



## The Vision of Civil Society Organizations On the Fulfillment of the 9 Steps Defined by the European Union

Steps to be implemented as defined by the European Union <sup>1</sup>	Actions to be taken to implement steps, including based on positions set out in various EU documents/statements
<p><b>1. Fight disinformation and foreign information manipulation and interference against the EU and its values.</b></p> <p><b>European Union requests:</b></p> <ul style="list-style-type: none"> <li>• Fight disinformation and foreign information manipulation and interference against the EU and its values;</li> <li>• Debunking the disinformation according to which the West is trying to open a "second front" against Russia in Georgia;</li> <li>• Continue efforts to increase hybrid/cyber resilience, through the adoption of a whole-of-society approach.</li> </ul> <p><b>According to the EU assessment:</b></p> <ul style="list-style-type: none"> <li>• Hybrid threats, including disinformation, foreign information manipulation and interference (FIMI), and cyberattacks, in particular against critical infrastructure, remain a political and</li> </ul>	<ul style="list-style-type: none"> <li>• Dispelling the disinformation according to which the West is trying to open a "second front"<sup>2</sup> against Russia in Georgia. In addition, conducting a proactive campaign about the European Union and its values;</li> <li>• 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;</li> <li>• 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;</li> </ul>

<sup>1</sup> The requirements and assessments given in the first column of the document are based on the following documents under the 2023 enlargement package: Commission, 2023 Communication on EU Enlargement Policy, COM(2023) 690, 08.11.2023; Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023; European Council, Conclusions, EUCO 20/23, 14-15 December 2023

<sup>2</sup> Commission, 2023 Communication on EU Enlargement Policy, COM(2023) 690, 08.11.2023, p. 36

security challenge for the enlargement countries. After a steep increase last year following Russia's war of aggression against Ukraine, these threats continue to pose a considerable risk to both the EU and enlargement countries.

- Following the decision to recognize a European perspective to Ukraine, Moldova, and Georgia as well as to grant candidate status to Moldova and Ukraine, these three countries have been the target of a new wave of FIMI campaigns, mainly aiming to discredit aspirations to join the EU and blame the West for the current situation in the region. In Georgia, a specific strand of disinformation attempted to imply that the West seeks to open a 'second front' against Russia from Georgia.
- In assessing the performance of the first of the 12 priorities, depolarization, the European Union notes that the use of harsh rhetoric continues with incidents of disinformation regarding the EU.
- Speaking about the support of gender balance in the decision-making process, the European Union notes that the creation of an enabling environment is hindered by, among other things, gender-based disinformation;
- The European Commission, in its enlargement report on Georgia, notes that the National Communications Commission of Georgia has a mandate to develop media literacy. At the same time, the European Union notes that, in addition to the Constitution, the Law of Georgia on National Regulatory Bodies formally establishes ComCom's independence both financially and politically, although, it is also stated that there are problems with the effectiveness of this independence. The European Union notes that during the reporting period, the Ministry of Education and the National Communication Commission trained 600 teachers on disinformation and media literacy issues.

- Defending 2024 parliamentary elections, from malign foreign (Russian) interference and also local information manipulations. (detailed recommendations in this regard are available in the [document](#)<sup>3</sup> prepared by the Information Integrity Coalition on measures necessary for the implementation of the first step of the European Commission on disinformation").

#### **Recommendations at the executive level<sup>4</sup>:**

- The strategic communications departments of both the government administration and other agencies should work to fulfill the stated goal, which was determined in 2018, by the decision of the Georgian government, when they were created - „Reducing the impact of anti-Western propaganda and increasing the awareness of the public about the country's European and Euro-Atlantic integration“;
- 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
- The above-mentioned agencies, in cooperation with professional groups and civil society organizations working on disinformation issues, determine the challenges of anti-Western and pro-Russian disinformation and, with their involvement, plan effective countermeasures (which may include measures aimed at exposing anti-Western disinformation groups, their messages, and tactics)
- In order to increase societal resilience against anti-Western disinformation, the information center on NATO and EU should proactively speak and expose (using the so-called „naming and shaming“ tactics and pre-bunking tools) those groups,

<sup>3</sup> Information Integrity Coalition, [Recommendations](#) to implement the first step of the European Union to fight against disinformation, Foreign information manipulation and interference against the EU and its values (2023)

<sup>4</sup> Information Integrity Coalition, [Recommendations](#) to implement the first step of the European Union to fight against disinformation, Foreign information manipulation and interference against the EU and its values (2023)

messages and the tactics by which Russia's hostile information campaigns and interference efforts are carried out in Georgia.

- For this purpose, the State Security Service<sup>8</sup> should name groups connected with Russia, whose main goal of disinformation and propaganda campaigns against the interests of the country, according to the annual report of the State Security Service, is to influence Georgia's foreign policy and Euro-Atlantic aspirations. Also, the State Security Service should inform the public about the foreign interference attempts in the socio-political processes of Georgia carried out with the instruments of hybrid warfare.
- The authorities should pay special attention to the origin and transparency of the finances of political groups with the declared goal of cooperation with a hostile state, which contributes to the spread of messages of Russia's hostile information campaign;
- The government should stop the political instrumentalization of homophobia, which aims to discredit the collective West by appealing to traditional and religious sentiments; The government should stop indirectly or directly supporting homophobic violent groups;
- The Public Service Bureau, through coordination and cooperation with the relevant ministries, should continuously ensure public officials' awareness of anti-Western disinformation and propaganda;
- The Public Service Bureau, through coordination and cooperation with the Strategic Communications Departments of the Ministries, should ensure the creation/sharing of training programs/modules based on international practice to raise awareness of disinformation issues among civil servants;
- government and civil society organizations cooperate and increase coordination to create and/or refine media/digital literacy materials for different groups of society and disseminate them effectively both online and offline. This should be done using international best practices.

**Recommendations at the legislative level<sup>5</sup>:**

- 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;
- The Defense and Security Committee of the Parliament of Georgia is the committee responsible for addressing the issues of Russian disinformation and anti-Western propaganda. Accordingly, the committee needs to ensure, on the one hand, the review and update of the above-mentioned report developed as a result of the thematic inquiry process in the Parliament of Georgia, and, on the other hand, to execute oversight of the relevant bodies at the executive level responsible for counter disinformation actions. For this purpose, the committee should ensure the organization of regular public hearings of bodies responsible for disinformation countermeasures (Stratcoms, State Security Service, National Communications Commission, Ministry of Education, etc.) in the Parliament;

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<sup>5</sup> Information Integrity Coalition, Recommendations to implement the first step of the European Union to fight against disinformation, Foreign information manipulation and interference against the EU and its values (2023)

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

### European Union requests:

- Georgia is expected to considerably increase its alignment rate with EU statements and Council decisions under the CFSP;
- Avoid actions and statements that go against EU positions 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.

### According to the EU assessment:

- Georgia has not aligned with restrictive measures (sanctions) against the Russian Federation and Belarus and with the High Representative (HR) declarations on this matter. However, Georgia cooperated very closely and proactively with the EU on the prevention of sanctions circumvention;
- Georgia also did not align with the statements by the High Representative on behalf of the EU and Council Decisions on Iran, Türkiye and several African countries, nor with sanctions under the EU Global Human Rights sanctions regime.

- 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<sup>6</sup>;
- Continue to align with and support the EU positions at international fora;
- Cooperate with the European Union and continue efforts to prevent the circumvention of sanctions imposed by the European Union against Russia, Belarus, and other countries;
- Continue to cooperate with the EU to fight against hybrid threats; avoid actions and statements that go against EU positions;
- Avoid the intensification of cooperation, particularly in political matters, and refrain from raising the level of engagement with "systemic rivals" of the EU<sup>7</sup>
- 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)<sup>8</sup>;
- Actively participate in EU crisis management missions and operations under the Common Security and Defence Policy (CSDP).

<sup>6</sup> [Joint press statement](#) following the 8th Association Council meeting between the EU and Georgia, 21.02.2024

<sup>7</sup> Interview with Josep Borrell, EU High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, 7.09.2023

<sup>8</sup> Ibid.

**3. 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**

**European Union requests:**

- Cooperation, compromise-building and inclusive consultations with opposition parties and civil society, notably with regard to reforms that relate to Georgia's EU agenda, should be further pursued;
- Refrain from such actions that may lead to deepening political tensions and disruption of democratic institutions and reform agenda
- All parties and stakeholders should build on the broad consensus towards Georgia's European path in line with the will of the vast majority of Georgian citizens.

**According to the EU assessment:**

- The use of harsh rhetoric continues with incidents of disinformation regarding the EU;
- country's deep political polarization negatively affected the implementation of 12 priorities and reform process. Substantive cross-party work in Parliament was hampered by limited inclusion (by the ruling party) of the opposition in drawing up legislation, as well as by on-and-off boycotts by parts of the opposition.
- The relationship between the President and the government or the ruling party has been increasingly challenging

- End the use of hostile rhetoric between the Government and the opposition;
- 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 (in the interim report on the implementation of 12 priorities, the European Union calls on Georgia to implement the "Charles Michel Agreement" signed between the parties on April 19, 2020, which includes, among other things, the reduction of the electoral threshold)<sup>9</sup>;
- Power Sharing in the Parliament by relinquishing the positions of chairpersons of several committees to the opposition (in the interim report on the implementation of 12 priorities, the European Union calls on Georgia to implement the "Charles Michel Agreement" signed between the parties on April 19, 2020, which includes, among other things, the distribution of power in the parliament and the appointment of opposition representatives to the position of chairpersons of several committees)<sup>10</sup>;
- Election of members of the Central Election Commission and its Chairman by qualified (2/3) majority<sup>11</sup> ;
- 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;
- "Georgian Dream" should provide the opposition the opportunity to effectively use the mechanisms at its disposal

<sup>9</sup> [Press remarks](#) by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, Stockholm, 22 June 2023; [EU-mediated 19<sup>th</sup> April Agreement](#) "A way ahead for Georgia"(Charles Michel Agreement) 19.04.2021 p.3

<sup>10</sup> [Press remarks](#) by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, Stockholm, 22 June 2023; [EU-mediated 19<sup>th</sup> April Agreement](#) "A way ahead for Georgia"(Charles Michel Agreement) 19.04.2021 p.3

<sup>11</sup> [Joint Opinion](#) of the Venice Commission and ODIHR on the Draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia; 15-16 December 2023, para 58.

<ul style="list-style-type: none"> <li>• The enabling environment has increasingly come under attack through hostile rhetoric by political leaders and radical groups and, intermittently, through draft legislation that would have labelled CSOs who receive foreign funding as ‘foreign agents’</li> <li>• Continued public attacks and discrediting rhetoric against journalists and media professionals have created a somewhat hostile environment, posing a threat to media freedom and pluralism;</li> <li>• The ruling party used twice procedural means to prevent the opposition from creating an investigative commission to investigate allegations of corruption in the judiciary and the so-called “case of call centres”.</li> </ul>	<p>in the parliament, including timely consideration of draft legislative proposals initiated by the opposition, refrain from preventing the creation of investigative commissions, etc.;</p> <ul style="list-style-type: none"> <li>• Stop deepening polarization through violence and/or encouraging violence against political opponents and adequately investigate the previous facts of violence;</li> <li>• Reduce the political polarization between the "Georgian Dream" and the president, including by not questioning the legitimacy of the president and resuming cooperation with her;</li> <li>• 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;</li> <li>• "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;</li> <li>• 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;</li> <li>• Facilitate the strengthening of the political culture of multi-party dialogue and coalition governance in local self-government bodies;<sup>12</sup></li> <li>• Establishing the Jean Monnet dialogue with the European Parliament to continue the political dialogue between the "Georgian Dream" and the opposition<sup>13</sup>.</li> </ul>
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<sup>12</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD (2023) 697, 08.11.2023, p. 15

<sup>13</sup> [EU-mediated 19<sup>th</sup> April Agreement](#) “A way ahead for Georgia”(Charles Michel Agreement) 19.04.2021 p. 7

**4. 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**

**European Union requests:**

- 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.

**According to the EU assessment:**

- Ensuring free, fair, and competitive parliamentary elections; This implies compliance of the pre-election period, election, day, and post-election period processes with the standard established by OSCE/ODIR regarding free and fair elections<sup>14</sup>;
- Completion of the constitutional amendment, including concerning the electoral threshold. Based on the agreement reached between the political parties on April 19, 2021<sup>15</sup>, the timely resolution of the issue of the constitutional amendment, to adequately represent the electorates' votes in the Parliament<sup>16</sup>.
- Drawing a clear line between the ruling party and the state during the pre-election period. Avoiding the use of administrative resources and state agencies in favor of the ruling party<sup>17</sup>;
- Eliminate the practice of intimidating/threats, pressuring, and vote-buying; Guarantee the unrestricted expression of voters' free will and eliminate control mechanisms<sup>18</sup>;
- Timely and effective investigation and adequate response to electoral malpractice, including bringing the perpetrators to justice<sup>19</sup>;
- Continuation of the investigation launched in July 2022 by the General Prosecutor's Office regarding electoral malpractice, informing the public about the progress of the investigation and raising the issue of the liability of the perpetrators<sup>20</sup>;
- Implementing secure, reliable and accessible procedures to ensure smooth voting procedures for immigrants; The election administration and the Ministry of Foreign Affairs should create appropriate guarantees for the realization of the

<sup>14</sup> Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE

<sup>15</sup> April 19, 2021 [Agreement](#) between the political parties

<sup>16</sup> Commission, 2023 [Communication](#) on EU Enlargement Policy, COM(2023) 690, 08.11.2023.

<sup>17</sup> ISFED, 2021 Municipal Elections Final Monitoring [Report](#); OSCE/ODIHR, 2021 Municipal Elections final [Report](#)

<sup>18</sup> Ibid.Ibid

<sup>19</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 14.

<sup>20</sup> Ibid.



<ul style="list-style-type: none"> <li>• Amendments to the Electoral Code in December 2022 do not respond to key OSCE/ODIHR recommendations, including the delimitation of electoral districts, changes to pre-election campaign regulations, and preventive measures against voter intimidation;</li> <li>• The amendments of June 2023 are not in line with the conclusion of the Venice Commission, as it gives the prerogative of electing the chairman and professional members of the CEC to the Parliament, without the possibility of involvement of other institutions, including the President;</li> <li>• Cases of intimidation and pressure on voters, as well as vote-buying, remain uninvestigated; Although in July 2022, the Office of the Prosecutor General launched an investigation. This has not so far led to criminal prosecutions against any individual.</li> </ul>	<p>electoral rights of immigrants, including informing voters living abroad<sup>21</sup>;</p> <ul style="list-style-type: none"> <li>• Implementation of electronic technologies in election processes and conducting the audit process in a transparent manner, ensuring the proper involvement of the parties involved in the election process and the participation of these parties<sup>22</sup>;</li> <li>• Full consideration of the recommendations of the OSCE/ODIR and the Venice Commission, including the implementation of a systemic and comprehensive electoral reform<sup>23</sup>;</li> <li>• Consideration of the joint recommendations of the OSCE/ODIR and the Venice Commission of December 18, 2023, regarding the election of the CEC chairman and non-partisan members. In particular, the full-term election of commission members through a high quorum and based on the consensus between the parties. Provide for multiple votes in the selection process, with sufficient time between the stages to ensure consensus. In case of impossibility of reaching consensus and sufficient support, use of the anti-deadlock mechanism provided in the agreement of April 19, 2021, which implies the election of members elected with a lower quorum for a term of only 6 months. The Venice Commission and the OSCE/ODIHR recommend transferring the nomination authority for the non-partisan members and Chairperson of the CEC back from the Speaker of Parliament to the President of Georgia in order to ensure political neutrality.<sup>24</sup></li> </ul>
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<sup>21</sup> ISFED, [Vision](#) on steps to be taken by Georgia on elections, p. 7-8, 26.12.2023

<sup>22</sup> Joint [Opinion](#) of the Venice Commission and OSCE/ODIHR on the Draft amendments to the Election Code and to the Law on Political Associations of Citizens; 16-17 December 2022. Paragraph 38.

<sup>23</sup> Joint [Opinion](#) of the Venice Commission and OSCE/ODIHR on the Draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia, CDL-AD(2023)047 ODIHR-489/2023, 18.12.2023. Paragraph 46.

<sup>24</sup> Joint [Opinion](#) of the Venice Commission and OSCE/ODIHR on the Draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia, CDL-AD(2023)047 ODIHR-489/2023, 18.12.2023, p.16-17.

**5. 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**

**European Union requests:**

- The use of these oversight prerogatives should be enacted including by enabling the setting up of parliamentary investigative committees and the participation of opposition parties in the “trust group” overseeing the security services
- Improve the independence of the national media regulator (Communication Commission) in line with the principles of Audiovisual Media Service Directive and European standards; It includes 1) the adoption of transparent rules relating to the decision-making processes of the national regulator, including the publicity of their decisions and the handling of complaints. 2) The transparency of the appointment of candidates and grounds for dismissal of its members should be adapted building on European standards. 3) ensuring cooperation with media based on mutual trust;
- Ensure the independence of the National Bank of Georgia and ensure an orderly appointment of the next governor of the bank;
- Ensure the impartiality and independence of the Central Election Commission

**According to the EU assessment:**

- Oversight over security services, including through the ‘trust group’ in Parliament, remains limited. The ruling party twice used procedural means to prevent the opposition from setting up commissions to investigate allegations of corruption in the judiciary, and the ‘case of call centers’.

**General recommendations:**

- 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;
- It is recommended to 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;<sup>25</sup>
- 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)<sup>26</sup>

**Recommendations related to the 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<sup>27</sup>;
- 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;

<sup>25</sup> Georgian Young Lawyers Association, [Parliamentary Oversight in the Parliament of 10<sup>th</sup> convocation of Georgia](#), 2023

<sup>26</sup> Georgian Young Lawyers Association, [Parliamentary Oversight in the Parliament of 10<sup>th</sup> convocation of Georgia](#), 2023

<sup>27</sup> Democracy Research Institute, DRI, [The significance of Parliamentary oversight of the Security Sector and ongoing challenges](#), 2023

<ul style="list-style-type: none"> <li>• Investigations into the large-scale wiretapping revealed in 2021 are still outstanding.</li> <li>• Parliament adopted, in an expedited manner and by later overruling a veto by the President, amendments on the functioning of the National Bank of Georgia which raised concerns in relation to the Bank’s independence.</li> <li>• The term of office of Comcom members raises questions; as well as the necessary quorum of votes to make decisions; The mechanism for electing members of the commission needs to be reviewed to ensure transparency.</li> <li>• The latest amendments to the Election Code adopted in June 2023 are not in line with the Commission opinion’s priority 2c nor with numerous recommendations, since they give a simple majority of Parliament members unilateral power to appoint the Central Election Commission (CEC) Chair and CEC non-party members, with no effective involvement of other institutions, including the President. Parliamentary elections are approaching in 2024 and the Parliament has yet to elect a permanent Central Election Commission (CEC) Chair and two CEC professional members. A need for comprehensive electoral reform remains.</li> </ul>	<ul style="list-style-type: none"> <li>• 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<sup>28</sup>;</li> <li>• Strengthen the secretariat of the trust group with qualified human resources;</li> <li>• 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;</li> <li>• 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);</li> <li>• 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;</li> <li>• To revoke the exceptional rule of the <a href="#">Rules of Procedure</a> regarding the invitation of the Prime Minister, the General Prosecutor, and/or the head of the Security Service to the committee meetings<sup>29</sup>. 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<sup>30</sup>;</li> <li>• The Defense and Security Committee should actively use all the oversight mechanisms provided by the Rules of Procedure of the Parliament of Georgia<sup>31</sup>;</li> <li>• Defense and Security Committee of the Parliament to ensure the involvement of civil society in the work of the committee;</li> </ul>
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<sup>28</sup> Democracy Research Institute, [The significance of Parliamentary oversight of the Security Sector and ongoing challenges](#), 2020-2022, p.15

<sup>29</sup> Rules of Procedure of the Parliament of Georgia, Article 40

<sup>30</sup> Democracy Research Institute, [The significance of Parliamentary oversight of the Security Sector and ongoing challenges](#), 2020-2022, p.15

<sup>31</sup> Georgian Young Lawyers Association, [Parliamentary Oversight in the Parliament of 10<sup>th</sup> convocation of Georgia](#), 2023

- 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<sup>32</sup>;
- Persons accountable to the Parliament should appear in the Parliament in accordance with the Rules of Procedure<sup>33</sup>;
- 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**

- Returning to the model of electing the CEC chairman and professional members for a full term, with the support of a qualified majority and ensuring the participation of the President in the process<sup>34</sup>;
- After returning to the mentioned rule, the election of the CEC chairman and two professional members by a high degree of consensus, preferably for a full term<sup>35</sup>;
- Transparently and fairly conducting the recruitment process of lower-level election bodies - District/Precinct Election commissions; Also, the election commissions of all three levels should work impartially and according to the law on the election day and in the pre-election and post-election periods<sup>36</sup>.

<sup>32</sup> Democracy Research Institute, DRI, [The significance of Parliamentary oversight of the Security Sector and ongoing challenges](#), 2023, pp. 23-28

<sup>33</sup> Ibid. pp. 29-30

<sup>34</sup> [Joint Opinion](#) of the Venice Commission and OSCE/ODIHR on the Draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia; 15-16 December 2023. p.16.

<sup>35</sup> ISFED, [Vision](#) on steps to be taken by Georgia regarding elections, 2023

<sup>36</sup> [Joint Opinion](#) of the Venice Commission and OSCE/ODIHR on the Draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia; 15-16 December 2023. p.16; ISFED, [Vision](#) on steps to be taken by Georgia regarding elections

	<p><b>The National Bank</b></p> <ul style="list-style-type: none"><li>• Ensuring the independence of the National Bank, including by eliminating the reasons for the suspension of the program by the International Monetary Fund;</li><li>• 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);</li><li>• 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;</li><li>• 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.</li></ul> <p><b>National Communications Commission<sup>37</sup></b></p> <ul style="list-style-type: none"><li>• 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:<ul style="list-style-type: none"><li>- 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</li></ul></li></ul>
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<sup>37</sup> Council of Europe, [Opinion](#) of the Directorate General Human Rights and Rule of Law Information Society and Action against Crime Directorate on The Law of Georgia on Broadcasting, February 21, 2023

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;

**6. 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**

**European Union requests:**

- Adopt amendments to the Law on Common Courts to bring it fully in line with Venice Commission recommendations as regards the powers of the High Council of Justice (HCJ) concerning transfers and disciplinary proceedings of judges, and an effective right of appeal for appointments of Supreme Court judges;
- Adopt a broader reform of the judiciary, in particular, reform the HCJ in line with Venice Commission recommendations. In particular, 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. Furthermore, establish a system of effective permanent and periodic asset declarations with the involvement of international experts in an oversight and advisory function;
- Adopt the draft constitutional amendments which include changing the appointment procedure of the Prosecutor General from simple to qualified majority in Parliament;
- Align the law on the Prosecutor's Office with European standards, following the recommendations of the Venice Commission, OECD and the TAIEX peer review on the

- Conduct a broad, inclusive and cross-party consensus-based process for judicial reform<sup>38</sup>;
- In particular, 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.,<sup>39</sup>
- Establish a system of effective permanent and periodic asset declarations with the involvement of international experts in an oversight and advisory function;<sup>40</sup>
- Detailed analysis of the implementation of previous reforms and remaining challenges;<sup>41</sup>
- Development of a judicial reform strategy and action plan which addresses key challenges in the justice system and include major strategic items<sup>42</sup> 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<sup>43</sup>.

<sup>38</sup> Commission, 2023 Communication on EU Enlargement Policy, COM(2023) 690, 08.11.2023, p. 25, para. 16; Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023 p. 13, para. 2.2.1.

<sup>39</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 20-21, para. 2.2.1.

<sup>40</sup> Ibid pp.20-21

<sup>41</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 21, para. 2.2.1.

<sup>42</sup> Ibid p.21

<sup>43</sup> Ibid p. 21

functioning of the justice sector and the fight against organized crime.

**According to the EU assessment:**

- EU Commission underlines that Georgia has some level of preparation in the area of the judiciary apply the EU acquis and European standards in this area. Overall, it has made limited progress;
- Lack of cross-party consensus hampered legislative work, such as furthering judicial reform;
- In June 2023 Parliament adopted amendments to the Law on Common Courts and drafted additional amendments in September 2023 implementing some of the Venice Commission's recommendations. However, the most important recommendations of the European Commission and of the Venice Commission as stated in its consecutive opinions (of March 2023 and October 2023), notably regarding reforming High Council of Justice not addressed. In particular, improvements and additional safeguards concerning the functioning and powers of the HCJ, balance between judge and non-judge members in decision-making, restricting re-appointment of HCJ members and ensuring staggered election of HCJ members, staggered election of HCJ members, transfer of judges without consent etc. It is important to increase the transparency, accountability and integrity of the High Council of Justice based on the recommendations of the Venice Commission and the ODIHR;
- Judicial reform strategy and action plan do not address key challenges in the justice system and do not include major strategic items (detailed analysis of implementation of previous

**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;<sup>44</sup>
- Develop an effective anti-deadlock mechanism in decision-making in HCJ in the process of selecting judges of the Supreme Court (Venice Commission, 2023, p. 9),<sup>45</sup> as well as abolish the so-called "second round" voting and ensure a merit-based selection process,<sup>46</sup>
- 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<sup>47</sup>.

**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<sup>48</sup>;
- Introduce legislative amendments regarding functional immunity of judges<sup>49</sup>;
- 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<sup>50</sup>;
- Specify the grounds for disciplinary liability of a judge based on the violation by a judge of the principle of political

<sup>44</sup> Venice Commission Opinion Organic Law on "Common Courts", CDL-AD(2023)033, 09.10.2023,p. 8, para. 34-36

<sup>45</sup> Ibid. p.9, para. 39

<sup>46</sup> OSCE/ODIHR Opinion Opinion on the Draft Amendments to the Legal Framework on the Judiciary, 15.03.2023, p.15-16, para. 40.

<sup>47</sup> Venice Commission Opinion Organic Law on "Common Courts", CDL-AD(2023)033, 09.10.2023 p. 9, para. 39

<sup>48</sup> Venice Commission Opinion Organic Law on "Common Courts", CDL-AD(2023)033, 09.10.2023 p.15-16

<sup>49</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 27

<sup>50</sup> Ibid.pp.22-23



<p>reforms and remaining challenges, sequence of actions, timelines, definition of responsible bodies, indicators, monitoring mechanism, etc.);</p> <ul style="list-style-type: none"> <li>• One of the objectives of the judicial reform strategy and action plan is to increase the number of judges. Only eight out of 76 vacant positions for judges in district (city) courts and appeals courts were filled as a result of the latest competition. More needs to be done to fill existing vacancies with qualified candidates that demonstrate the required integrity, including by attracting applications by ensuring that competitions are open and merit-based;</li> <li>• Excessive length of the judicial proceedings in cases of administrative disputes (529 days in 2022) is hampering the effective judicial control over the citizens' right to good administration and needs to be reduced;</li> <li>• According to the Venice Commission opinion if the draft September amendments were to be adopted, one other key recommendation would be addressed, namely the restriction of the grounds of a judge's disciplinary liability based on the violation by a judge of the principle of "political neutrality";</li> <li>• While some work has been done to align the legal framework on the disciplinary liability of judges with European standards, further amendments are necessary in line with the recommendations of the Venice Commission;</li> <li>• A recommendation about the 'functional immunity' of judges remains to be implemented;</li> </ul>	<p>neutrality in view of the importance of the freedom of expression in a democratic society<sup>51</sup>.</p> <p><b>Transparency, accountability, and effectiveness of the Justice System</b></p> <ul style="list-style-type: none"> <li>• Increasing the independence, accountability, and impartiality of the High Council of Justice based on the recommendations of the Venice Commission and ODIHR;<sup>52</sup></li> <li>• Ensuring immediate accessibility of court decisions in accordance with the recommendations of the Venice Commission and OSCE/ODIHR<sup>53</sup>;</li> <li>• Adoption of the 2023 draft amendments providing that judicial decisions will be public from the moment of their adoption<sup>54</sup>;</li> <li>• Increase the efficiency of the justice system and resolve the problem of the length of court proceedings<sup>55</sup>;</li> <li>• Fill existing vacancies with qualified candidates who demonstrate the required integrity, ensuring that competitions are merit-based<sup>56</sup>;</li> <li>• Case-based training for judges on using indirect evidence<sup>57</sup>.</li> <li>• appointment of the Prosecutor General by the qualified majority in Parliament;<sup>58</sup></li> <li>• 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;<sup>59</sup></li> </ul>
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<sup>51</sup> Venice Commission Opinion Organic Law on "Common Courts", CDL-AD(2023)033, 09.10.2023 pp.7-8

<sup>52</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p.20

<sup>53</sup> Ibid. pp.20-21,24

<sup>54</sup> Venice Commission Opinion Organic Law on "Common Courts", CDL-AD(2023)033, 09.10.2023

<sup>55</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 25

<sup>56</sup> Ibid. p.24

<sup>57</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p.24

<sup>58</sup> Ibid. p. 21

<sup>59</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, pp. 21-23

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| <ul style="list-style-type: none"> <li>• Based on judicial amendments adopted in June 2023, all court decisions following an open court session will be fully available on formal freedom of information (FOI) requests. At the same time, all court decisions will be published on a dedicated website in a depersonalized manner. In both cases, the decisions will only be available after final resolution of the case, which can take years. This process remains to be brought in line with European standards and Venice Commission recommendations;</li> <li>• An integrated case management system is in place but needs to introduce a statistical element;</li> <li>• A system for the nominal random allocation of cases to judges is in principle in place. To reduce numerous exceptions to this rule, more needs to be done<sup>23</sup> so that the allocation of cases is not subject to undue influence;</li> <li>• Training for judges should include case-based training on how to use indirect evidence, especially related to corruption and money laundering cases;</li> <li>• The appointment process for the Prosecutor-General needs to be improved to ensure it is transparent and based on criteria of integrity, independence, impartiality, and competence;</li> <li>• The recommendations of the OECD and Venice Commission opinions concerning the prosecution service remain to be addressed. the law does not mention the obligation of the superior prosecutor (including the Prosecutor General) to provide instructions in written form; nor does it mention the right or duty of the subordinated prosecutor to draw attention to the (alleged) illegality of an instruction received. Mechanisms for reviewing the legality of instructions by an independent body are missing. Furthermore, the Criminal Procedure Code empowers prosecutors in management positions to remove subordinate prosecutors from an investigation and to assign their responsibilities to other prosecutors without any justification;</li> </ul> | <ul style="list-style-type: none"> <li>• 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;<sup>60</sup></li> <li>• Training of prosecutors and sharing of best practices in the investigation of financial crimes.<sup>61</sup></li> </ul> |
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<sup>60</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, pp.21-22

<sup>61</sup> Ibid. p. 24

- The legal framework on the disciplinary liability of prosecutors remains to be further aligned with European standards, in line with the recommendations of the Venice Commission and GRECO;
- For prosecutors further training and exchange of best practices should be developed in the field of asset recovery and financial investigations.

**7. 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**

**European Union requests:**

- 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;
- On de-oligarchisation, implement the action plan following a systemic approaching line with the recommendations by the Venice Commission (Opinion of March 2023 and Opinion of June 2023);
- Establish a track record of investigations, prosecution, adjudication and final convictions of corruption cases, notably

**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](#)<sup>62</sup>, 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<sup>63</sup> and fully implementing the recommendations of previous evaluation rounds;

<sup>62</sup> Venice Commission, [Opinion](#) on the provisions of the Law on the fight against Corruption concerning the Anti-Corruption Bureau, 18 December 2023)

<sup>63</sup> [Press remarks](#) by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, Stockholm, 22 June 2023;

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;
- Detailed statistics and analytics on the detection, investigation, prosecution and adjudication of corruption cases, especially high-level corruption cases are deficient and needs to be more proactively published.

**According to the EU assessment:**

- The GRECO recommendations on preventing corruption in respect of judges are yet to be fully implemented;
- The National Anti-Corruption Council, has not met since 2019; The mandates of the Bureau and the Council, especially in the policy development and monitoring domains, need to be clearly delineated;
- The investigative mandate is spread among the Prosecution Service, the State Security Service, the Ministry of Justice and the Ministry of Finance. The corruption investigation units within these institutions lack autonomous powers and safeguards for independence, to prevent risks of undue political influence. Transparent appointment procedures for the heads of these units are also lacking. Similarly, there is no stand-alone body in charge of investigating/prosecuting high-level

**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](#)<sup>64</sup> and [OSCE/ODIHR](#)<sup>65</sup>, including:

- a. 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;
- b. Change in the procedure for making a decision on the consent of the Parliament to prosecute the head of the service;
- c. 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;
- d. 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

<sup>64</sup>Venice Commission, [Opinion](#) on the law on the special investigation service and on the provisions of the law on personal data protection concerning the personal data protection service, December 18, 2023

<sup>65</sup>OSCE/ODIHR, [Opinion](#) on the Legislative Amendments on the State Inspector's Service of Georgia, GEN-GEO/436/2022 [NR], 18.02.2022

corruption. More needs to be done to strengthen the specialization and efficiency of investigations in this area;

- Anti-corruption policies are also included in some thematic strategies as crosscutting issues (e.g. Public Administration Reform strategy, decentralization strategy), but these lack a comprehensive and systematic approach. Sectors most vulnerable to corruption require targeted risk assessments and dedicated measures;
- The mandate of the SIS is very broad and its jurisdiction has been extended several times since its establishment. This entails the risk that its key mission, i.e. investigation of torture and ill-treatment committed by law enforcement officers, does not get sufficient attention or resources.

purposes of investigation, so that there is an obligation to substantiate these decisions;

- e. 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;
- f. Authorizing the Special Investigation Service to prepare special reports along with the annual report if necessary.
- g. 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,<sup>66</sup> and OSCE/ODIHR<sup>67</sup>.

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<sup>66</sup>Venice Commission, [Opinion](#) on the law on the Special Investigation Service and on the provisions of the law on personal data protection concerning the Personal Data Protection Service, CDL-AD(2023)044, 18.12.2023

<sup>67</sup>OSCE/ODIHR, [Opinion](#) on the legislative amendments on the State Inspector's Service of Georgia. Nr.: GEN-GEO/436/2022 [NR], 18.02. 2022

**8. 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**

**European Union requests:**

- Further action is needed 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 approaching line with the recommendations by the Venice Commission (Opinion of March 2023 and Opinion of June 2023). 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 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<sup>68</sup> 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<sup>69</sup>;
- Refinement of the existing action plan<sup>70</sup>, 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<sup>71</sup>;
- Regular, Transparent, and effective monitoring of the action plan’s implementation.

<sup>68</sup> Venice Commission, [Final Opinion](#) on the Draft Law “On De-Oligarchisation”, CDL-AD(2023)017, 12.06.2023

<sup>69</sup> Ibid.

<sup>70</sup> [Action Plan](#) for Avoiding the Excessive Influence of Vested Interests in Economic, Political and Public Life in Georgia, 27.11.202

<sup>71</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 5

**9. 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**

**European Union requests:**

- 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;

**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;<sup>72</sup>
- Development of a comprehensive monitoring and data collection system to assess the level of implementation of human rights legislation, policies and strategies;<sup>73</sup>
- 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<sup>74</sup>;
- 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

<sup>72</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p. 28.

<sup>73</sup> Ibid. p. 29

<sup>74</sup> Organic Law of Georgia, Local Self-Government Code, 05.02.2014



<ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• Strengthen the full respect for fundamental rights, including media pluralism and freedom, as well as freedom of assembly and expression, and protection of LGBT people from discrimination and violence.</li> </ul> <p><b>According to the EU assessment:</b></p> <ul style="list-style-type: none"> <li>• The national strategy for the protection of human rights has been adopted but, several key issues remain to be addressed, notably discrimination on grounds of sexual orientation and gender identity as well as the independence, accountability and transparency of the judiciary, Safety of Journalists, the right to protection of private life, challenges related to torture and others;</li> <li>• As regards the safeguard of fundamental rights, the amendments to the Criminal Procedure Code, which raised serious concerns regarding compliance with European</li> </ul>	<p>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)<sup>75</sup></p> <p><b>Ensuring equal rights</b></p> <ul style="list-style-type: none"> <li>• 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;<sup>76</sup></li> <li>• Strengthening and improving the legal framework and implementing mechanisms for the protection of the rights of ethnic minorities;<sup>77</sup></li> <li>• 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;</li> <li>• 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;<sup>78</sup></li> </ul>
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<sup>75</sup> Venice Commission, Urgent Opinion on the draft law on the Amendments to the Criminal Procedure Code Adopted by the Parliament of Georgia on 7 June 2022, CDL-AD(2022)037, 25.10.2022

<sup>76</sup>Ibid. p. 29

<sup>77</sup>Commission, 2023 Communication on EU Enlargement Policy, COM(2023) 690, 08.11.2023,p. 32

<sup>78</sup>[United Nations Special Rapporteur](#) on the situation of human rights defenders, Mary Lawlor Preliminary observations and recommendations Tbilisi - 7 November 2023

<p>standards were adopted, overruling Georgia President’s veto. The amendments remain to be aligned with the recommendations of the Venice Commission opinion of October 2022;</p> <ul style="list-style-type: none"> <li>• Intimidation and physical and verbal attacks on media professionals have taken place, especially in the context of demonstrations and election rallies. Follow-up investigations are not yet effective;</li> <li>• Continued public attacks and discrediting rhetoric against journalists and media professionals by high-level public officials and politicians, from both government and opposition, as well as from violent far-right groups, have created a somewhat hostile environment, posing a threat to media freedom and pluralism;</li> <li>• Court proceedings and investigations against opposition media owners have become frequent. Recent verdicts have a negative effect on critical media reporting;</li> <li>• Considerable delays and a recurring refusal to access public information pose a serious challenge for media and CSOs, affecting the timeliness, accuracy, and quality of their work and reporting;</li> <li>• Georgia has a comprehensive legislative framework on non-discrimination, which is largely in line with the EU acquis and international standards. Its enforcement requires substantial improvements. The strategic policy aimed at strengthening equality is in place. It does not specifically recognize challenges faced by certain persons in vulnerable situations, such as</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening the consultation mechanism of minorities under the Office of the Public Defender;<sup>79</sup></li> <li>• 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;<sup>80</sup></li> <li>• 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.<sup>81</sup></li> <li>• Commit to a <a href="#">Zero-tolerance</a> policy and practice towards all forms of discrimination and incitement to discrimination and violence;<sup>82</sup></li> <li>• 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;<sup>83</sup></li> <li>• 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</li> </ul>
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<sup>79</sup>Resolution CM/ResCMN(2020)5 on the implementation of the Framework Convention for the Protection of National Minorities by Georgia

<sup>80</sup>The 2021 Special [Report](#) of the Public Defender of Georgia on the fight against discrimination, its prevention and the state of equality.

<sup>81</sup>Resolution CM/ResCMN(2020)5 on the implementation of the Framework Convention for the Protection of National Minorities by Georgia

<sup>82</sup>[Submission](#) by the Council of Europe Commissioner for Human Rights under Rule 9.4 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, CommDH(2023) 35, 24.10.2023

<sup>83</sup>Ibid. para 22

<p>LGBTIQ persons, failing to plan specific measures to eliminate prevailing discriminatory practices;</p> <ul style="list-style-type: none"> <li>• Challenges persist regarding the exercise of the right to freedom of assembly, notably for persons in the most vulnerable situations, and this includes the right to peaceful protest, as seen during the violent attacks against participants in the Tbilisi Pride on 8 July 2023. On 5 October, the Georgian Parliament adopted amendments to the Law on Assemblies in expedited procedure, without prior consultations. The civil society and the Public Defender expressed concerns with this Law and the President vetoed it on 17 October;</li> <li>• In Georgia LGBTIQ persons are one of the most marginalised groups, subjected to systemic homophobia, negative social attitudes and political exploitation of homophobic sentiments.; The use of hate speech by politicians and public figures fuels hatred towards LGBTIQ persons, makes them socially unacceptable, and extends the scope of violence against them; The authorities fail to recognize and acknowledge the systemic nature of discriminatory patterns and inequalities affecting LGBTIQ persons, and this has resulted in significant gaps in the measures taken to address these concerns. There is an absence of concrete measures to support LGBTIQ persons, combating discrimination based on sexual orientation and gender identity;</li> <li>• Structured engagement and dialogue with civil society at all levels, including with government, regional, and local authorities, requires further strengthening to ensure CSOs can</li> </ul>	<p>effectiveness of investigations and the enforcement of sanctions.<sup>84</sup></p> <ul style="list-style-type: none"> <li>• Develop consistent policies to deal with far-right radical groups and <a href="#">prevent</a> violence on their part;<sup>85</sup></li> <li>• Development and implementation of relevant public services for the protection and assistance of victims of hate crimes;<sup>86</sup></li> <li>• 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;;</li> <li>• 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<sup>87</sup>;</li> </ul> <p><b>Improving the quality of freedom of assembly and expression</b></p> <ul style="list-style-type: none"> <li>• 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 <a href="#">conclusions</a>. Ensuring freedom of assembly and expression in practice must be upheld to the highest standards, especially during the pre-election period,<sup>88</sup></li> </ul>
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<sup>84</sup>Committee of Ministers of the Council of Europe, 6-8 December 2022 (DH) H46-13, Identoba and Others group v. Georgia (Application No. 73235/12), Reference [document](#) CM/Notes/1451/H46-13,

<sup>85</sup>The Coalition for Equality, Implementation of the right to protection from discrimination for different groups in Georgia, 2022 [report](#), p. 66

<sup>86</sup>Ibid, p.67

<sup>87</sup> Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, pp. 28, 34; European Parliament [Resolution](#) on the implementation of the EU Association Agreement with Georgia (2021/2236(INI), 14.12. 2022

<sup>88</sup>OSCE/ODIHR, [Urgent opinion](#) on proposed amendments to the law of Georgia on assemblies and demonstrations and to the administrative offences code, November 6, 2023

<p>effectively and meaningfully engage in policy and decision-making;</p> <ul style="list-style-type: none"> <li>• Georgia does not yet have a comprehensive government strategy in place for supporting or cooperating with civil society. Parliament invited civil society organizations (CSOs) to participate in the working groups on the 12 priorities. With some exceptions, these organizations were able to attend meetings and actively participate, although their input was rarely included in draft legislation or appointment processes;</li> <li>• The enabling environment has increasingly come under attack through hostile rhetoric by political leaders and radical groups and, intermittently, through draft legislation that would have labeled CSOs who receive foreign funding as ‘foreign agents’ and subjected them to possible penalties for non-compliance, including criminal prosecution;</li> <li>• Although mechanisms for consultation with civil society in policy making and law making exist both at central and municipal level, their substantial use is uneven and depends on the peculiarity of the issue and the institution. A dedicated mechanism for public online consultations or contributions for draft laws or policy documents is currently lacking;</li> <li>• Hate crimes towards religious minorities are addressed, though some investigations into alleged attacks, discrimination and physical violence committed on the grounds of religious intolerance lack effectiveness. No investigation or prosecution has taken place of the instigators and organisers of the violence during the events of the Tbilisi Pride march in 2021. On 16 January 2023, a Court of Appeal reduced the charges against</li> </ul>	<ul style="list-style-type: none"> <li>• 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.<sup>89</sup>;</li> <li>• Start working on changes to Article 154 of the Criminal Code of Georgia to prevent interference with media activities;<sup>90</sup>;</li> <li>• Resolve the defamation lawsuits against critical media and journalists in line with the highest legal standards of protection of freedom of expression<sup>91</sup>;</li> <li>• 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;</li> <li>• Public institutions shall ensure the issuance of public information within the deadlines established by law;<sup>92</sup></li> <li>• Inadmissibility of unfounded prosecution of opposition media owners;<sup>93</sup></li> <li>• Ensuring the safety of journalists. Effective investigation of crimes against journalists;</li> <li>• Refrain from disseminating media discrediting narratives and campaigns by senior officials and representatives of political parties;<sup>94</sup></li> </ul>
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<sup>89</sup>Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p.29

<sup>90</sup>Ibid. p.35

<sup>91</sup>Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p.11

<sup>92</sup>Commission, Staff Working Document, Georgia 2023 Report, SWD(2023) 697, 08.11.2023, p.36

<sup>93</sup>Ibid. p.6

<sup>94</sup>Ibid. p. 34

the perpetrators (and excluded the qualification of 'organiser'). The Criminal Code defines aggravating circumstances for hate crimes. Strategic frameworks for law enforcement agencies also include measures to address hate crimes. There are shortcomings in terms of prompt and effective investigation, as well as identifying a hate motive and conviction for hate-crimes against persons belonging to minority groups or in vulnerable situation, often perpetrated by extreme right-wing groups, remains to be ensured;

- The use of hate speech by politicians and public figures fuels hatred towards LGBTIQ persons, makes them socially unacceptable and extends the scope of violence against them. Investigations into alleged hate crimes in 2022 failed to meet standards of effectiveness and timeliness. A similar conclusion was made by the Council of Europe's Commissioner for Human Rights, who identified the failure to identify and correctly qualify hate motives as one of the biggest challenges.

**The Vision of Civil Society Organizations on the Fulfillment of the  
9 Steps Defined by the European Union**

**Matrix**

**Methodology:**

**The Matrix comprises 2 columns:**

**The left column – Steps outlined by the European Union**

**This column encompasses 3 components:**

- The steps to be fulfilled
- Specific requirements of the EU concerning the measures to be implemented for the fulfillment of each step
- EU Assessment/description of the current situation in the relevant areas

**This part of the matrix is developed based on documents adopted by the European Commission and the Council of the European Union as a part of the 2023 enlargement package:**

[Commission, 2023 Communication on EU Enlargement Policy, COM \(2023\) 690, 08.11.2023](#)

[Commission, Staff Working Document, Georgia 2023 Report, SWD\(2023\) 697, 08.11.2023](#)

[General Affairs Council, Conclusions, EUCO 20/23, 12.12.2023](#)

**The right column - Vision of the civil society on the measures to be implemented to fulfill the steps outlined by the European Union**

**This column presents a detailed vision/plan on how to effectively implement the 9 steps identified by the European Commission**

**This part of the matrix is developed, among other sources, based on the following key documents thematically linked to the 9 steps:**

- 1. EU official Documents related to the Enlargement Package 2023**
- 2. Public Statements of the EU Officials**
- 3. Opinions and recommendations of the Venice Commission**
- 4. Opinions, reports, and recommendations of OSCE/ODIHR**
- 5. Resolutions of the European Parliament**
- 6. Council of Europe official documents**
- 7. Official documents of other International Organizations**
- 8. Research, reports, and recommendations of civil society organizations**