied for EU membership. On June 17, 2022, the European Commission recommended granting Georgia candidate status once the measures in relevant priority areas are taken. On June 24, the European Council recognized Georgia's European perspective and expressed readiness to grant Georgia the candidate status once the 12 priorities specified by the Commission have been addressed.

According to the European Commission's report on Georgia of November 8, 2023, 3 out of 12 priorities outlined by the European Union were considered fulfilled.

The European Commission recommended granting Georgia the status of a candidate country, on the understanding that the relevant steps (in 9 directions) are taken.

On December 14, 2023, the European Council decided to grant Georgia the status of a candidate country subject to the fulfillment of the 9 steps defined by the European Commission.

On November 27, 2023, the Government Commission for Georgia's EU Integration approved the plan "Measures to implement the steps identified for Georgia in the European Commission's Communication on Enlargement Policy for 2023", which was [published](#) by the Government of Georgia on December 25, 2023.

Civil organizations were not involved in the process of developing and approving the document, despite the fact that the involvement of

civil society in the process of European integration was defined by the European Commission as one of the priority steps, and several [statements](#) were made by EU officials in this regard. In this regard, on January 9, 2024, ten civil society organizations issued a joint [statement](#).

On March 14, 2024, the civil society organizations requested the administration of the Government of Georgia to provide reports on the activities implemented and scheduled according to the Government plan in order to fulfill the steps defined by the European Commission, as well as on the results achieved. Until the end of the reporting period, civil society organizations did not receive a response to the request.

At the beginning of April 2024, 'Georgian Dream' initiated the law on 'Transparency of Foreign Influence,' which fundamentally contradicts at least the first, second, third, and ninth steps defined by the European Union and distances Georgia from the European Union. As the developments related to the draft law extend beyond the reporting period, relevant analysis and assessments will be presented in the next report.

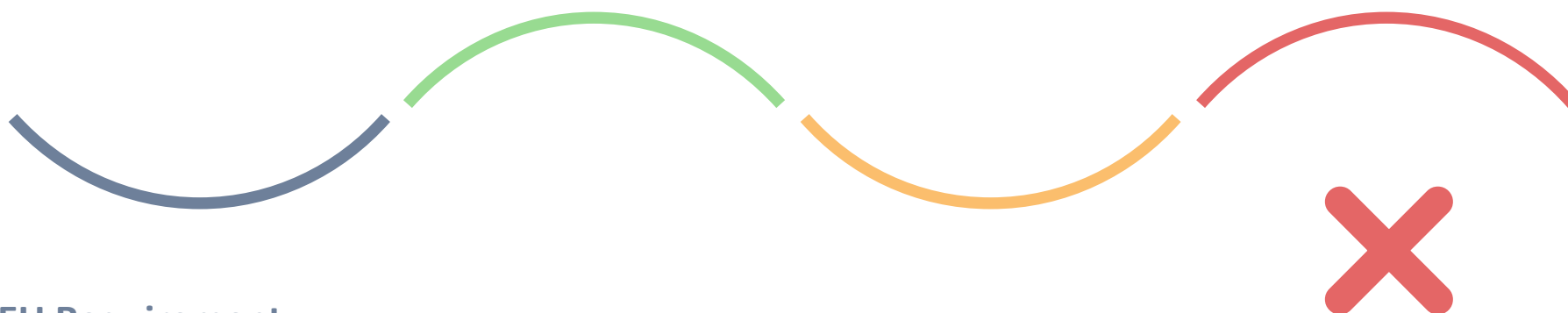
This document was prepared by 12 civil society organizations¹ and it assesses the current situation in terms of Georgia's implementation of the 9 steps.

¹ Civil Society Foundation (CSF); Georgia's Reforms Association (GRASS); Rondeli Foundation (GFSIS); Georgian Young Lawyers Association (GYLA); International Society for Fair Elections and Democracy (ISFED); Georgian Court Watch; Social Justice Center (SJC); Institute for the Development of Freedom of Information (IDFI); Governance Monitoring Center (GMC); Democracy Research Institute (DRI); Georgian Democracy Initiative (GDI); Sapari

Step No. 1

Fight disinformation

To be fulfilled



EU Requirement:

Fight disinformation and foreign information manipulation and interference against the EU and its values

* Prepared by Georgia's Reforms Associates (GRASS), International Society for Fair Elections And Democracy (ISFED), Democracy Research Institute (DRI)



Expectations:

- Dispelling the disinformation according to which the West is trying to open a "[second front](#)" against Russia in Georgia. In addition, conducting a proactive campaign about the European Union and its values;
- The government should stop the political instrumentalization of homophobia, which aims to discredit the collective West by appealing to traditional and religious sentiments;
- Stop discrediting the support and financing of civil society activities by the European Union and Western states
- Continue efforts to increase hybrid/cyber resilience, through the adoption of a whole-of-society approach;
- Involvement of strategic communications specialists, civil society organizations, fact-checkers, academic circles, media, and other key actors in the fight against disinformation and close cooperation with them;
- Creating of an environment conducive to cooperation with those civil society organizations that have been working for years on fighting anti-Western and pro-Russian disinformation and propaganda;
- Key decisions on countering disinformation should be made through consensus. Therefore, it is important to ensure the involvement of civil society organizations and professional groups, both in the process of policy development and its implementation against anti-Western disinformation at the executive and legislative levels. In addition, it is vital to steer clear of introducing such legislative regulation that, under the pretext of fulfilling the first step, will endanger the freedom of speech and expression in the country;
- The Parliament of Georgia should create an investigative commission, which will study the issue of coordinated and inauthentic network related to the strategic communications department of the Georgian government administration as found by the company Meta, and issue recommendations to the relevant executive bodies;

- Both communications departments within the government administration and ministries, should regularly and proactively provide information to the public about their action plans and their implementation
- determine the challenges of anti-Western and pro-Russian disinformation in cooperation with professional groups and civil society organizations working on disinformation issues, and, plan effective countermeasures, which may include measures aimed at exposing anti-Western disinformation groups, their messages, and tactics
- Protecting the 2024 parliamentary elections from harmful foreign (Russian) interference and local information manipulations



State of Play:

- ✓ On December 11, 2023, the Government of Georgia approved a Communication [Strategy](#) for 2024-2027, one of the priorities of which was the fight against disinformation. The Strategy provides for the creation of an interagency coordination group that will fulfill its goals and objectives in fighting disinformation.
- ✗ The process of working on the Strategy was not transparent and inclusive; The document does not address the threats of foreign information manipulation and interference; The Strategy fails to provide the support to the so-called "Whole-of-Society Approach" recommended by the EU, as it ignores the issue of cooperation with civil society, including civil society organizations, academia and the private sector.
- ✗ Instead of distancing from and confronting the disinformation directed against the European Union, government officials themselves are promoting the spread of anti-Western disinformation. In particular, they [accuse donor organizations and ambassadors](#) of EU member states of interfering in internal affairs, financing radical groups and propaganda, and spreading lies.

⚠ Government representatives continue to claim that the "Global War Party" in the West is trying to open a "second front" in Georgia.

⚠ Representatives of the ruling party claim that their opponents, including the President of Georgia, are members of the "[Global War Party](#)" and "agents of foreign influence" who want to cause destabilization in Georgia and involve Georgia in war;

⚠ Members of the ruling party encourage the spread of anti-Western disinformation by attacking Western foundations and the local NGOs they support. Members of the Georgian Dream and the People's Power systematically [attack](#) organizations such as: USAID, European Endowment for Democracy (EED), National Endowment for Democracy (NED), Swedish International Development Agency (SIDA). In 2024, attacks by members of the ruling party on civil society and Western foundations became [more frequent](#);

⚠ The political instrumentalization of homophobia continues, aimed at discrediting the collective West by appealing to traditional and religious segments. "Georgian Dream" announced the initiation of constitutional amendments and the constitutional bill "[On Family Values and Protection of Minors](#)", which, according to party leaders, serves to protect society from "LGBT propaganda" and "pseudo-liberal ideology and its inevitable harmful consequences";

✗ Pro-government media actively promote the spread of anti-Western disinformation;

⚠ The Information Center on NATO and the EU continues to organize information meetings in the regions of Georgia regarding the process of European integration and its tangible benefits, as well as conducting simulation training for schoolchildren in order to develop the skills to fight against disinformation;

⚠ There is no active and systematic cooperation with civil society organizations with relevant experience in combating disinformation.

Challenges

! Georgian Government representatives' rhetoric about the existence of a "Global War Party" reinforces the narrative of Kremlin officials and pro-Russian groups operating in Georgia that the West wants to cause destabilization in Georgia and open a "second front";

! Georgian Government officials' attacks on Western foundations and the NGOs they fund are consistent with narratives propagated by pro-Russian groups, fuel anti-Western sentiment, and create the false perception that the West is undermining Georgia's sovereignty, state institutions, and identity;

! The Georgian authorities' rhetoric and actions regarding "LGBT propaganda and pseudo-liberal ideology" contribute to the dissemination of disinformation narratives against the European Union and its values;

! Contrary to the so-called "whole-society approach" recommended by the European Union, the ruling party doesn't cooperate with the CSOs working on disinformation issues in order to fulfill step 1 defined by the EU.

Step No. 2

Alignment with the EU common foreign and security policy



Partially fulfilled



EU Requirement:

Improve Georgia's alignment with the EU common foreign and security policy.

*Prepared by Georgian Foundation for Strategic and International Studies (GFSI) and Georgia's Reforms Associates (GRASS)



Expectations:

- Reconsider the practice and substantially increase alignment with the EU Common Foreign and Security Policy positions and restrictive measures and significantly improve the rate of support for EU [declarations](#);
- Continue to align with and support the EU positions at international fora;
- Refraining from such statements and actions that contradict the position of the European Union on foreign policy;
- Continue efforts to increase hybrid/cyber resilience, through the adoption of a whole-of-society approach;
- Continue to ensure that the territory of Georgia and/or legal entities registered in Georgia are not used to circumvent EU sanctions, notably in relation to Russia and Belarus;
- Continue to use preventive and, if necessary, effective measures against the use of the territory of Georgia to circumvent the sanctions imposed against the Russian Federation;
- Refrain from taking measures promoting economic cooperation with the Russian Federation;
- Refrain from further developing transport connections with the Russian Federation (flights, sea-ferry traffic, construction of new connecting transport highways);
- Actively participate in EU crisis management missions and operations under the Common Security and Defence Policy (CSDP);
- Avoid the intensification of cooperation, particularly in political matters, and refrain from raising the level of engagement with "systemic rivals" of the EU.

State of Play:

⌘ From January 1 to March 20, 2024, Georgia increased alignment with the EU Common Foreign and Security Policy positions (16 decisions in total) (57%). It should be noted that Georgia has acceded to almost all statements of the EU which concerned important facts of violation of human rights or constitutional order in the countries of Asia, Oceania, Latin America, the Middle East or Africa. Some of these statements impose restrictive measures on countries or specific persons. In previous years, Georgia has avoided acceding to such measures;

✓ Georgia joined the European Council [Decision 2024/633](#) of February 19, 2024, which extends the [Council Decision 2022/266](#) of February 23, 2022 for 12 months. This decision condemns Russia's use of force to occupy Ukrainian territories and introduces restrictive measures for entities carrying out economic activities in the occupied territories. This is the only EU decision to condemn Russia's occupation of Ukrainian territories and to impose sanctions which Georgia accedes to;

⌘ Georgia has not joined any EU decision that imposes sanctions on individuals or entities that undermine or threaten the territorial integrity, sovereignty and independence of Ukraine ([\(\(CFSP\) 2024/195](#)), destabilize Ukraine ([\(\(CFSP\) 2024/577](#)), or facilitate any transactions in favor of the National Bank of Russia or the National Wealth Fund ([\(\(EU\) 2024/576](#));

⌘ Georgia did not take the opportunity to join the restrictive measures against Syria imposed in 2013 ([2013/255/CFSP](#)), supplemented by the EU decision of December 18, 2023 ([\(\(CFSP\) 2023/28761](#)). It should be noted that Syria has recognized the "independence" of Abkhazia and so-called South Ossetia quite a few years ago and there are no arguments of "expediency" for abstaining from the sanctions imposed on it;

⌘ Georgia still does not align with statements related to Russia. In particular, during this period Georgia did not join the statement of the EU High Representative ([26/24, 17.01.2024](#)), which demanded that

Russia unconditionally release Vladimir Karamurza, Ilya Yashin, Alexei Navalny and other illegal prisoners. Georgia also did not accede to the statement of the High Representative on the death of Alexei Navalny ([134/24, 19.02.2024](#)). Nor did it join the Decision ([\(\(CFSP\) 2024/418](#)) of 29 January 2024 under the EU's Global Human Rights Sanctions Regime ([\(\(CFSP\) 2020/1999](#)), in which the EU condemned the politically motivated 25-year sentence handed down by a Kremlin court against Russian opposition leader Vladimir Karamurza and imposed sanctions on four Russian nationals and one organization. It should be noted that Ukraine and Moldova acceded to all EU statements against Russia on the issue of human rights;

⌘ Georgia also did not join the sanctions against citizens and legal entities engaged in subversive activities against the independence and sovereignty of Moldova ([CFSP\) 2024/740](#));

✓ A contingent from the Georgian Defense Forces continues to participate in the European Union Training and Peacekeeping Mission ([EUTM RCA](#)) in the Central African Republic, where it is represented by 53 military personnel. A Georgian defense representative also participates as a liaison officer in the European Union Training and Peacekeeping Mission in the Republic of Mali ([EUTM MALI](#));

Challenges:

! Although the overall rate of Georgia's alignment to EU statements has increased, the Georgian Government's extremely cautious stance towards Russia is clearly visible. Georgia practically does not react to violations of international law (including humanitarian law) committed by Russia.

! Georgia does not show solidarity with the "associated trio" partners and does not align with to EU statements or take steps in support of Ukraine and Moldova.

Step No. 3

Addressing the issue of polarization

To be fulfilled



EU Requirement:

Further address the issue of political polarization, including through more inclusive legislative work with opposition parties in Parliament, notably on legislation related to Georgia's European integration

*Prepared by Georgia's Reforms Associates (GRASS)



Expectations:

- End the use of hostile rhetoric between the Government and the opposition;
- Cooperation, compromise-building and inclusive consultations with opposition parties and civil society, notably with regard to reforms that relate to Georgia's EU agenda;
- Ensuring cooperation in the Parliament, especially on the implementation of the 9 steps. "Georgian Dream" should allow meaningful participation of the opposition in the process, and the opposition should contribute to the working process of working groups and committees;
- Refrain from such actions that may lead to deepening political tensions and disruption of democratic institutions and reform agenda;
- Stop disseminating disinformation against the EU and its values;
- Complete the constitutional amendments, including regarding the electoral threshold, at least 6 months before the elections;
- Election of members of the Central Election Commission and its Chairman by qualified (2/3) majority;
- Power Sharing in the Parliament by relinquishing the positions of chairpersons of several committees to the opposition;
- "Georgian Dream" should provide the opposition the opportunity to effectively use the mechanisms at its disposal in the parliament, including timely consideration of draft legislative proposals initiated by the opposition, refrain from preventing the creation of investigative commissions, etc.;
- Stop deepening polarization through violence and/or encouraging violence against political opponents and adequately investigate the previous facts of violence;
- Reduce the political polarization between the ruling party and the president, including by not questioning the legitimacy of the president and resuming cooperation with her;

- Avoid confrontational statements and/or actions on the part of the "Georgian Dream" with civil society and the media, refuse to initiate laws hindering their activities, and start constructive cooperation, especially in the context of the implementation of 9 steps;
- "Georgian Dream" leaders to end the boycott of critical television programs and debates and resume cooperation with critical media; Likewise, resume cooperation between pro-government television stations and representatives of opposition parties;
- In order to reach a consensus between the ruling party and the opposition, establish a mode of constructive cooperation on parliamentary appointments where a high quorum will be required;
- Facilitate the strengthening of the political culture of multi-party dialogue and coalition governance in local self-government bodies;
- Establishing the Jean Monnet dialogue with the European Parliament to continue the political dialogue between the "Georgian Dream" and the opposition.



State of Play:

- ✗ Despite the fact that the Georgian Dream leaders claimed that granting candidate status to Georgia would reduce polarization and bring fundamental changes in the political environment, after receiving candidate status, political polarization between the Government and opposition, Government and President, Government and civil society not only did not decrease but even increased further during the pre-election period;
- ✗ The heated rhetoric between the Government and the opposition has not subsided and in many cases has become abusive. During parliamentary debates, physical clashes and accusations of betrayal of the country against each other are once again taking place;

✗ The Georgian Dream does not recognize the independent identity of the opposition forces and calls them a "Collective National Movement" that should be "neutralized";

⌚ In connection with the process of implementation of the 9 steps set by the European Commission, a working format was created in the Parliament, in which members of the parliamentary majority and opposition, as well as representatives of NGOs that are members of the Georgian National Platform of the Eastern Partnership Civil Society Forum, take part;

✗ The Lelo political party does not participate in the above-mentioned parliamentary format, as it considers it an "imitated process of cooperation";

✗ The EU recommendations are not implemented inclusively as the ruling party does not cooperate with civil society organizations, with the exception of the Georgian National Platform of the Eastern Partnership Civil Society Forum. Organizations outside the platform expressed their willingness to participate in the process several times and addressed an official letter to the Chairman of the Parliament, but the Georgian Dream refused to cooperate;

✗ The parliamentary majority did not take into account the positions of the opposition and civil society on important electoral, judicial, and anti-corruption issues; The discussion of the Central Election Commission staffing and the issue of integrity checks of judges (so-called "vetting") increased polarization; Moreover, the "Georgian Dream" responded to statements from representatives of the European Union, including the ambassador to Georgia, with a verbal attack. They described appeals to check the integrity of judges as an interference in sovereignty and an insult";

✗ The different positions of the ruling party and the opposition on the adoption of a resolution at the Euronest Parliamentary Assembly in March 2024 contributed to deepening polarization;

✗ The Georgian Dream continues its verbal attacks on the civil sector and attempts to discredit it. The leaders of the ruling party accuse the civil sector of obstructing the process of European integration, spreading disinformation, links with the "radical" opposition, destructive actions against the state interests and the desire to drag Georgia into a war against Russia; They also question their

commitment to the public interest and claim that their funding is not transparent, that they are funded by foreign powers and serve the interests of foreign powers; the Chairman of the Parliament called on donors to disclose information about the funding of civil society organizations and to stop the funding;

✗ In the same context, statements are made by the representatives of the parliamentary majority about the so-called "Foreign Agent Law" (Foreign Influence Transparency Law) initiated in 2023 and failed after mass protests;

✗ The ruling party has not resumed cooperation with critical TV channels; Verbal attacks against them continue. Cooperation between opposition parties and pro-government TV channels has not resumed either;

✗ Recently, the ruling party leaders' anti-Western rhetoric has intensified, including against the European Union itself, the European Parliament and member states. The Georgian Dream leaders accuse EU and US funds of interference in domestic political affairs, including justice and elections, as well as activities against the country. The EU ambassador to Georgia was attacked because he met with representatives of the Lelo opposition party. The European partners were attacked because of the European Parliament resolution, which included an amendment regarding the release of Mikheil Saakashvili, as well as because of the visit of former Georgian Justice Minister Zurab Adeishvili to the Bundestag and the European Parliament;

⌚ The Georgian Dream initiated constitutional amendments "banning LGBT propaganda" and a constitutional bill "On Protection of Family Values and Minors", thus further deepening polarization and confrontation with the political opposition and civil society;

⌚ The Georgian Dream resumed the narrative as if the European Union and Western partners want to drag Georgia into war. According to the Leader of the parliamentary majority [Mamuka Mdinaradze](#), the Global War Party is not imagined and it influenced the EU decision when Georgia was not granted candidate status in 2022;

⌚ The Georgian Dream activated the narrative that the political opposition, civil society and the President of Georgia are acting under the influence of foreign power;

✘ Relations between the Government and the President are characterized by severe polarization. The ruling party calls Salome Zourabichvili an "illegitimate", "formal" president and accuses her of collaboration with the opposition, betrayal and non-state actions. The ruling party did not give the President a tribune at the candidate status ceremony. The Georgian Dream sharply criticized the President's initiative to create a "Unity Platform for Europe", in which opposition parties (except for the For Georgia party) have expressed their willingness to participate. The ruling party also accuses the President of trying to undermine institutions by vetoing a bill related to the Central Election Commission (CEC) reform.

✘ The ruling party disregarded the recommendations published by the Venice Commission in December 2023 and the President's reasoned comments on the amendments to the Electoral Code and, overriding the President's veto, approved the amendments to the Electoral Code and the Rules of Procedure of the Parliament. Under the amendments, the ruling party will be able to elect the CEC chairperson and professional members without reaching consensus with the opposition, which could be one step to overcome polarization;

✘ There was no distribution of power in Parliament between the parliamentary majority and minority;

✘ The Parliament did not approve the constitutional amendments adopted in the first reading in September 2021, which provide for parliamentary elections with a 2 percent threshold. Moreover, according to the ruling party, the issue is irrelevant and not on the agenda.

Challenges:

! Despite gaining candidate status, the heated rhetoric between the Government and the opposition has not subsided; Political processes have become more polarized ahead of the 2024 elections;

! Not all political parties participate in the working format established in the Parliament regarding the process of implementation of the 9 steps, and civil society organizations are not involved; Despite the effectiveness of the format, consensus on important reforms could not be reached;

! There was no distribution of power between the parliamentary majority and minority;

! There is no readiness on the part of the ruling party to enact the constitutional amendments approved in the first reading in September 2021 that involve lowering the threshold for parliamentary elections;

! Cooperation with civil society is minimal; Verbal attacks and unfounded accusations continue against civil society and parts of the media;

! Anti-Western rhetoric continues, including cases of disinformation directed against European values. In this regard, the most problematic are the accusations of the opposition and civil society of pursuing the interests of the Global War Party and foreign influence, as well as the legislative initiative against so-called "LGBT propaganda";

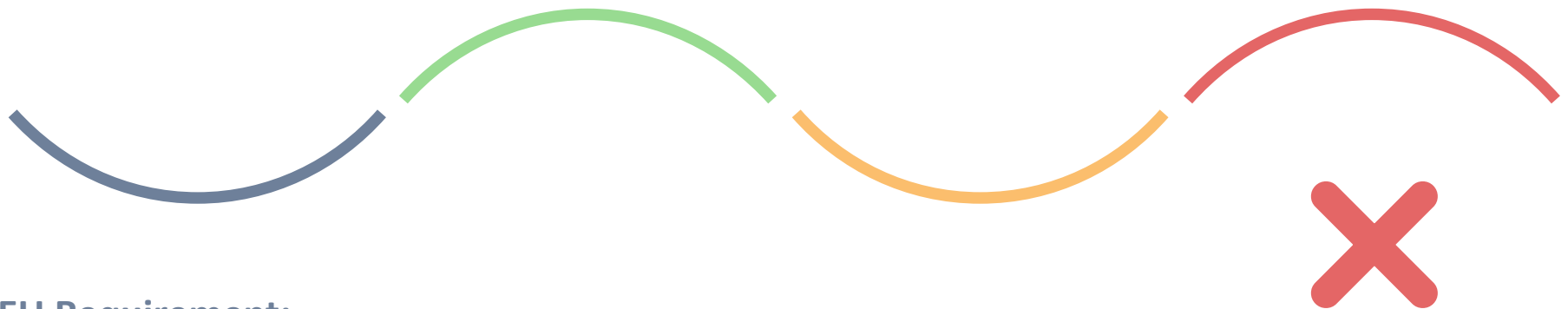
! Polarization between the ruling party and the President is growing;

! There is no political will in relation to parliamentary appointments where a high quorum is required. In some cases, the Georgian Dream unilaterally, without the cooperation with the parliamentary opposition, passes laws that lower the high quorum in favor of the Government to a simple majority and therefore ignores the participation of the opposition and the President in parliamentary appointments.

Step No. 4

Free and fair elections

To be fulfilled



EU Requirement:

Ensure a free, fair, and competitive electoral process, notably in 2024, and fully address OSCE/ODIHR recommendations. Finalise electoral reforms, including ensuring adequate representation of the electorate, well in advance of election day.

* Prepared by International Society for Fair Elections And Democracy (ISFED)



Expectations:

- Ensure that the parliamentary elections of 2024 are held in a free, fair and competitive environment;
- Complete electoral reforms, including ensuring adequate voter representation, well in advance of election day;
- Fully take into account the recommendations of the Venice Commission and the OSCE/ODIHR Office for Democratic Institutions and Human Rights, including recommendations on intimidation and abuse of administrative resources based on previous years' elections;
- Ensure the institutional independence and impartiality of the election administration;
- The rules for appointment to the Central Election Commission should comply with the December 2023 recommendations of the Venice Commission and the OSCE/ODIHR;
- Properly investigate the allegations of election malpractice mentioned in the OSCE/ODIHR reports.



State of Play:

📄 The plan adopted by the Government Commission for European Integration of Georgia on November 27, 2023, outlines the measures to be implemented for the fulfillment of step 4 defined by the EU Commission:

1. Inviting an OSCE/ODIHR long-term observation mission to the 2024 elections;
2. Establishment of working formats for effective co-operation between relevant authorities and observation organizations;
3. Introducing amendments to the Electoral Code on the issue of party/election financing (ban on donations from legal entities to political parties, lowering the upper limit of annual expenditures in relation to GDP).

It should be noted that the 1st and 3rd activities of the three above-mentioned activities have already been fulfilled. In particular:

1. In order to observe the 2024 parliamentary elections, the Government of Georgia invited representatives of the OSCE/ODIHR to observe the elections. On February 12, 2024, the Ministry of Foreign Affairs of Georgia [sent a letter](#) to the OSCE/ODIHR Director Matteo Mecacci to invite observers to the parliamentary elections in Georgia;
2. On December 15, 2023, the Parliament of Georgia adopted a package of legislative acts in an expedited manner, according to which amendments were made to the Organic Law of Georgia "On Political Unions of Citizens" and the Organic Law of Georgia "Election Code of Georgia". Pursuant to these amendments, political parties/election subjects were prohibited from receiving donations from legal entities. Furthermore, the new version stipulates that the total amount of expenses incurred by a party during a year shall not exceed 0.04% of Georgia's GDP of the preceding year instead of the previous 0.05%. In addition, the amendments clarified some issues.

✘ Civil organizations were not involved in the process of elaborating the plan approved by the Governmental Commission for European Integration on November 27. In addition, the content of the approved document does not fully [correspond](#) to the recommendations determined by the European Commission;

✘ Several [meetings](#) on the 9 steps set by the European Union were held in the Parliament of Georgia in 2024, attended at different times by members of the parliamentary majority and opposition, as well as representatives of the Georgian National Platform of the Eastern Partnership Civil Society Forum;

A part of civil society organizations that were not members of the platform appealed to the Parliament with a request to involve interested profile organizations in the process and to conduct a broad format of work, but the request was not satisfied and they were not involved in the process;

✘ On February 20, 2024, the Parliament adopted amendments to the Organic Law of Georgia "Election Code of Georgia" and "Rules of Procedure of the Parliament of Georgia" regarding the new rule of election of the CEC Chairperson and professional members. According to the law, candidates for the position of CEC Chairperson/Member will again be selected by the Chairman of the Parliament of Georgia and will be presented to the Parliament, and they can be elected for a full term by a majority of total number of the Members of the Parliament. Specifically, a candidate will be considered elected if he or she receives 3/5 of the votes of the total number of Members of the Parliament (90 votes). If the person is not elected at this stage, he/she shall be put to the vote again and he/she shall be deemed elected if supported by a majority of a total number of the Members of the Parliament (76 votes). In the event that two ballots fail to elect a candidate by a simple majority, the President of Georgia will decide on the issue. The position of opposition CEC deputy chairperson was abolished by law. The mentioned changes are not in line with the recommendations of the Venice Commission, OSCE/ODIHR, and the European Union;

It is worth noting that the president [vetoed](#) the bill, but the veto was [overridden](#) by the Parliament;

⌚ On December 13, 2023, the Organic Law of Georgia "Election Code of Georgia" was [amended](#). According to amendments, the right to participate in elections, together with the holders of the electronic ID card of a citizen of Georgia and the passport of a citizen of Georgia, was determined for persons holding a valid non-electronic (not having an electronic information carrier) ID card;

✔ On December 15, 2023, the Law of Georgia "On the Procedure for Registering Citizens of Georgia and Aliens Residing in Georgia, for Issuing an Identity (Residence) Card and a Passport of a Citizen of Georgia" was amended. According to amendments, valid non-electronic identity cards of a citizen of Georgia (not having electronic information carrier) issued before July 28, 2011, will be annulled as of July 1, 2024. It should be noted that from March 15, 2024, within the framework of the project, the Ministry of Justice will provide free replacement of identity cards with electronic ID cards for holders of non-electronic (so-called laminated) identity cards. The changes will not affect non-electronic cards obtained for reasons of faith and health;

✘ On March 6, 2024, the Parliament adopted in the first reading a package of draft amendments to the Law of Georgia "On Fight against Corruption";

Pursuant to the same package, the changes will also affect the Organic Law of Georgia "Election Code of Georgia". According to amendments, in order to monitor the financial activity of an electoral subject, the Anti-Corruption Bureau will be authorized to interview or/and interrogate an individual before a magistrate judge and request information from state institutions and other entities if necessary;

The package of amendments also applies to the Organic Law of Georgia "On Political Unions of Citizens". According to amendments, if a party fails to submit a financial declaration to the Anti-Corruption Bureau for 2 consecutive calendar years, the National Agency of the Public Registry will be authorized to cancel the registration of this party on the basis of an appeal of the head of the Bureau. The proportionality of such a harsh sanction is questionable;

Pursuant to the package, the amendments will also affect the guarantees of the Head of the Anti-Corruption Bureau, in particular, criminal prosecution, detention or arrest of the Head of the Anti-Corruption Bureau, search of his/her residence or place of work, car or personal search will be possible only with the prior consent of the Parliament of Georgia. The exception will be if he/she is caught for a crime, which must be immediately reported to the Parliament of Georgia;

⌘ On March 20 of this year, MPs from the ruling party submitted a legislative initiative to the Parliament of Georgia, proposing amendments to the Organic Law of Georgia - the 'Election Code.' Among the changes outlined in the draft law, two significant issues stand out: first, the removal of the 40 percent electoral threshold for electing a candidate as a member of the local assembly under the majoritarian electoral system, with a shift towards winning the majority of votes in the relevant majoritarian electoral district. Second, when compiling the party list, a political party is granted the right to designate a candidate for parliament membership as a delegate of voters registered in the electoral district(s). However, a candidate for parliament membership can only be defined as a voter's delegate registered in the territory of a single electoral district. In such cases, the party list will indicate the electoral district number next to the candidate nominated as a delegate of registered voters;

⌘ The President of Georgia held meetings with the members of the CEC, the Office of the Public Defender, the EU Delegation to Georgia, and representatives of CSOs regarding the electoral rights of the diaspora. The representative of the Ministry of Foreign Affairs was not present at the meetings;

⌘ On March 16, the President of Georgia held an online meeting with the Georgian diaspora regarding election issues, in which Georgian citizens living in 20 different countries from more than 70 cities participated. Voters spoke about the challenges they face in exercising their right to vote.

Challenges:

! The inclusion of profile civil society organizations that are not members of the Georgian National Platform of the Eastern Partnership Civil Society Forum in the working meetings organized in connection with the action plan for the implementation of the 9 steps set by the EU has not been ensured;

! The threshold set for the 2024 parliamentary elections is 5%, which is a high threshold in the current political context and could pose challenges in terms of adequate voter representation. On April 19, 2021, through the mediation of European Council President Charles Michel, parliamentary political parties reached an agreement to set the electoral barrier up to 2% for the next two elections. Constitutional amendments on this issue were only passed in the first reading and the ruling party, having withdrawn from the agreement, refuses to implement them;

! No information is provided to the public about the investigation of the facts presented to the General Prosecutor's Office in July 2022 about election irregularities;

! Recommendations of the Venice Commission, OSCE/ODIHR and civil society organizations regarding comprehensive and inclusive electoral reform have not been implemented;

! The amendments adopted regarding the rule of staffing of the CEC continue to leave the possibility to choose the professional composition of the CEC by the ruling party, on a one-party basis;

! The proposed amendment to revoke a party's registration in its current form may raise challenges as to the proportionality of the sanction;

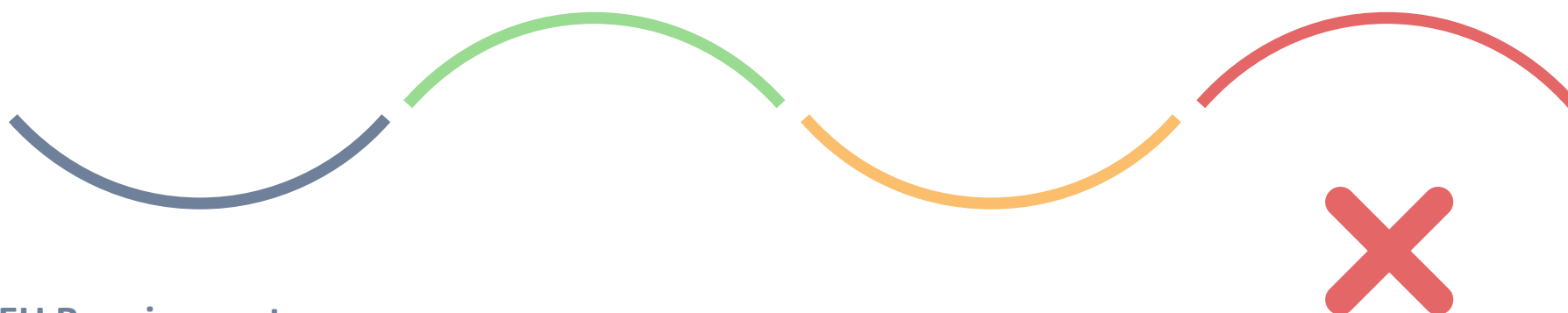
! It remains a challenge to create appropriate guarantees for improving the realization of the electoral rights of immigrants by the election administration and the Ministry of Foreign Affairs;

! The final assessment of Georgia's electoral progress will depend significantly on the pre-election environment of the 2024 parliamentary elections and the conduct of the elections to a high standard.

Step No. 5

Parliamentary oversight and independence of institutions

To be fulfilled



EU Requirement:

Further improve the implementation of parliamentary oversight notably of the security services. Ensure institutional independence and impartiality of key institutions, notably the Election Administration, the National Bank, and the Communications Commission.

* Prepared by Democracy Research Institute (DRI), Georgian Young Lawyers' Association (GYLA), Social Justice Center (SJC), Georgian Democracy Initiative (GDI), Georgia's Reforms Associates (GRASS)



Expectations:

General

- Parliamentary oversight mechanisms should be effectively introduced in practice; The parliamentary majority should not prevent the opposition's attempts to use the parliamentary control mechanisms, including the establishment of temporary investigative commissions, through procedural sabotage;
- procedurally improve and refine the mechanisms of parliamentary control such as ministerial hour, interpellation, thematic inquiry, and thematic speaker, and to ensure the involvement of opposition MPs in the use of both parliamentary and committee control [mechanisms](#);
- To improve the practice of parliamentary oversight, the procedure of "Question Time" should be added to the mechanisms provided for by the Rules of Procedure of the Parliament, which ensures the hearing/debates of the government members in response to questions on topical issues/problems (taking into account the [good practices of other countries](#))
- Increase sanctions in case of violation of the Rules of Procedure of the Parliament of Georgia by an official; The Parliament of Georgia should ensure the proactive use of these sanctions;
- All questions of MPs should be [answered](#) in a timely and comprehensive manner by all accountable agencies;
- Persons accountable to the Parliament [should appear](#) in the Parliament in accordance with the Rules of Procedure;

Improvement of parliamentary oversight mechanisms on the security sector:

- Amendments should be made to the Rules of Procedure of the Parliament of Georgia, which will limit the possibility of the parliamentary majority impeding the creation of a temporary investigative commission through procedural [manipulation](#);
- Systemic changes of the trust group instrument should be carried out to strengthen its institutional structure in the parliamentary system and increase its accountability to the parliament;
- Ensure equal representation of the parliamentary majority and minority in the trust group; extend the oversight powers of the trust group to the security sector [agencies](#);
- Strengthen the secretariat of the trust group with qualified human resources;
- In connection with the 2021 case of wiretapping, which revealed systemic problems in the State Security Service, a temporary investigative commission should be established in the Parliament;
- Strengthen the democratic oversight over the implementation of covert investigative actions (including through a complete review of the legislation regulating the measures of covert investigative actions and their oversight);
- Include the main principles and directions of the defense and security policy in the government program submitted to the Parliament. This will allow the Parliament to thoroughly control the activities of government members using appropriate mechanisms;
- To revoke the exceptional rule of the [Rules of Procedure](#) regarding the invitation of the Prime Minister, the General Prosecutor, and/or the head of the Security Service to the committee meetings. Similar to other officials, the Prime Minister, the Prosecutor General, and the Head of the Security Service should appear at the Committee meetings upon request of the majority of present members or a [political group](#);
- The Defense and Security Committee should actively use all the [oversight mechanisms](#) provided by the Rules of Procedure of the Parliament of Georgia;
- Defense and Security Committee of the Parliament to ensure the involvement of civil society in the work of the committee;
- Increase sanctions in case of violation of the Rules of Procedure of the Parliament of Georgia by an official; The Parliament of Georgia should ensure the proactive use of these sanctions;
- In the long term - prepare the concept of reorganization of the Defense and Security Committee to strengthen the parliamentary oversight of the security sector.

Election administration

- Ensure the independence and impartiality of the CEC;
- The rules for recruitment in the Central Election Commission should comply with the December 2023 recommendations of the Venice Commission and the OSCE/ODIHR.

The National Bank

- Ensuring the independence of the National Bank, including by eliminating the reasons for the suspension of the program by the International Monetary Fund;
- In the shortest possible time, the Board of the National Bank should be fully configured with independent and competent persons, following the best practices of the selection procedure (which implies the committee hearing of candidates and the involvement of interested parties). After the board is fully configured, elect the president of the National Bank from among the newly elected members, so that the National Bank is not managed by an acting person for an indefinite period of time;
- It is also necessary to revoke the order on the exceptional rule by the National Bank in the execution of financial sanctions imposed by the European Union, the United States, and the United Kingdom, which was adopted by the United States following the sanction of the former Prosecutor General
- [According to the IMF](#), the Fund expects from the National Bank of Georgia to improve the management and independence, including the presence of a majority of non-executive members in the board, a clear definition of the succession plan, and a transition from the president's sole decision-making model to a collegial model.

National Communications Commission

- To ensure the independence of the National Communications Commission, the procedure for electing Comcom members should be changed, ensuring broad political and public involvement. In particular:

- The Communications Commission should be staffed in such a way that members supported by only one political force do not represent the majority in the Commission. It would be possible to elect members by increasing the number of votes required for the appointment of a member, for example to 2/3 or 3/4, instead of the current simple majority, which would create an opportunity to select members of the commission based on consensus;
- In addition, it is important to compose the competition commission created for the purpose of selecting candidates with broad political and public participation and to exclude the possibility of making arbitrary changes on the part of the government, in this case - the Prime Minister, in the list of candidates selected by the competition commission;

In addition, further changes are needed:

- ComCom should seek to have open sessions unless it is discussing the confidential business information of media companies;
- Decisions of the Commission can only be taken by the majority of members on the list and not of members present;
- The (renewable) term of office of a member of the Communications Commission should be reduced or maintained at 6 years but not permitting renewal.
- The role of the government in the process of selection of ComCom members should be reconsidered to eliminate the feasible risk of politicization of the process;
- The criteria and procedures for termination of the appointment of the Commission members should be reconsidered. Registration on the debtor's register should be added to the reasons for the termination of the appointment. The law should clearly define the issue of termination in case of a conflict of interest. In this process, the conclusion of the General Directorate of Human Rights and Rule of Law of the Council of Europe should be taken into account;
- In accordance with good practice, in order to promote accountability and transparency, the Commission should attach to the annual report the Action Plan for the next year, as well as the report on the implementation of the previous year's plan;

State of Play:

Improvement of parliamentary oversight mechanisms:

✓ According to the plan published by the Government of Georgia on December 25, two measures have been identified to improve security sector oversight:

- Facilitating regular dialogue with all parliamentary political parties and NGOs to improve oversight practices;
- Completing the composition of the parliamentary confidence group.

✗ On January 9, in a joint [statement](#), ten civil society organizations criticized the Government's non-inclusive process of developing a plan to implement the 9 steps set by the European Commission. The activities to be implemented to fulfill the 5th step of the European Commission were defined without any consultation with relevant actors;

✗ A part of NGOs addressed the Chairman of the Parliament in writing with a request to involve them in the working process planned in the Parliament regarding the implementation of the 9 steps set by the European Commission. NGOs called on the Parliament to expand the format of cooperation with the civil sector, to ensure a broad working format and involvement of interested organizations. The Parliament of Georgia [did not include](#) NGOs in the working process;

✗ On January 29, 2024, on the initiative of the majority, a meeting was held in the Parliament of Georgia on the implementation of 9 recommendations of the European Commission, including the 5th priority. The meeting was attended by representatives of the majority and opposition, as well as 3 representatives of the Georgian National Platform of the Eastern Partnership Civil Society Forum. NGOs that have addressed the Parliament for inclusion in the working process and have long experience in working on issues identified by the priorities of the European Commission were not invited to the meeting.

Improvement of parliamentary oversight mechanisms of the security sector

✗ With the support of the Parliament's political group, independent MP Teona Akubardia has applied to become the fifth member of the confidence group and is being vetted for a state secret clearance under the Law of Georgia "On State Secrets";

✗ On December 8, 2023, upon organization by the parliamentary political group "Lelo - Partnership for Georgia", opposition MPs [met](#) with representatives of Transparency International-Georgia. At the meeting, issues related to strengthening parliamentary control over the security sphere were discussed;

✗ From November 8, 2023 and up to the moment of submission of the report, the members of the Parliament of Georgia did not use the mechanism of interpellation with regard to security agencies; Representatives of security agencies were not summoned to parliamentary committees and plenary sessions;

✗ The draft regulations on amendments to the Rules of Procedure of the Parliament of Georgia, prepared by the Democracy Research Institute and registered in the Parliament in September 2023, have not yet been discussed by parliamentary committees. The draft regulations, while strengthening the mandate of the confidence group, deal with improving parliamentary oversight of the security sector. The Parliament of Georgia rejected a legislative proposal by the GYLA to amend the Rules of Procedure of the Parliament of Georgia related to improving the oversight mechanisms of the Parliament;

✗ On February 19, 2024, the Defense and Security Committee meeting approved the Defense and Security Committee's 2024 work plan. The plan addresses the Committee's oversight mechanisms. Civil society organizations were not involved in the process of developing the plan;

✗ A representative of the opposition did not attend any of the 4 meetings held by the confidence group;

✓ During the reporting period, the State Security Service answered all written questions from members of the Parliament;

⌚ Of the 4 written questions sent to the State Security Service and 17 written questions sent to the Ministry of Defense during the reporting period, not a single question belongs to members of the parliamentary majority; Out of 31 written questions sent to the Ministry of Internal Affairs, a member of the parliamentary majority authored only one question; the Ministry of Defense and the Ministry of Internal Affairs left one question of MPs unanswered (out of 14 written questions sent to the Ministry of Defense and 28 written questions sent to the Ministry of Internal Affairs). The Ministries of Defense and Internal Affairs left one question each unanswered from members of the Parliament (out of 14 written questions sent to the Ministry of Defense and 28 written questions sent to the Ministry of Internal Affairs). The deadline for response, established by the Rules of Procedure of the Parliament, has expired). The deadline for responding to one question addressed to both ministries has not yet expired.

Election Administration:

✗ On February 20, 2024, the Parliament adopted amendments to the Organic Law of Georgia "Election Code of Georgia" and "Rules of Procedure of the Parliament of Georgia" regarding the new rule of election of the CEC Chairperson and professional members. According to the law, candidates for the position of CEC Chairperson/Member will again be selected by the Chairman of the Parliament of Georgia and presented to the Parliament, and they can be elected for a full term by a majority of total number of the Members of the Parliament. Specifically, a candidate will be considered elected if he or she receives 3/5 of the votes of the total number of the Members of the Parliament (90 votes). If a person is not elected at this stage, he/she shall be put to the vote again and shall be deemed elected if supported by a majority of total number of the Members of the Parliament (76 votes). In the event that two ballots fail to elect a candidate by a simple majority, the President of Georgia will decide on the issue. The position of opposition CEC deputy chairperson was abolished by law;

It is worth noting that the president [vetoed](#) the bill, which was [overridden](#) by the Parliament.

National Bank of Georgia:

⌚ Currently, the Board of the National Bank of Georgia has 5 members, including the First Vice President and two Vice Presidents. Four seats remain vacant due to the resignation of three members because of the events concerning Otar Partskhaladze in September 2023 (of which one member's term of office was due to expire in December) and the expiration of one member's term of office in December 2023. On February 7, 2024, the selection process for the 4 vacant National Bank Board positions began and the deadline was extended to March 1. It is important that the Board is fully staffed and the President of the National Bank is elected on time;

⌚ On March 18, 2024, at a joint briefing with a representative of the International Monetary Fund (IMF), Acting President of the National Bank of Georgia Natia Turnava said that there are positive expectations for the activation of the IMF program within an appropriate timeframe;

✗ The Order on the Rule of Exceptions in the Implementation by the National Bank of Financial Sanctions Imposed by the European Union, the United States and the United Kingdom has not been canceled.

Georgian National Communications Commission:

✓ In February 2024, the Communications Commission shared with the European Commission, broadcasters and NGOs guidelines on regulating hate speech, incitement to terrorism and obscenity in the media for feedback. According to GNCC, the final document will be approved after receiving comments. The GNCC's approach should be viewed positively as a step forward in ensuring cooperation based on mutual trust with the media.

Challenges:

Improvement of parliamentary oversight mechanisms:

- ! The European Commission's Step 5 process is not inclusive. Civil society organizations working on the issues included in Step 5, despite their wish, are not given the opportunity to be involved in the working process;
- ! According to the assessment of civil society organizations, the government's plan does not meet the European Commission's requirements for the implementation of Step 5;
- ! Legislative oversight mechanisms fail to ensure effective parliamentary oversight. Parliamentary oversight mechanisms such as ministerial hour, interpellation, thematic inquiry and thematic rapporteur need to be improved;
- ! The participation of opposition MPs remains limited, both in terms of the use of parliamentary and committee mechanisms.

Improvement of parliamentary oversight mechanisms of the security sector:

- ! Revising the Rules of Procedure of the Georgian Parliament to improve control over the security sector is not on the Parliament's agenda;
- ! Motivated and justified legislative proposals of the non-governmental sector are not considered in time and at the same time are rejected with insufficient justification;
- ! The parliamentary confidence group is still not fully staffed;
- ! Members of the Parliament, especially those in the parliamentary majority, do not actively utilize parliamentary oversight mechanisms over the security sector;
- ! The 2021 covert wiretapping case has been left out of parliamentary scrutiny.

Election Administration:

- ! The amendments adopted regarding the rule of staffing of the CEC continue to leave the possibility to choose the professional composition of the CEC by the ruling party, on a one-party basis.

National Bank of Georgia:

- ! The number of executive members of the Board of the National Bank exceeds the number of non-executive members;
- ! Full board staffing and election of a president did not take place;
- ! The Order on the Rule of Exceptions in the Implementation by the National Bank of Financial Sanctions Imposed by the European Union, the United States and the United Kingdom remains in force.

Georgian National Communications Commission:

- ! The lack of legislative initiatives to ensure the independence of the National Communications Commission remains a challenge.

Step No. 6

Holistic judicial reform

To be fulfilled



EU Requirement:

Complete and implement a holistic and effective judicial reform, including a comprehensive reform of the High Council of Justice and the Prosecutor's Office, fully implementing Venice Commission recommendations and following a transparent and inclusive process.

- Introducing amendments to the Organic Law "On General Courts" to fully comply with the recommendations of the Venice Commission on the powers of the High Council of Justice regarding the transfer of judges and disciplinary proceedings; Ensuring the right of effective appeal in the selection process of Supreme Court judges; Mandatory recognition of Supreme Court decisions in this process.
- Undertaking a broader reform of the judiciary, in particular reform of the High Council of Justice in line with the recommendations of the Venice Commission. More specifically, the establishment of a special system in which international experts would play a crucial role in verifying the integrity of candidates and those already appointed/elected to senior positions in the judiciary. These include members of the High Council of Justice, judges of the Supreme Court and court presidents. In addition, in order to continuously and periodically verify asset declarations, the establishment of a system involving international experts with supervisory and advisory mandates.
- Adoption by the Parliament of Georgia of a constitutional amendment [adopted in the first reading in October 2022], which provides for the election of the Prosecutor General by a qualified majority. Bringing the Law of Georgia "On Prosecutor's Office" in line with European standards in accordance with the recommendations of the Venice Commission, OECD and TAIEX.

* Prepared by Georgian Court Watch, Georgian Young Lawyers' Association (GYLA), Social Justice Center (SJC)



Expectations:

- Conduct a broad, inclusive and cross-party consensus-based process for judicial reform;
- establish a system of extraordinary integrity 21 checks, with the involvement of international experts with a decisive role in the process, for candidates and persons currently appointed to all leading positions in the judiciary, in particular the HCJ, the Supreme Court and court presidents;
- Establish a system of effective permanent and periodic asset declarations with the involvement of international experts in an oversight and advisory function;
- Detailed analysis of the implementation of previous reforms and remaining challenges;
- Development of a judicial reform strategy and action plan which addresses key challenges in the justice system and include major strategic items key challenges in the justice system and do not include major strategic items.

Fundamental Institutional Reform

- Address the outstanding issues regarding the composition, functioning, and powers of HCJ, election procedures of its members, ensuring a balance between judge and non-judge members in decision-making, restricting re-appointment of HCJ members, and ensuring staggered election of HCJ members. Ensure the limitation of holding other administrative positions by judges who are members of the High Council of Justice.

Selection of judges of the Supreme Court:

- Clearly define the binding nature of Supreme Court decisions, ensuring that the instructions by the Supreme Court are mandatory for the HCoJ;
- Develop an effective anti-deadlock mechanism in decision-making in HCJ in the process of selecting judges of the Supreme Court, as well as abolish the so-called "second round" voting and ensure a merit-based selection process;

- Increase the minimum age and number of years of required professional experience for the position of the Supreme Court judges according to the recommendations of the Venice Commission. Reduce the term of ten years for the President of the Supreme Court. Consider that point during future constitutional amendments.

Guarantees of independence of individual judges:

- Reform of the system of transfer of judges without consent and the return of guarantees to the legislation existing before the changes of December 2021;
- Introduce legislative amendments regarding the functional immunity of judges;
- Improve the random allocation of cases to reduce numerous exceptions to this rule so that the allocation of cases is not subject to undue influence;
- Specify the grounds for disciplinary liability of a judge based on the violation by a judge of the principle of "political neutrality" in view of the importance of the freedom of expression in a democratic society.

Transparency, accountability, and effectiveness of the Justice System

- Increasing the independence, accountability, and impartiality of the High Council of Justice based on the recommendations of the Venice Commission and ODIHR;
- Ensuring immediate accessibility of court decisions in accordance with the recommendations of the Venice Commission and OSCE/ODIHR;
- Adoption of the 2023 draft amendments providing that judicial decisions will be public from the moment of their adoption;
- Increase the efficiency of the justice system and resolve the problem of the length of court proceedings;
- Fill existing vacancies with qualified candidates who demonstrate the required integrity, ensuring that competitions are merit-based;
- Case-based training for judges on using indirect evidence

- appointment of the Prosecutor General by the qualified majority in Parliament;
- Revision of the legislative framework concerning internal independence and disciplinary proceedings of prosecutors to align with European standards, taking into account recommendations of the OECD, and the Venice Commission;
- Address the Venice Commission and OECD recommendations concerning prosecutorial institutions which include: 1. revising the composition of the Prosecutorial Council to ensure a better balance between prosecutor and non-prosecutor members, 2. strengthening the internal independence of prosecutors by shifting certain powers concerning personal management and disciplinary issues from the Prosecutor General to the Prosecutorial Council;
- Training of prosecutors and sharing of best practices in the investigation of financial crimes.

State of Play:

✗ A [working meeting](#) on the implementation of the 9 steps was held in the Parliament of Georgia. Although political parties have the opportunity to participate, broad participation of civil society is not ensured. On January 29, 2024, the Lelo political party [declared](#) that it would not participate in the process. As for civil society, the Coalition for Independent and Transparent Judiciary applied to the Legal Issues Committee to participate in the process, but they were refused under the argument that the ruling team cooperates with the Georgian National Platform on the mentioned issue and therefore, those organizations that left the Platform cannot join the working group. It should be noted that the Georgian Dream did not invite other organizations or experts with relevant experience to participate in the working group;

✗ The Georgian Dream [refuses](#) to create a mechanism to verify the integrity of candidates and persons elected to various leadership positions, including members of the High Council of Justice, Supreme Court judges, and court presidents with the involvement of international experts. According to the Prime Minister, this issue is [closed](#) for them. It is clear from the statements of the government

representatives that this condition is unacceptable for them. [According to them](#), it contradicts the Constitution of Georgia and threatens the independence of the court. Accordingly, the Government has not taken any steps in this direction. In its [special statement](#) of March 22, 2024, EEAS reiterated and called on the Georgian authorities to cease attacks on those individual judges who have expressed views on integrity testing and noted that in order to correct systemic deficiencies in the judiciary, Georgia should establish a special system of integrity testing of judges, in which international experts would play a crucial role;

✗ No measures have been taken to establish a system of continuous and periodical verification of declarations of the property status of judges;

✗ No steps have been taken to analyze in detail the previous reforms and the challenges existing in the system today, as well as to fully plan further reforms. The authorities have not presented a single analytical document that includes a detailed review of the objectives, scope and results of the reforms undertaken, as well as a systemic view of the causes of the current challenges and ways to address them;

✗ Despite the fact that the Strategy and Action Plan on Judicial Reform adopted by the Parliament of Georgia in 2022 have not been implemented and the reasons are not explained, the Georgian Dream has not yet developed a new strategy addressing the main challenges and strategic issues in the justice system. According to the Chairman of the Legal Issues Committee at the committee meeting on March 4, 2024, the Parliament of Georgia will be guided by the court strategy developed in 2022 and no further updates are planned.

Fundamental institutional reform:

✗ The draft law of the Organic Law of Georgia "On General Courts" [adopted](#) in the first reading (initiated on September 21, 2023) does not envisage any changes in the powers of the High Council of Justice, revision of functions, changes in the composition and distribution of powers to other bodies, nor does it provide for a restriction on the possibility of re-election of members of the Council for a second term and the holding of other administrative positions by judges who are members of the High Council of Justice;

As regards the procedure for decision-making by the High Council of Justice, the only change proposed by the above-mentioned draft law is to increase the number of votes required to take a decision on bringing a judge to disciplinary responsibility to 2/3 of the full composition of the Council. Accordingly, the [recommendation](#) of the Venice Commission, which concerns the balance between judge and non-judge members in the decision-making process of the High Council of Justice, is not complied with;

Only a small part of the recommendation concerning changes in the procedure of election of members of the High Council of Justice was supported, in particular, the [draft law](#) extends the rule of phased election to non-judge members of the High Council of Justice and specifies that the election of more than 4 non-judge members during one session of the Parliament is not allowed;

Selection of Supreme Court Judges:

⚠ According to the draft law adopted by the Parliament in the first reading, after the order/submission of the High Council of Justice is annulled by the Qualifying Chamber of the Supreme Court and the case is returned for a new examination, the members of the High Council of Justice shall take into account the decision of the Qualifying Chamber of the Supreme Court when re-evaluating the candidate and accepting the re-submission. This initiative was [assessed](#) by the Venice Commission as a "weak phrase", since by its definition, "taking into account" does not yet mean such compliance and implementation of the Supreme Court's decisions that are binding. Thus, despite the improvement of the rule, the recommendation is not fully implemented;

✗ The authorities have not proposed an effective "anti-deadlock" mechanism in the decision-making process of the High Council of Justice in the process of selecting Supreme Court judges, moreover, the so-called "second round" voting is still in place. The draft law does not contain any significant initiatives to ensure a merit-based selection process.

⚠ The recommendations related to the qualification requirements for candidates for Supreme Court judgeships have been only partially implemented by the draft law: according to the draft law, the

minimum threshold of professional experience of a candidate for a Supreme Court judgeship is increased to 10 years, while the minimum age limit for a candidate remains unchanged;

✗ No steps have been taken to prepare constitutional amendments that would reduce the term of office of the President of the Supreme Court and the minimum age limit for candidates for judgeships.

Guarantees of the independence of individual judges:

⚠ Only one recommendation regarding secondments without the judge's consent has been partially implemented in the draft law. In particular, in case of extending the period of a secondment, the period of the secondment is reduced from 2 years to 1 year, while the original period (2 years) remains unchanged. The following recommendations were not taken into account: defining clearer and narrower criteria concerning the rules of secondment; selecting a judge on a random basis (by drawing lots); establishing a territorial limitation; prohibiting secondment of a judge of the Court of Appeal to a district/city court;

✗ The draft law does not provide for minimum guarantees to ensure the functional immunity of a judge;

✗ No norms have been developed to ensure that the random electronic case assignment system is improved in a manner that reduces the exceptions to the general rule and eliminates the possibility of undue influence on the process during the case assignment process;

⚠ Violation of the "principle of political neutrality" remains a ground for disciplinary liability of a judge, but the norm of the draft law under consideration more clearly defines and expands the range of issues on which the expression of an opinion by a judge will not be considered as a violation of political neutrality such as: academic or analytical discourse on judicial reform, improving the functioning of the justice system, or/and other issues related to the development of the law. Furthermore, only an "obvious" violation of the principle of political neutrality can be considered a disciplinary offense, which creates additional safeguards to protect a judge's freedom of expression. Accordingly, the recommendation related to this issue is largely complied with in the draft law.

Transparency, accountability, efficiency of the justice system:

✘ No effective steps have been taken to enhance the independence, accountability and impartiality of the High Council of Justice on the basis of recommendations of the Venice Commission and ODIHR;

✘ The draft law improves the accessibility of judicial acts and specifies that the full text of a judicial act adopted at an open court session becomes public information immediately after its adoption and is issued in accordance with the established procedure for issuing public information. At the same time, the draft law defines the obligation to publish the depersonalized text of the said judicial act on the relevant website after the adoption of the act. It should be noted that the current regulation regarding the publicity of judicial acts is not implemented: since April 30, 2020 to date, the acts adopted by the court are not published on the court's website (www.ecd.court.ge) in the appropriate manner;

✘ No plan or effective steps have been developed to improve the efficiency of courts and no effective steps have been taken to overcome the problem of case delay, except that the government published a "deoligarchisation plan" in November 2023, which in the Justice Section exactly repeats the points of the Judicial Strategy and Action Plan published in 2022, including on the issue of overcoming the problem of case delay;

✘ There are still more than 100 judicial vacancies in the court, but necessary measures to fill these vacancies with qualified and conscientious personnel have not been taken. On January 24, 2024, according to the decision of the High Council of Justice, the procedure of selection of candidates for the position of a judge of the Supreme Court of Georgia, which will be submitted to the Parliament of Georgia, began. It should be noted that the High Council of Justice started the process of selecting candidates 9 months before the expiration of the 10-year terms of office of two Supreme Court judges - Nino Bakakuri and Zurab Dzlierishvili. 18 people have registered as candidates for the position of a Supreme Court judge. It is worth noting that two members of the High Council of Justice applied for the selection process of Supreme Court judges, who resigned from the Council approximately two weeks after being registered as a candidate. In addition, another candidate associated with an

influential group of judges was deregistered for failing to provide additional information;

✘ Retraining of judges on the use of indirect evidence: it is not known what measures have been taken at the High School of Justice in this regard;

⌘ Constitutional amendments to approve the appointment of a prosecutor, providing for the election of the prosecutor general by a three-fifths majority (90 votes) of the total number of members of the Parliament, were passed by the Parliament in the first reading in October 2022. The so-called "anti-deadlock" mechanism was also proposed, according to which, if the Parliament fails to elect the prosecutor general twice with a three-fifths majority, the prosecutor general shall be elected by a majority of the full composition - 76 votes. According to the said rule, the prosecutor general will be elected for a term of one year. If these changes are implemented, it can be said that the recommendation related to the procedure of election of the prosecutor general will be taken into account;

On November 30, 2023, the Organic Law of Georgia "On Prosecutor's Office" was amended, which does not affect issues related to disciplinary proceedings and changes practically nothing in terms of internal independence of prosecutors. Accordingly, if we take into account that no other draft amendments to the norms of the organic law have been presented since last November, it can be considered that the government has not taken a single step to implement the recommendations on this issue;

✘ No norms have been developed so far regarding the change of the composition of the Council of Prosecutors. According to the current legislation, the Council of Prosecutors consists of 15 members, of which 8 are elected by the Conference of Prosecutors and 7 are non-prosecutor members. The new rules adopted last November do not even minimally change the scope of powers of the Prosecutor General and the Council of Prosecutors and cannot ensure a fair distribution of powers on personnel matters between the Prosecutor General and the Council of Prosecutors, as career decisions remain within the competence of the Prosecutor General. In addition, the norms for regulating disciplinary proceedings are not provided in such a way that stronger guarantees for the protection of the individual independence of prosecutors are created. An innovation is the creation of the

position of personal data protection officer and a permanent advisory body of the Prosecutor General's Office - the Ranking Council;

✗ In connection with the training of prosecutors and the sharing of best practices for investigating financial crimes, it is not known what measures the Prosecutor's Office has taken.

Challenges:

! The Government is not conducting a broad and inclusive process in which civil society would have the opportunity to participate and make suggestions on judicial reform;

! There are reasonable questions regarding the integrity of persons appointed/elected to high positions in the judiciary, however, with regard to the implementation of the mechanism to verify the integrity of judges appointed/elected to senior positions, political authorities, and court representatives express a strongly negative attitude and declare the issue closed, and to about 10 judges who expressed a different opinion, representatives of the political authorities respond by launching a discrediting campaign;

! A mechanism for checking the property status of judges, which would minimize the risks of corruption in court, has not yet been developed;

! A detailed and in-depth analysis of past judicial reforms and current challenges has not been developed to properly identify existing problems and solutions and, based on this, develop an effective future judicial reform strategy;

! The Government has no new strategy and action plan for judicial reform;

! The High Council of Justice has broad, unbalanced powers and performs many different functions. The Council also includes judges who simultaneously hold other administrative positions in the court. The manner in which the High Council of Justice makes decisions on various issues is not inclusive and does not conform to the principles of decision-making by a collegial body. The decision-making process on important issues, including the appointment of judges, does not ensure proper participation of non-judge members and a balance

between judge and non-judge members. The right to hold the position of member of the High Council of Justice repeatedly is still retained;

! Despite the fact that the procedure for appealing the decision of the High Council of Justice to the Qualifying Chamber of the Supreme Court within the framework of judicial competition has been significantly improved, there is still no norm imperatively determining the binding nature of the decision of the body considering the submission/ruling of the High Council of Justice - the Qualifying Chamber of the Supreme Court;

! The recommendations of the Venice Commission are not fully taken into account in the selection process of candidates for the position of a Supreme Court judge, and this process cannot ensure that candidates are selected on merit;

! The minimum age threshold for a candidate to become a Supreme Court judge is still 30 years, which the Venice Commission considers low, and work on this issue has not yet begun;

! The President of the Supreme Court is appointed for an excessively long term of 10 years. Reduction of the said term requires amendments to the constitutional norm. Work on this issue has not yet begun;

! The legal norm on secondment without a judge's consent poses a significant threat to the independence of an individual judge. The Organic Law no longer provides for the legal safeguards that existed prior to 2021, which virtually excluded, or at least reduced, the possibility of using the secondment mechanism against an individual judge. In particular, the law no longer provides for the mechanism of random selection of judges, territorial limitation, prohibition of secondment of a judge of the Court of Appeal to the court of first instance. In addition, the Venice Commission assessed that the duration of secondments is still long and the grounds for secondments are not sufficiently clear. The current secondment rule creates a high risk of abuse of power against judges;

! The current rule of electronic case allocation cannot ensure the fulfillment of basic objectives such as fair distribution of cases among judges and equal workload of judges. In addition, it leaves room for the authorized persons to unduly influence the allocation process;

! A judge's freedom of expression is not protected and although the draft law does provide for certain changes, the risks of disciplining a judge remain;

! Lack of accountability, impartiality and transparency of the High Council of Justice. The High Council of Justice does not provide public information requested by civil society organizations, which complicates effective monitoring of its activities and negatively affects the requirements of accountability and transparency;

! As of January 1, 2024, judicial authorities are obliged to publish the depersonalized text of a judicial act issued by a court as a result of a public session, after the final court decision in the relevant case has entered into legal force, on the relevant website (<https://ecd.court.ge/>). However, court decisions have not yet been published on the website;

! The violation of case processing time is systematic and has become an unsolvable problem in court, and the Government has yet to develop an effective strategy to overcome the problem of case delays;

! There are not enough judges in the judiciary, which is one of the reasons why the judiciary is overloaded and cases are delayed;

! At this stage, the existing procedure for disciplinary proceedings against prosecutors and the broad powers of the Prosecutor General in the disciplinary process are an important challenge;

! According to the available data, there is no proper balance between the powers of the Prosecutor General and the Council of Prosecutors. The Prosecutor General has broad powers and makes decisions on personnel matters such as: hiring, promotion, demotion, awarding ranks, etc. of prosecutorial staff.

Step No. 7

Anti-Corruption measures, Special Investigative Service, Personal Data Protection Service alignment with the EU common foreign and security policy



Partially fulfilled



EU Requirement:

Further address the effectiveness and ensure the institutional independence and impartiality of the Anti-Corruption Bureau, the Special Investigative Service and the Personal Data Protection Service. Address Venice Commission recommendations 26 related to these bodies, in an inclusive process. Establish a strong track record in investigating - corruption and organised crime cases.

* Prepared by Institute for Development of Freedom of Information (IDFI), Governance Monitoring Centre (GMC), Georgian Democracy Initiative (GDI)



Expectations:

- Georgia should review the legislation on the Anti-Corruption Bureau, the Special Investigation Service and the Personal Data Protection Service addressing upcoming Venice Commission recommendations;
- Outstanding 2022 ODIHR recommendations on the appointment and dismissal of the Head of Service should be addressed;
- Address the gaps in the new Personal Data Protection law and strengthen the Personal Data Protection Service in line with forthcoming Venice Commission Opinion, to ensure that the new data protection regulations are adequately implemented;
- Ensure that the new Bureau, as well as the relevant enforcement agencies, operate independently and effectively, avoiding any politically selective approach; in particular, asset declarations should be audited against the legitimate income and investigations should take place in case of unexplained differences;
- Implement the action plan on de-oligarchisation following a systemic approach in line with the recommendations by the Venice Commission;
- Establish a track record of investigations, prosecution, adjudication and final convictions of corruption cases, notably at high-level. Public communication and accountability on alleged high-level corruption cases also need to be strengthened;
- A new anti-corruption strategy and action plan needs to be adopted and its full implementation ensured by providing adequate funding and monitoring mechanisms;
- Repeal the decision of February 2023 to withdraw from the OECD anti-corruption monitoring network for Eastern Europe and Central Asia (OECD/CAN) and fully implement recommendations from the previous rounds;
- Produce such statistics that will enable the monitoring of the entire chain of criminal cases. In particular, to determine the number of cases of initiated investigations, presented charges and court verdicts, and thus assess the quality of the investigation and the propensity of the prosecutor's office to prosecute.

The Anti-Corruption Bureau

- Ensuring guarantees of institutional and personal independence and impartiality of the Anti-Corruption Bureau in accordance with the recommendations of the Venice [Commission](#), in such a way as to address the key challenges identified in the European Commission's report, including:
 - Granting the anti-corruption bureau the authority to investigate corruption cases and the necessary administrative and financial resources to effectively implement this mandate;
 - Election of the anti-corruption bureau head to the position by the Parliament of Georgia with a high majority and determining the accountability of the anti-corruption bureau only before the Parliament;
 - Effective exercise of authority by the Anti-Corruption Bureau, including in relation to high-level corruption; The Bureau should act without political bias, including checking asset declarations against legitimate income and investigating unexplained discrepancies;
- Adopting a new anti-corruption strategy and action plan and allocating appropriate financial resources for its implementation and creating an effective monitoring mechanism;
- Returning to the OECD anti-corruption network and fully implementing the recommendations of previous evaluation rounds;

Special Investigative Service

Strengthening the guarantees of institutional independence and effectiveness of the Special Investigation Service, Changing the procedure for selecting the head of the services, as well as refining their existing mandate and granting new powers in accordance with the recommendations of the European Commission, [Venice Commission](#) and [OSCE/ODIHR](#), including:

- Change in the procedure for appointing and dismissing the head of services, as well as granting immunity of the appropriate degree to the key employees of the service. Among them, reviewing the issue of involvement of the General Prosecutor's Office from the selection commission for the head of the Special Investigation Service. Revision of the selection criteria of the head of service and the decision-making procedure for the selection of candidates by the commission;
- Change in the procedure for making a decision on the consent of the Parliament to prosecute the head of the service;
- Revision of the mandate of the Special Investigation Service. Bringing the mandate closer to the real goals of the service. Expanding the mandate, including, to prosecutors, as well as the Minister of Internal Affairs, the head of the Security Service and the Prosecutor General;
- Change in the rule of refusal by the Special Investigation Service to submit the case to its jurisdiction from the Prosecutor's Office, as well as the decision by the Prosecutor's Office to remove the case from the Special Investigation Service and transfer it to another body for the purposes of investigation, so that there is an obligation to substantiate these decisions;
- Ensuring the functional autonomy of the investigative service from the Prosecutor's Office of Georgia, including by giving the investigative service the opportunity to exercise prosecutorial powers;
- Authorizing the Special Investigation Service to prepare special reports along with the annual report if necessary;
- Equipping services with the necessary resources for independent and effective implementation of assigned functions.

Personal Data Protection Service

Strengthening the guarantees of institutional independence and effectiveness of the Personal Data Protection Service, changing the procedure for selecting the head of the service, as well as refining their existing mandate, and granting new powers in accordance with the recommendations of the European Commission, Venice Commission, and OSCE/ODIHR.

Other anti-corruption measures

- In the field of the fight against corruption, in addition to the institutional strengthening and independence of the Anti-Corruption Bureau, the European Commission expects the Georgian authorities to take other steps, including;
- Returning to the OECD anti-corruption [network](#) and fully implementing the recommendations of previous evaluation rounds;
- Adopting a new anti-corruption strategy and action plan and allocating appropriate financial resources for its implementation and creating an effective monitoring mechanism;
- Conducting detailed statistics on the detection, investigation, prosecution, and adjudication of high-level corruption cases and their proactive publication.

State of Play:

With the granting of candidate status, along with new conditions, the steps that needed to be taken in the past in terms of fighting corruption were redefined for the Government of Georgia. On February 21, 2024, the parliamentary majority initiated amendments to the Law "On the Fight against Corruption", but the challenge is that in their current state, the amendments to be implemented include in a very small dose the recommendations made by the Venice Commission.

⌘ According to the amendments adopted in the first reading, the law specifies the following issues highlighted by the Venice Commission: a) protection of immunity of the head of the Anti-Corruption Bureau - which protects him/her from criminal prosecution, arrest and search without prior consent of the Parliament of Georgia; b) Substance use or refusal to submit to a mandatory drug test will no longer be grounds for terminating the office; c) The Head of Bureau will lose the authority to require a drug test certificate from an officer.

⌘ The Anti-Corruption Bureau is reportedly responsible for developing a new Anti-Corruption Strategy and Action Plan, and the process is ongoing.

⌚ On February 19, 2024, the Government of Georgia submitted to the Parliament a short-term [plan](#) of legislative activities of the Government of Georgia envisaged for the spring session of 2024. The plan provides for the initiation of amendments to the Law of Georgia "On the Fight against Corruption". The draft law initiated on February 21, 2024, provides for, inter alia, most of the issues identified in the plan. However, in addition, according to the Government's plan, the following issues shall be addressed through amendments: Expansion of the circle of persons subject to mandatory declaration of property status of officials; Development of the form of declaration of incompatibility of interests; Provision of corruption risk assessment to the Anti-Corruption Bureau and relevant recommendations for administrative bodies; Inclusion of the Anti-Corruption Bureau in the list of persons stipulated by Part 2 of Article 39 of the Tax Code of Georgia.

⌚ The Anti-Corruption Bureau is not given the authority to investigate corruption cases. This authority remains with the various agencies.

⌚ The procedure for electing the Head of the Anti-Corruption Bureau remains unchanged, which means that instead of the Parliament, the Head of the Bureau will be appointed by the Prime Minister of Georgia from among the candidates nominated by the competition commission.

⌚ The role of the Prime Minister is not reduced, neither in case of selection of the Head of the Anti-Corruption Bureau, nor in case of early termination of office, which, according to the Venice Commission, gives the Prime Minister too much influence;

⌚ The accountability of the Anti-Corruption Bureau to the Interagency Anti-Corruption Council has not been canceled yet, contrary to the requirement of the Venice Commission. According to the recommendation, the Anti-Corruption Bureau should be accountable only to the Parliament. Currently, the Anti-Corruption Bureau is accountable to the Parliament and the Inter-Agency Anti-Corruption Council, and in addition, its appointment and dismissal by the Prime Minister, according to the Venice Commission, creates "triple accountability" at the de facto level.

⌚ The minimum qualification requirements established by law for the Head of the Anti-Corruption Bureau, which, in the opinion of the Venice Commission, are insufficient, remain unchanged.

⌚ According to legislative amendments, if an official fills in the declaration incorrectly, the Anti-Corruption Bureau may identify a deficiency, which must be corrected within one month. The draft law imposes an express restriction on the disclosure of the declaration or the release of the information contained therein as public information during the above period.

⌚ Georgia has not officially cooperated with the Organization for Economic Cooperation and Development (OECD) Anti-Corruption Network since 2023. Changing the decision and returning to the Anti-Corruption Network is one of the European Commission's requirements, which the OECD/ACN once again [urged](#) the Georgian Government to do on March 14;

⌚ In addition to returning to the OECD Anti-Corruption Network, the Government of Georgia should also fully implement the recommendations issued in previous OECD/ACN rounds.

Special Investigation Service and the Personal Data Protection Service

⌚ On December 18, 2023, the Venice Commission adopted an opinion assessing the amendments introduced in the legislation on the Special Investigation Service and the Personal Data Protection Service. In the same opinion, the Venice Commission provided recommendations for the institutional strengthening of both services.

⌚ On March 1, 2024, the new Law of Georgia "On Protection of Personal Data" came into force, which significantly changes the rules governing the processing of personal data. However, the content of the new law is less concerned with the institutional issues stipulated by the Venice Commission recommendations and does not change the regulation related to institutional strengthening and independence of the Service.

⌚ On February 21, 2024, the ruling party initiated a legislative package which includes draft laws amending the laws of Georgia "On Special Investigation Service" and "On Protection of Personal Data". Pursuant to the explanatory note of the draft law, the need for the adoption of the proposed amendments is the obligations defined in the 9 steps of the European Union. According to the draft law:

- The Special Investigation Service and the Personal Data Protection Service are granted the authority to publish at any time, on their own initiative, a special report on matters related to their activities and deemed important to them.
- The Public Defender is granted the authority to nominate a person from a non-business (non-profit) legal entity to the selection committee of the head of the Special Investigation Service and the Personal Data Protection Service, either through a competition or without a competition.
- The term for the formation of the selection commission for the selection of the heads of the Special Investigation Service and the Personal Data Protection Service is increased.
- The decision-making procedure of the selection commission for the selection of the heads of the Special Investigation Service and the Personal Data Protection Service is changed - the commission will select candidates by a majority vote of the full composition.
- A change is introduced in the rule for resolving the issue related to the immunity of the heads of the Special Investigation Service and the Personal Data Protection Service. According to the draft law, the Parliament will decide on the said issue by a majority of the full composition, instead of a simple majority.
- The exception excluding investigative jurisdiction of the Special Investigation Service in cases where a prosecutor commits an offense under Articles 108, 109, 111, 113-118, 120-124, 126, 1261, 137-139, 143-144, and 150-1511 of the Penal Code is repealed.

The draft laws were adopted in first reading on March 6, 2024.

✗ The powers of the Investigation Service remain limited and do not extend to high-ranking officials (the Minister of the Interior, the Prosecutor General and the Head of the State Security Service);

✗ The effectiveness of the investigation conducted by the Investigation Service and the prosecution of cases within its competence depend entirely on the Prosecutor's Office. In this regard, the Parliament of Georgia refuses to allow the Investigation Service to carry out prosecutorial activities in exceptional cases or to achieve the same legitimate objectives through other legal mechanisms.

✗ At the legislative level, no discussion has been opened on one of the important challenges identified by the Venice Commission - on covert wiretapping and on the effective supervision of the technical infrastructure of covert wiretapping and investigation of related crimes, and in this regard, the role of the Personal Data Protection Service and the Investigation Service.

Challenges:

! Issues of fundamental importance, including those identified by the Venice Commission and ensuring the effectiveness and independence of the Anti-Corruption Bureau, have not been taken into account;

! Corruption Network, where it officially ceased its activities in 2023. It is also unknown why this decision has not been changed;

! So far, there is no sign of effective investigation of corruption cases at the highest level;

! Although the proposed amendments to the laws of Georgia "On Special Investigation Service" and "On Personal Data Protection" partially meet the recommendations of the Venice Commission, the amendments are sporadic and cannot adequately ensure institutional independence, impartiality and efficiency of the services;

Step No. 8

Deoligarchisation

To be fulfilled



EU Requirement:

Improve the current action plan to implement a multi-sectorial, systemic approach to deoligarchisation, in line with Venice Commission recommendations and following a transparent and inclusive process involving opposition parties and civil society

* Prepared by the Institute for Development of Freedom of Information (IDFI), Governance Monitoring Centre (GMC), Georgia's Reforms Associates (GRASS)



Expectations:

- Further steps should be taken to further complete the de-oligarchisation action plan and start its implementation, to establish a track record of investigations, prosecution, adjudication and final convictions of corruption cases, notably at high-level and, in particular, to address the challenge of large-scale vested interests and their influence in both the political, judicial and economic spheres;
- Implement the action plan following a systemic approach in line with the recommendations of the Venice Commission. This includes that a new anti-corruption strategy and action plan needs to be adopted and its full implementation ensured by providing adequate funding and monitoring mechanisms;
- An inclusive and robust mechanism for coordinating and monitoring should swiftly be put in place allowing also to timely review and complement the plan whenever needed.
- Fight against the adverse influence of oligarchs should be based on a “systemic” approach. The step on Deoligarchisation should be fulfilled by completing other priorities, which is fully in line with Venice Commission’s recommendations;
- Proper implementation of main requirements of Venice Commission’s systemic approach, including ensuring independence, impartiality and effectiveness of key institutions involved in the implementation process;
- Refinement of the existing action plan ,taking into account the feedback of the EU and the Venice Commission, while also ensuring participation of the opposition and civil society;
- Implementing legislative changes and executing administrative measures in a timely manner, as detailed in the action plan;
- Effective execution of measures stipulated in the action plan, including tackling cases of high-level corruption and addressing the challenge of large-scale vested interests and their influence in the political, judicial, and economic spheres;
- Regular, Transparent, and effective monitoring of the action plan’s implementation.



State of Play:

Georgia's deoligarchisation efforts were initially focused on adopting a special law ("personal approach"). However, since 2023, in accordance with the [recommendations of the Venice Commission](#), Georgia has switched to a systemic approach (for more details on the Venice Commission's recommendations, please see the [Analysis](#)). After the European Commission's report, on November 27, 2023, the Government of Georgia finally approved the "[Action Plan](#) to Prevent Undue Influence of Interests in Economic, Political and Public Life in Georgia";

✓ The Deoligarchisation Action Plan has been approved. Georgia refused to adopt a special law and opted for a fully systemic approach;

⌘ Georgia has started to implement part of the activities envisaged by the Deoligarchisation Action Plan: it implemented or/and works on implementation of part of the recommendations of GRECO, MONEYVAL and FATF;

⌘ Key institutional reforms that have a significant impact on deoligarchisation are not being implemented or are being implemented with significant shortcomings (see Step No. 6: Justice and Step No. 7: Anti-Corruption Reform);

✗ The Action Plan has not been updated since its approval.



Challenges:

! The Deoligarchisation Action Plan is not ambitious and does not or does not fully include/incorrectly includes key systemic reforms. The plan does not envision an in-depth multi-sectoral approach and strengthening of coordination mechanisms between democratic institutions. Updating and developing the plan is not on the political agenda;

! Civil society participation was/is not ensured during the development and implementation monitoring phase of the Deoligarchisation Action Plan.

Step No. 9

Human rights, engagement with civil society

To be fulfilled



EU Requirement:

Improve the protection of human rights including by implementing an ambitious human rights strategy and ensuring freedom of assembly and expression. Launch impartial, effective and timely investigations in cases of threats against safety of vulnerable groups, media professionals and civil society activists, and bring organisers and perpetrators of violence to justice. Consult and engage with civil society, allowing for their meaningful involvement in legislative and policymaking processes and ensure they can operate freely.

* Prepared by Georgian Young Lawyers' Association (GYLA), Social Justice Center (SJC), Georgian Democracy Initiative (GDI), Georgian Foundation for Strategic and International Studies (GFSI), Democracy Research Institute (DRI), Sapari



Expectations:

- Ensure that the follow-up action plan to the 2022-2030 national human rights strategy is finalized in an inclusive manner and takes into account the main issues raised by the Public Defender, civil society, and relevant international organizations. Strengthen the implementation of the anti-discrimination legislation; take more decisive measures to address and prevent hate speech and hate crimes;
- Adopt national strategies to fight all forms of hatred and discrimination, and protect ethnic and religious minorities;
- Investigate and prosecute the organizers of the violence on 5 July 2021 and 8 July 2023 at Tbilisi Pride, adopt the Human Rights action plan ensuring also the rights of LGBTIQ persons; ensure full respect and protection for freedom of assembly and freedom of expression, in particular by reforming the code on administrative offenses, including through broad participation by stakeholders;
- Ensure judicial follow-up regarding the alleged excessive use of force and disproportional measures used by law enforcement officers during the 7-9 March 2023 protests;
- Ensure the safety of journalists and provide prompt, impartial and due legal follow-up in cases of attacks against and intimidation of journalists, including as regards the instigators of the 5 July 2021 violence against over 50 journalists
- Align further the legislative framework with European and international standards notably regarding hate crimes and hate speech including the 2008 Framework Decision on combating certain forms of expressions of racism and xenophobia;
- Address the gaps in the new Personal Data Protection law and strengthen the Personal Data Protection Service in line with the forthcoming Venice Commission Opinion, to ensure that the new data protection regulations are adequately implemented;

Improving the rights of civil society

- Revision of the national human rights strategy and Action Plan through extensive consultations with civil society, academic circles and the opposition. Taking into account the main issues raised by the Public Defender, civil society and relevant international organizations;
- Development of a comprehensive monitoring and data collection system to assess the level of implementation of human rights legislation, policies and strategies;
- Ending the confrontational regime with civil society and media and refrain from adopting laws that hinder their activities, starting constructive cooperation with them, especially in the context of the implementation of 9 steps;
- Development and approval of a comprehensive state strategy for civil society support and cooperation with wide public participation; Creating an effective mechanism for the contribution of civil society in the development of draft laws and policy documents and sharing their opinions;
- Establishing the institution of the Civil Advisory Council provided for by the [Code of Local Self-Government](#) as a capable instrument of engagement;
- Restoration of CSO advisory councils existing at ministries and their active use for sharing and reconciling advice and positions with the public in the process of making sectoral decisions.

Ensuring the rights to privacy

- A comprehensive revision of the covert surveillance systems to protect the right to privacy. Under current regulations, there is often an overlap between different investigative agencies which creates risks of misuse of covert measures. There is a need for a comprehensive review of the legislation regulating the supervision of covert surveillance (including increasing the quality of judicial control over certain types of cases and strengthening supervision mechanisms).

Ensuring an equal environment for the realization of rights

- Inclusion of references to the rights of LGBTIQ persons and discrimination on grounds of sexual orientation and gender identity, adding specific provisions related to effective protection of privacy and the challenges related to torture in the Human Rights strategy;
- Strengthening and improving the legal framework and implementing mechanisms for the protection of the rights of ethnic minorities;
- In order to establish a regular, democratic, and inclusive consultative process for ethnic minorities, the creation of such consultative platforms at the governmental and parliamentary levels is especially important in light of the low political representation of ethnic minorities at the central and local levels;
- Ensuring safety guarantees for women activists from ethnic and religious minority communities and investigating relevant cases. Preventing attacks on minorities by far-right and nationalist forces;
- Strengthening the consultation mechanism of minorities under the Office of the Public Defender;
- For the effective protection of the rights of ethnic and religious minorities, as well as LGBT people, consideration of the recommendations of the Public Defender's special reports(2021-2023 years) in the process of improving the implementation of anti-discrimination legislation, as well as relevant action plans;
- Enhancing the authority of the Public Defender to mandate the submission of information from private entities and individuals during administrative legal processes. In addition, prolongation of the deadline for appeals to the court by the public defender on discrimination cases, to 1 year.
- Commit to a [Zero-tolerance](#) policy and practice towards all forms of discrimination and incitement to discrimination and violence;
- Develop and implement a comprehensive and multi-dimensional state policy on protecting the human rights of LGBTI people and other affected communities and combating intolerance and prejudices against them, including through targeted awareness-raising activities;

- To effectively combat the increasing violence and hate crimes based on sexual orientation, gender identity, and religion, it is imperative for authorities to consider the establishment of a specialized investigative unit dedicated to these issues. Additionally, there must be a clear definition of tangible institutional measures to improve the effectiveness of investigations and the enforcement of [sanctions](#).
- Develop consistent policies to deal with far-right radical groups and [prevent](#) violence on their part;
- Development and implementation of relevant public services for the protection and assistance of victims of hate crimes;
- In response to the challenges of hate speech and hate crimes, take more effective steps, including by adopting a strategy to combat all types of hatred and discrimination;
- Timely and effective investigation of violence of July 5, 2021, including taking into account the large number of evidence collected by the media, civil society and the Public Defender, and the punishment of organizers and instigators. Also, the investigation of the events of July 8, 2023, and the punishment of the perpetrators;

Improving the quality of freedom of assembly and expression

- To ensure freedom of assembly and expression, it is essential to refuse the adoption of legislative amendments concerning the arrangement of temporary constructions during manifestations, adhering to the OSCE/ODIHR [Opinion](#). Ensuring freedom of assembly and expression in practice must be upheld to the highest standards, especially during the pre-election period;
- Start working on systemic changes to the Code of Administrative Offences with extensive involvement of stakeholders. During the amendment of the Code, the standards of the European Court of Human Rights shall be taken into account;

Among them, improving guarantees for improper protection of the rights of persons detained under administrative procedures, improving the standard of the burden of proof so that the detainees do not have to prove their innocence, the existence of an effective legal mechanism for checking the legality of detention, etc.;

- Start working on changes to Article 154 of the Criminal Code of Georgia to prevent interference with media activities;
- Resolve the defamation lawsuits against critical media and journalists in line with the highest legal standards of protection of freedom of expression;
- Refraining from initiating laws in the parliament that hinder media activities, while revising existing legislation and bringing the provisions on freedom of expression and media freedom in line with high standards;
- Public institutions shall ensure the issuance of public information within the deadlines established by law;
- Inadmissibility of unfounded prosecution of opposition media owners;
- Ensuring the safety of journalists. Effective investigation of crimes against journalists;
- Refrain from disseminating media discrediting narratives and campaigns by senior officials and representatives of political parties;

State of Play:

- ✗ On December 28, 2023, the Action Plan of the National Strategy for the Protection of Human Rights in Georgia was approved by a decree of the Government of Georgia. The process of development of the plan was carried out without inclusiveness;
- ✗ The Action Plan and Strategy for the Protection of Human Rights for 2024-2026 still does not reflect the rights of LGBTQI+ people, which the Committee of Ministers of the Council of Europe assessed as particularly critical and [called on](#) the authorities to reflect comprehensive and inclusive measures necessary to protect the rights of LGBTQI+ people in the Action Plan and Strategy in a timely manner;
- ⌘ The State has approved the Action Plan for the Protection of Human Rights for 2024-2026 and the Action Plan for Civic Equality and Integration, but these policy documents do not address all forms of hatred and discrimination. Strategies and action plans do not address systemic problems faced by ethnic and religious minorities, including

the existence of discrimination on religious grounds in legislation; The lack of legal regulation of the return (restitution) to religious organizations of religious property confiscated during the Soviet period; Low political representation of ethnic minorities in representative bodies and poor participation in public life; Low employment of ethnic minorities in public service; Less involvement of ethnic minorities in social and economic programs and sharp asymmetry in this direction;

✗ The rate of initiation of investigations into crimes motivated by religious intolerance decreased by 68.4% in 2022 compared to 2021. At the same time, the [trend](#) of initiating investigations into crimes motivated by racial intolerance also decreased by 5.7%;

✗ The incidents of using excessive force and disproportionate measures at the March 7-9, 2023 protests have yet to be investigated;

✗ None of the organizers of the July 5, 2021 violence have been prosecuted. There is a trend of violence and harassment against critical journalists (GYLA, Georgia in 2023, [Assessment](#) of Rule of Law and Human Rights. 2024);

⌘ A [draft law](#) on amending the Law "On Personal Data Protection" was initiated, but the mentioned draft law does not cover important issues raised in the Venice Commission [Opinion](#) such as the control of covert investigative activities and the participation of the Prosecutor General's Office in the competition commission.

Improving the rights of civil society

⌘ There is no progress in terms of involvement of NGOs in the decision-making process. In the first three months of 2024, not a single executive branch agency held consultations and dialog meetings with the nongovernmental sector. The authorities did not update the so-called "mailing lists" with which they would notify NGOs of news in their agencies or invite them for consultations;

Also, less active is functioning of the "Civic Advisor Council" envisioned by the Local Self-Government Code. Although these councils are nominally established in most municipalities in the country, in reality the councils meet periodically in only about ten municipalities. Even in such cases, minutes of the meetings are rarely made public, and even less is known about the fact that the municipality has taken into

account the suggestions of the civic council members. Monitoring and evaluation should be carried out in this direction as well;

✗ The discrediting discourse directed against the civil society by representatives of the parliamentary majority has continued in recent months. In particular, representatives of the Parliament have repeatedly publicly accused NGOs of acting against the country, including for their participation in the development of the EaP Index compiled by the Eastern Partnership Forum. [NGOs have been accused](#) of allegedly providing the Index editors with incorrect information. Meanwhile, the authors of the attacks have not even familiarized themselves with the Index indicators and have not even attempted to engage in any substantive discussion with Georgian authors. The Prime Minister again referred to NGOs as political organizations. [Attacks](#) on NGOs with reference to their foreign funding also continued;

✗ The Parliament [did not allow](#) any NGOs outside the National Platform to discuss the plan. The Parliament has an agreement only with the Georgian National Platform of the Eastern Partnership Forum, under which it is obliged to ensure the involvement of NGO members in the decision-making process. It should be noted that on January 26 this year, a group of NGOs officially addressed a letter to the Chairman of the Parliament Shalva Papuashvili, with registration number 1-771/24, and asked to be actively included in the European integration process, which means participation in workshops and formats related to the implementation of the 9 steps. NGOs have not yet received a response to the above-mentioned letter. At the same time, NGOs invited political parties to a presentation of the 9-step monitoring document to share their visions. The ruling party did not attend the meeting and labeled it publicly as an opposition party meeting;

Verbal attacks are also made against those NGOs and experts who demand and publicly justify the need for an "integrity check" in the judiciary, which is also a requirement of the European Commission. Government representatives, including the Chairman of the Parliament, [accuse](#) such NGOs of disregarding the country's sovereign rights.

Ensuring the rights to privacy

✗ No steps have been taken to improve the legislation governing oversight of covert wiretapping activities.

Ensuring an equal environment for the realization of rights

Ethnic minorities

✗ The State recognizes the existing problems with access to quality education for ethnic minorities, and work is underway to introduce a bilingual education model (Report of the thematic study of the Education and Science Committee of the Parliament of Georgia, Study on Access to Quality Education for Ethnic Minorities, 2022). Steps have also been taken to expand access to higher education: from the 2024-2025 academic year, [funding](#) under the state education grant for students enrolled in the Georgian language education program (1+4) has been doubled - instead of 100-100 Armenian and Azerbaijani-speaking students each year, 200-200 students will be funded;

✗ There are no official statistics that would serve as a tool for measuring the socio-economic participation of minorities in various areas. As part of the Integration Action Plan, the State has undertaken to maintain such statistics and it is important that this obligation is implemented in accordance with the recommendations of the Council of Europe. The availability of statistics will identify areas where positive state intervention is needed to address the socio-economic exclusion of minorities;

✗ During the reporting period, within the framework of the Action Plan for Civil Equality and Integration, the State implemented planned activities to increase the availability of quality education for national minorities, as well as of instruction in the state language. Legislative acts have been translated into minority languages, several cycles of information meetings have been held, and infrastructure projects have been implemented. However, the State has not taken steps to strengthen the legal framework for the protection of minority rights and mechanisms for its realization, including promoting the employment of ethnic minorities in the civil service, increasing the political representation and participation of ethnic minorities, and improving the access of ethnic minorities to local government

activities and the use of public services, including through the creation of translation resources;

✘ According to the ISSA survey, 69.9% of ethnic minorities state that they have never applied to local authorities about their or their family's needs. In the case of public interests, the non-appeal is even higher, reaching 76.5% (Ethnic Minority Political Participation Survey, ISSA, 2019, p. 78);

✘ No formal, regular, and democratic consultative platforms at the government and parliamentary level for the inclusive participation of ethnic minorities and in line with the Integration Action Plan have been established, and there are no plans to establish them in the coming years;

✘ The process of integration and participation of ethnic minorities is greatly complicated by the language policy chosen by the state. According to their own assessment, 63% of ethnic minorities have a poor or very poor ability to recognize Georgian letters and read words. 60% can communicate very poorly or poorly with someone who speaks Georgian. The even larger part (84%) can read Georgian literature and understand the content of the text very poorly or poorly. The regions of Kvemo Kartli and Samtskhe-Javakheti stand out negatively in terms of Georgian language proficiency;

✘ Despite the Council of Europe's recommendations, the advisory platforms for ethnic and religious minorities under the Office of the Public Defender - the Council of Ethnic Minorities and the Council of Religions, which are the only advisory platforms for these groups - [have not been strengthened](#) (§136);

✘ The risk of physical assault and violence against women human rights defenders belonging to ethnic and religious minorities is particularly high as their integration is not supported by the Government and they are [often targeted by far-right and ultra-nationalist groups](#). Unfortunately, to date, such incidents have not been properly investigated and the perpetrators have not been identified;

✘ The employment rate of ethnic minorities in the public service is also low. According to the 2021 data, only 36% of the employees of Marneuli Municipality City Hall are members of ethnic minorities, while the total number of ethnic minorities in Marneuli Municipality

is 91.4% of the population. In Bolnisi municipality, the same figure was even lower, only 14%, while 69.1% of the population of Bolnisi municipality are members of ethnic minorities. Only 21.5% of the employees of Dmanisi Municipality City Hall are members of ethnic minorities, while the total number of ethnic minorities in Dmanisi Municipality is 66.9%. The situation is also difficult in Sagarejo municipality (Research on the Political Participation of Ethnic Minorities, ISSA, 2019, p. 78).

LGBTQI+ people

✘ The government has not taken effective steps to develop a state policy to protect LGBTQI+ and other groups, to eliminate prejudice and abuse against them in society. Moreover, the legislative initiative of the Government and representatives of the ruling political party to promote [anti-LGBTQI+ propaganda](#) can be seen as promoting stigma and intolerance existing in society.

Anti-discrimination mechanisms

⚠ Anti-discrimination mechanisms and the institutional infrastructure for dealing with individual disputes on cases of discrimination have improved significantly in recent years. However, there is no specific action plan for equality policies, nor are there high-level coordination and consultation mechanisms for such policies (especially for religious and ethnic minorities, and LGBTQI+ persons).

Responding to hate-motivated crimes

✘ The Government usually investigates routine hate-motivated cases, but it has shown clear loyalty to violent group leaders [who have for years prevented LGBTQI+ activists from enjoying freedom of assembly and expression](#) and [have carried out violent acts of repression against them](#) (§87);

⚠ The state pays insufficient attention to and [insufficiently investigates](#) crimes motivated by religious and racial intolerance (p. 12);

⚠ Although the number of people convicted of intolerance offenses motivated by discrimination has increased, this increase is due to an

[increase](#) in the number of people convicted of intolerance offenses based on gender;

✘ During the reporting period, [members of the Muslim religious minority living in Adigeni municipality were again](#) attacked by local groups, continuing the impunity and discriminatory practices of the past 10 years. In response, the Government has neither effectively investigated cases of religious intolerance nor sought to implement preventive mechanisms to build trust between neighboring communities and create a dignified, equal and secure political and social environment for the Georgian Muslim community. So far, the relevant authorities have not launched an investigation following the attack in Adigeni;

⚠ The Government's position is that there is no need to create a special mechanism to ensure effective investigation of hate crimes committed on the basis of sexual orientation and gender identity, as well as religion, but instead it plans to create a resource of specialized investigators. The Government promised to create a resource of such specialized investigators several years ago. This position was voiced at the working meeting organized by the Council of Europe and in the format of various working meetings;

✘ The state does not have a long-term working strategy to prevent hate crimes, which, *inter alia*, involves changing existing negative prejudices against certain social groups (including LGBTQI+, religious and ethnic minorities) and incorporating equality, multiculturalism, and other progressive ideas in various programs and campaigns;

✘ The state has not taken effective steps to prevent and respond effectively to violence by far-right radical groups. There is no strategy or state vision document to develop a coherent policy to deal with these groups.

Protecting victims of hate crimes

⚠ There are currently seven crisis centers and five shelters for domestic violence victims in the state, but their geographic coverage is inadequate for victims of violence (Support Services and Mechanisms for the Violence Survivor Women in Georgia, Social Justice Center, 2023. pp. 42-45);

✘ Victims of hate crimes (excluding gender-based violence or domestic violence) do not have access to government services/shelters/crisis centers;

⚠ There are no long-term support mechanisms and resources to empower victims, especially in response to their housing needs.

Improving the quality of freedom of assembly and expression

✘ The Parliament has not yet overridden the President's veto on the legislative amendments regarding temporary constructions, but has not refused to adopt the amendments;

⚠ During the reporting period, the restriction of the constitutionally guaranteed rights of persons held in administrative detention remained a problem. Inadequate examination of evidence and assessment of objective circumstances in court were problematic. The persons detained for disobeying the lawful demand of a police officer and violation of public order on January 23 during the enforcement of the eviction of a family from a residential house on Kekelidze Street were administratively fined by the court and the decision was based only on the testimony of police officers;

⚠ On January 23, at a protest against forced eviction, two people were arrested under the Article 187, part 2, subparagraph (c) of the Criminal Code, which refers to group damage or destruction of other people's property. The above-mentioned article defined group offense as an aggravating circumstance after the March 2023 protest, and it unconditionally provides for imprisonment from 3 to 6 years. Given the timing of the amendment to the article and current events, the rule may have a covert purpose and may be well used to suppress a protest. The article does not provide for alternative punishment;

✘ The [Action Plan](#) of the Committee of Legal Issues of the Parliament of Georgia for 2024, as well as the Action Plans of previous years, envisages work on a new Code of Administrative Offenses. However, work on systemic changes to the Code of Administrative Offenses with broad stakeholder participation has not yet started;

✘ Work on amendments to Article 154 of the Criminal Code of Georgia has not started;

✗ SLAPPs continue to be filed to silence critical media outlets and journalists;

✗ The legislative barriers created for journalists remain problematic, such as the amendments to the Law "On Broadcasting" of October 19, 2023, the regulation of the Organic Law of Georgia "On General Courts" on filming of court sessions, as well as the order of the Chairman of the Parliament on the procedure for accreditation of media representatives in the Parliament (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024);

✗ Restricting journalists' access to public information remains a problem;

✗ The failure to investigate violence against journalists and violence itself remains problematic, especially in the context of protest coverage (Media Advocacy Coalition statement);

✗ The Government continues to attack the critical media for reporting on issues important to the public. Among them is the fact of one more attack by the Chairman of the Georgian Parliament Shalva Papuashvili on the editor of Mountain Stories Gela Mtivlishvili to which the Media Advocacy Coalition [responded](#) and called on the Chairman of the Parliament and the ruling party to stop the attacks on journalists.

Challenges:

! In the process of developing the Action Plan of the Human Rights Strategy, there was no reasonable deadline for submitting comments on the working document, and the [opinions](#) submitted by civil society organizations were not reflected in the plan (pp. 12-16). Despite the existence of anti-discrimination legislation, religious minorities face challenges in realizing their rights, including [ineffective investigation](#) of hate crimes (p. 33);

! Violence, social exclusion, hate speech, and discrimination against LGBTIQ+ people continue to be a growing problem, and not only does the state lack a strategy and plan to comprehensively protect the rights of this group, but state officials themselves use aggressive homophobic language in policy and show apparent loyalty to the offending activities and appeals of homophobic violent groups (For

example, the ineffectiveness of the investigation into the events of July 5, 2021, and July 8, 2023.);

! The State's Strategy and Action Plan on Civic Integration does not respond to important recommendations of the Council of Europe under the Framework Convention for the Protection of National Minorities, including [in relation to](#) strengthening political participation, improving consultation mechanisms and the inclusion of minorities in social and economic life (pp. 46-47);

! Cases of obstruction of journalists' professional activities, their arrests while covering protests, cases of physical violence, as well as hostile rhetoric towards media by state officials remain a challenge;

! According to the Venice Commission, the Personal Data Protection Service is not the body that can effectively control the legality of conducting covert investigative actions, and it would be better if this function was performed by a Special Investigation Service. The participation of the Prosecutor General's Office in the competition commission is also problematic, and it would be better if it were replaced by a member proposed by civil society.

Improving the rights of civil society

! It is necessary for the authorities (the Parliament and the Government) to expand the working group established in connection with the implementation of the 9 steps and allow all qualified NGOs to participate in it;

! It is necessary to stop using an aggressive and hostile tone towards those NGOs that are observing the reform process and criticizing unfulfilled commitments;

! More transparent and effective functioning of Civic Advisory Councils should be promoted, including through international assistance.

Ensuring the rights to privacy

! Legislation relating to covert wiretapping remains a challenge, further exacerbated in 2022 by hastily adopted legislative changes ([Venice Commission Opinion](#)). The challenge is the [existence](#) of inadequate oversight mechanisms. Furthermore, it remains a problem that cases of large-scale, allegedly illegal, covert wiretapping and

surveillance by the State Security Service in 2021 have not been effectively investigated (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024).

Ensuring an equal environment for the realization of rights

Ethnic minorities

! Political participation of minorities at the central level remains a challenge, especially after the 2020 parliamentary elections, where minority representation in the Parliament is the lowest in the last ten years (6 representatives). Representation of ethnic minorities remains low even in those local self-governing bodies where ethnic minorities are statistically the majority of the population. 938 Georgians, 3,106 ethnic Azerbaijanis and 1,206 ethnic Armenians have 1 representative each in the city councils of municipalities compactly and traditionally populated by ethnic minorities. Despite this reality, the state does not work on the introduction of special mechanisms that would help to increase representation in electoral bodies, which is also stipulated by the [recommendation of the Committee of Ministers of the Council of Europe](#) (§142);

! Employment of ethnic minorities in the civil service is extremely low. The Government does not maintain statistical data and conduct research that would reflect the data on the employment of ethnic minorities in relevant institutions. Thus, data on the employment of ethnic minorities remain overlooked by the Government;

! There are no sustainable consultative platforms for the participation of ethnic minorities at the parliamentary and governmental level, so important decisions are taken at the parliamentary and governmental level in such a way that [ethnic minorities do not even have a consultative space to influence the decision-making process](#) (§136);

! It is still challenging for ethnic minorities to communicate with administrative bodies in Georgian. And the existing language policy, which neither at the central level nor at the level of local self-governments ensures the integration of minority translation resources into the administrative proceedings, excludes ethnic minorities from public processes;

! Ethnic minorities experience exclusion in the current political and social reality. The social exclusion of ethnic minorities is most evident in [access](#) to education (p. 10);

! The existing language policy, which, despite the requirements of the Law "On State Language" and the European Framework Convention for the Protection of National Minorities, does not introduce translation services into national minority languages into administrative practice, drastically reduces the accessibility of state programs for ethnic minorities;

! Obtaining Georgian citizenship is a problem for Armenian ethnic minorities. Most of them lost their citizenship due to the practice of labor migration, and now more than ten thousand ethnic Armenians are unable to regain it. It is clear that the lack of citizenship [deprives](#) them of the opportunity to enjoy all other rights;

! The lack of regular consultative mechanisms against the background of low political participation excludes minorities from political processes and they have no influence on decision-making;

! The activities of the councils are not formalized, and their participation in the decision-making process at both executive and legislative levels is not regular, defined by relevant rules or memoranda of cooperation with relevant agencies/parliament/self-government (Social Justice Center, interview with Minority Council coordinator, March 15, 2024);

! The mandate and rules of activities of the councils are not defined, their funding depends on donor support, so the activities of the consultative platforms are not sustainable and regular;

! Law enforcement agencies ignore the damaging impact of the actions of far-right nationalist forces, both directly on the work of women human rights defenders representing ethnic minorities and on the process of equality and civic integration;

! The ineffective state response creates a climate of impunity and insecurity for other women activists in terms of public activity and freedom of expression, and makes it almost impossible to prevent attacks on minorities by far-right and nationalist forces;

! Law enforcement authorities often [deliberately delay](#) investigations into attacks and abuses against ethnic minority women human rights defenders;

! The Human Rights Action Plan does not define activities aimed at protecting human rights defenders, including women human rights defenders, and this perspective is completely ignored in the Action Plan;

! The Public Defender lacks effective mechanisms to regularly monitor and prevent security challenges faced by human rights defenders, including women human rights defenders.

Anti-discrimination mechanisms

! The Committee of Ministers of the Council of Europe also emphasized the ineffectiveness of the National Strategy for Human Rights Protection of 2022-2030, as the Committee considered that the National Strategy could not respond to the [challenges](#) in terms of protecting the rights of religious and other minority groups;

! The challenge for the Public Defender remains the effective enforcement of his decisions in cases of discrimination, which implies strengthening enforcement work and better institutionalization of this process (introduction of appropriate methodologies, mobilization of relevant units and human resources in the office);

! The Public Defender lacks the tools and resources to proactively and regularly monitor and combat hate speech, which also requires prioritization;

! There is no coordination platform under the Public Defender to support equality policies, which would enable the LGBTQI+ community as well as religious and ethnic minority associations and organizations working on this topic to work sustainably and regularly with the Office of the Public Defender on equality issues.

Responding to hate-motivated crimes

! The state lacks the political will to initiate investigations into the types of hate crimes or discrimination offenses that are of high public or political interest. Such acts are not investigated under the relevant criminal law;

! There is no statistical data on the qualification of public call for violent actions as a criminal offense, as no investigations into cases with such qualification have been initiated;

! So far, the Code of Administrative Offenses does not have an article denoting the motive of hatred, which would aggravate the liability

applicable to such offenses and create the possibility of creating statistics on such incidents;

! There is no special article in the Criminal Code that would create the possibility of generating clear statistics on the initiation of hate crime investigations;

! The state is deliberately choosing the trend of political homophobia, a prime example of which are the legislative changes announced by the ruling party on February 29, 2024. The parliamentary majority initiated a homophobic bill. Mamuka Mdinardze explained that thanks to the new initiative they will [protect](#) "society from pseudo-liberal ideology and its inevitable harmful consequences";

! Investigations into hate crimes committed on the basis of sexual orientation and gender identity, as well as religion, are not initiated effectively and proactively, especially when there is a high level of political interest in such cases, and the investigation process is protracted, flawed and ineffective;

! The state has neither the political will nor a document of political vision to fight the extreme right-wing radical groups. The crimes committed by them often remain uninvestigated, and if an investigation is initiated, these cases are not given the appropriate criminal qualification, which would highlight the discriminatory ground or motive of hatred, as well as incitement to hatred.

Protecting victims of hate crimes

! Crisis center services are available only in large cities, which is a barrier for people living in rural areas;

! Women who have experienced violence often do not seek protection from the system. A National Study on Violence against Women in Georgia also shows that 38.2 percent of women have not told anyone about their experiences of violence by their partners, and victims turn mainly to informal social networks for help, while they only contact formal criminal justice institutions - police and courts - in severe cases. The reason for this, inter alia, is the weakness of policies aimed at the sustainable empowerment of victims of violence;

! Existing barriers in communication with law enforcement agencies (language barriers, homophobic attitudes, etc.) are an obstacle for victims to receive necessary services ([Support Services and](#)

[Mechanisms for the Violence Survivor Women in Georgia](#), Social Justice Center, 2023);

! Service of victim and survivor coordinators do not have sufficient resources, knowledge and guidelines to work with victims of discrimination or hate crimes, with the exception of gender-based crimes and domestic violence. The involvement of coordinators is insufficient and fragmented due to the small number of staff;

! The insensitivity and cultural and ethical competence of law enforcement officers often create challenges for victims from various marginalized groups, including persons with disabilities and LGBTQI+ people, leading to their revictimization and distrust of law enforcement as well as public services.

Improving the quality of freedom of assembly and expression

! Still challenging is the current practice when the police detain a person under Article 173 of the Code of Administrative Offenses (disobedience to a lawful order or demand of a law enforcement officer) for setting up a tent during a protest and a court hearing this type of case does not investigate whether the police officer's request to take the tent was lawful and recognizes the person as an offender (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024, p. 30);

! A challenge is the protection of the constitutionally guaranteed rights of persons held in administrative detention. During the reporting period, standard decisions issued by the court in respect of persons detained under administrative procedure, not based on the analysis of objective circumstances and real evidence, call into question the independence of the court and disproportionately limit the right to freedom of assembly and expression;

! Work on the draft of the new Code of Administrative Offenses was envisaged in the Action Plans of the Parliament's Legal Issues Committee for 2022 and 2023. However, the drafts were not presented to stakeholders. According to the [report](#) on the Committee's activities in 2023, instead of systemic reform, the Code has been amended in a non-substantive manner. Currently, the same activity is envisaged in the Committee's Action Plan for 2024;

! Article 154 of the Criminal Code of Georgia should be harmonized with the [recommendation](#) on the safety, protection and empowerment of journalists. According to the article to be amended the State should investigate and prosecute criminal acts committed against journalists, regardless of whether they are committed online or in physical space;

! Common law courts do not take into account the high standard of freedom of expression in SLAPP cases, so their decisions have a chilling effect on the media and journalists in reporting on issues important to the public;

! The expedited amendments to the Law "On Broadcasting" dated October 19, 2023, which significantly increased the powers of the National Communications Commission to interfere in the content activities of broadcasters, remain a challenge. Also problematic is the regulation established by the Organic Law of Georgia "On General Courts", according to which even if there is no interest of public or general broadcasters in filming a particular trial, the Internet and print media are unable to film the trial. Also problematic is the rule of accreditation of journalists in the Parliament, according to which journalists are obliged to immediately stop the interview at the request of the respondent (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024);

! The challenge is the worsening practice of disclosing public information. Administrative bodies create artificial barriers for specific journalists and media outlets and refuse to provide public information (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024);

! The challenge remains that the organizers of the violence of 5 July 2021 have not yet been brought to justice (GYLA, Georgia in 2023, Assessment of Rule of Law and Human Rights. 2024). The practice of administrative detention of journalists at protest demonstrations is problematic.