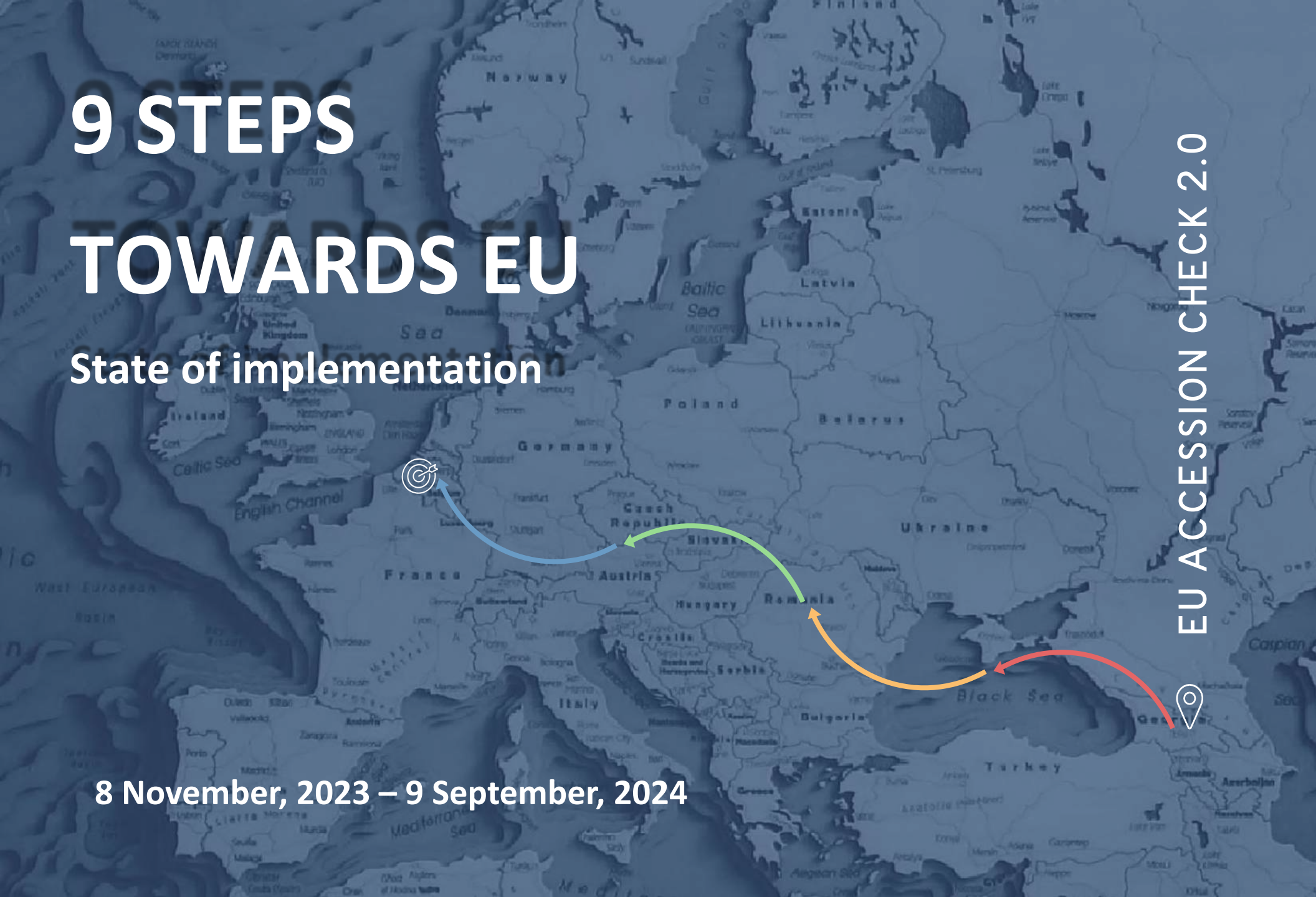


9 STEPS TOWARDS EU

State of implementation

EU ACCESSION CHECK 2.0

8 November, 2023 – 9 September, 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

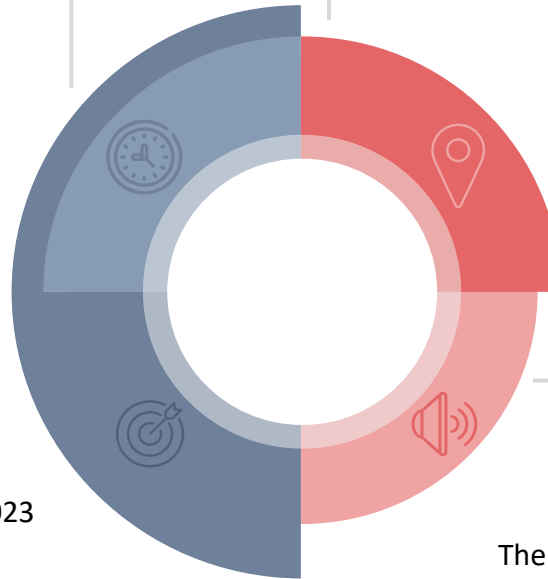
EU Requirement

Steps defined by the EU are described unchanged

Expectations

Compilation of the Expectations of the European Union and Civil Society, particularly:

- Documents issued in the framework of the 2023 Enlargement Package;
- Opinions and recommendations issued by the Venice Commission and OSCE/ODHIR
- Assessments, reports, and recommendations of other international organizations.
- Public statements of the representatives of the EU institutions, EU Delegation in Georgia, and EU Member States
- The vision presented by the CSOs on the fulfillment of the 9 steps.
- Research, reports and recommendations of CSOs.



State of Play

describes the status of implementation of the specific step based on:

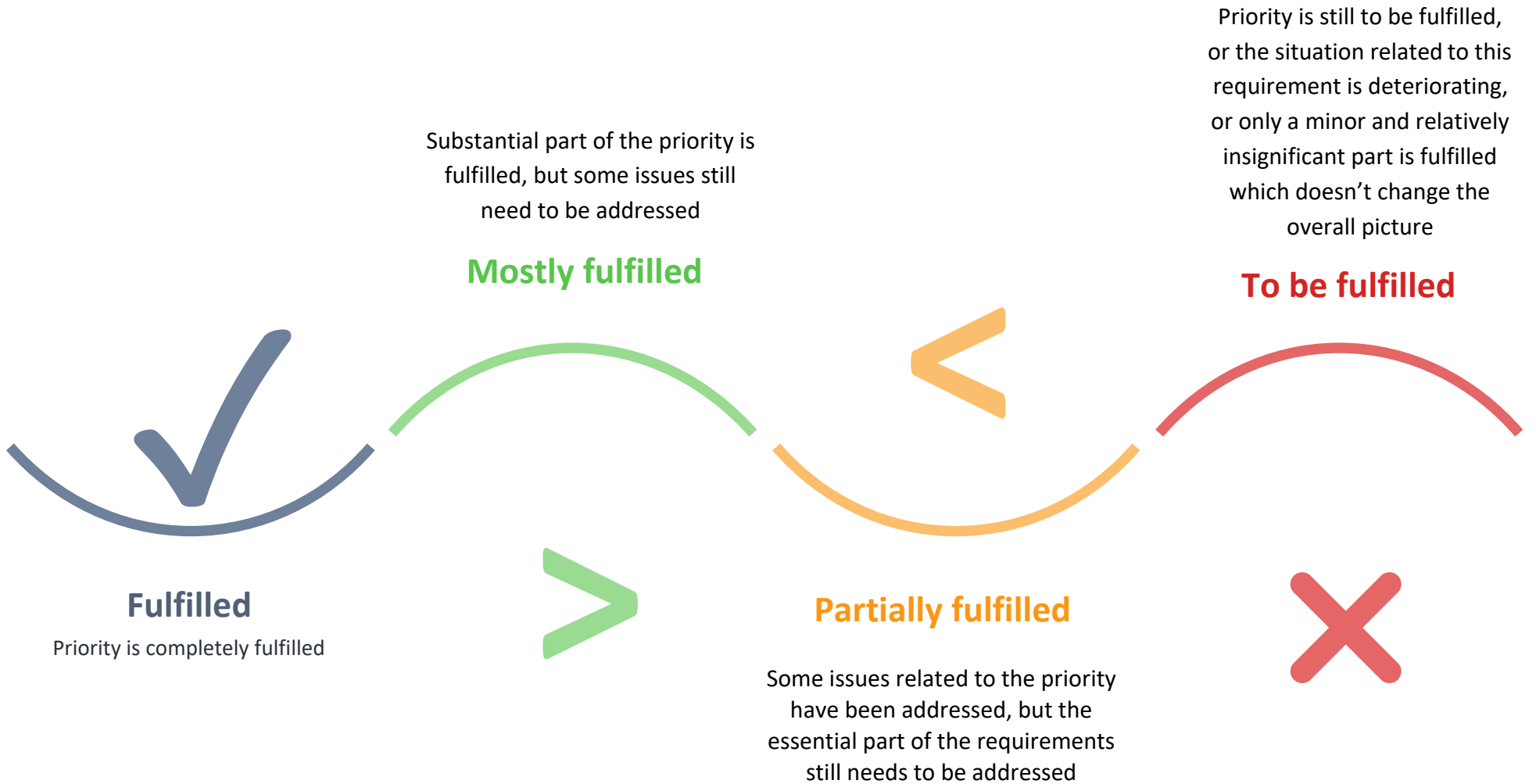
- Draft laws initiated in the parliament;
- Outcomes of committee and plenary hearings;
- Statements, reports and decisions of the state institutions and members of the government;
- Assessments and statements of the parliamentary majority and members of the ruling party;
- Assessments and statements of the EU officials and other international partners;
- Statements, reports and assessments of CSOs;
- Information received from the Parliament and State Institutions.

Challenges

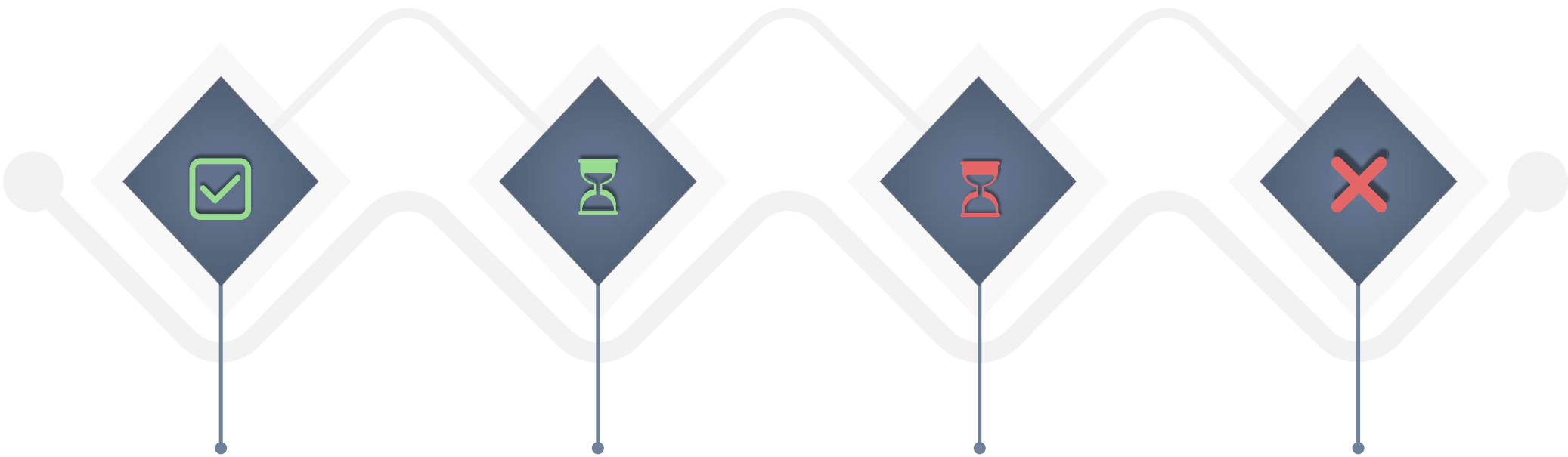
The list of remaining challenges/problems concerning each step based on:

- Expectations of the CSOs concerning the implementation of the 9 steps;
- Assessments of CSOs, statements and reports;
- Assessments and statements of political parties and politicians;
- Assessments, reports and conclusions of the EU and other international organizations;
- Statements and assessments of international partners;
- Assessments and statements of the EU officials and other international partners;

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



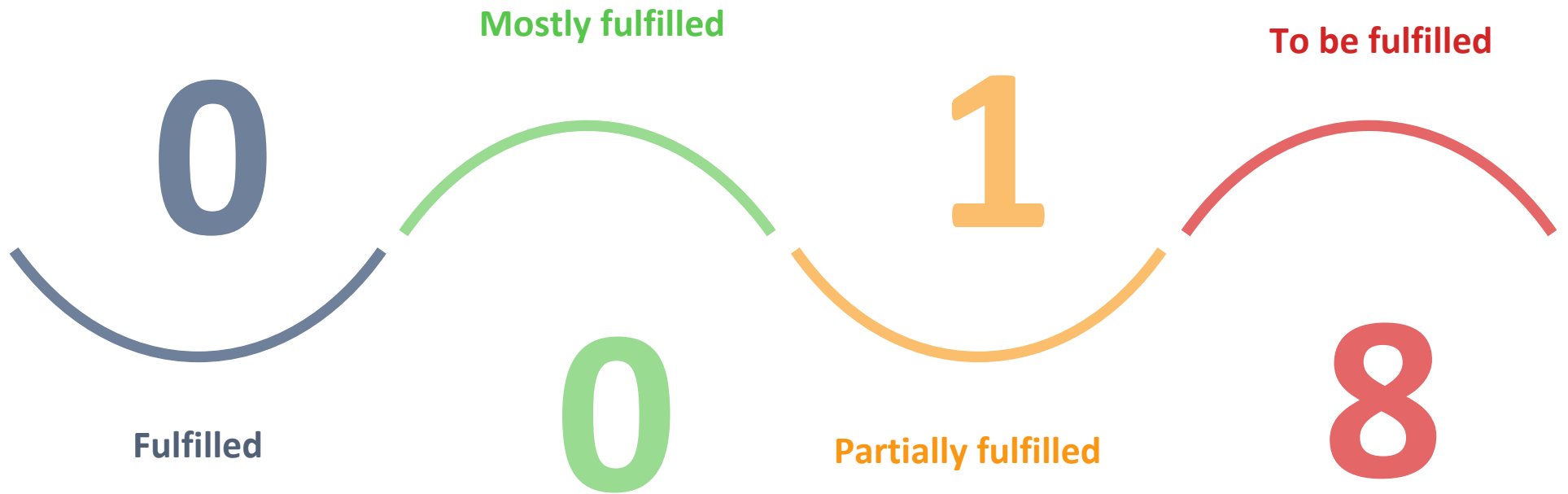
Used in connection with issues
addressed

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, alongside Ukraine and Moldova, submitted its application for EU membership. In June of the same year, the European Commission recommended granting candidate status to Moldova and Ukraine. However, in Georgia's case, the European Council, following the Commission's recommendation, recognized Georgia's European perspective and required progress in 12 priority areas before candidate status could be granted.

Since 2023, an informal coalition of civil society organizations has been actively monitoring the implementation of the 12 priorities. Over the past year, the coalition published six monitoring reports, which largely corresponded with the evaluations of the European Commission.

Apart from dynamics of reforms, several actions by the Georgian government were in direct contradiction to both the priorities set by the European Commission and Georgia's broader EU membership ambitions.

Among these contradictory actions were the introduction of the "Foreign Influence Transparency Law" in March 2023 (which was later withdrawn as a consequence of mass protests, and the initiation of impeachment proceedings against the President in September (which ultimately failed). These actions, including the resumption of direct flights with Russia in May, prompted strong reactions from the European Union.

Candidate Status

On November 8, 2023, the European Commission presented its enlargement package, recommending the opening of EU accession negotiations for Ukraine and Moldova. Despite Georgia having fulfilled only 3 of the 12 priorities, the European Commission recommended granting Georgia candidate status, on the understanding that the relevant steps (in 9 directions) are taken. This

recommendation was subsequently endorsed by the European Council in December 2023.

On December 25, 2023, the Georgian government published its Action Plan to implement the 9 steps outlined by the European Commission. However, civil society organizations were excluded from the developing and adopting process of this document.

In February 2024, the informal coalition of civil society organizations, consisting of 12 organizations¹, presented their vision, "9 Steps towards EU," and continued monitoring the reforms aligned with the priorities. By April 2024, the coalition published its first report, noting minimal progress in only two of the nine steps, with no progress in the remaining seven.

Moreover, since the spring of 2024, the Georgian government has initiated and adopted a series of antidemocratic laws, including legislative amendments restricting the rights and freedoms of LGBTIQ+ individuals and increased anti-European and polarizing rhetoric, which ultimately led to a deviation from the path of European integration.

Law on Transparency of Foreign Influence

On April 3, 2024, less than four months after Georgia was granted candidate status, the government announced its decision to reintroduce the "Foreign Influence Transparency Law" and initiated the legislative process. This was accompanied by large-scale protests and was marked by a campaign of disinformation and attempts to discredit civil society and international partners. Numerous statements were made by the officials of the EU institutions and its Member States, urging the Georgian government to repeal the law.

The law fundamentally contradicts at least five of the steps defined by the European Commission (steps 1, 2, 3, 4, and 9) and further distances Georgia from the European Union. International partners expressed that this legislation is incompatible with EU values and standards, marks a significant

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

backsliding on Georgia's European integration path, and goes against its stated objective of joining the European Union. Additionally, both the Venice Commission and OSCE-ODIR concluded that the law, both in content and the manner of its adoption, fails to meet international human rights standards and European requirements of democratic law-making.

The peaceful demonstrations opposing the law on "Foreign Influence" have resulted in the arbitrary detentions of over 200 individuals. The policing measures implemented during these protests have been predominantly illegal and disproportionate. Numerous instances of physical violence and verbal abuse perpetrated by law enforcement officers against protesters have been documented, resulting in serious injuries to activists and members of the opposition. Furthermore, several activists have been subjected to assaults and beatings by unidentified groups. In some cases, these repressions have been publicly endorsed and orchestrated by members of the ruling party in the parliament. No one has been held accountable for these violent incidents.

Despite widespread public protests over the months, coupled with domestic and international condemnation, as well as repeated requests from Georgia's European allies to retract the draft law, the ruling party proceeded to pass the legislation through three readings, ultimately overriding the President's veto on May 28. The law came into effect on August 3, with organizations given a deadline of September 3 to register as organizations pursuing the interests of a foreign power, after which the Ministry of Justice could begin enforcement at any time.

Based on available data, less than 2% of organizations have registered. It is noteworthy that the law poses a threat not only to free media and civil society organizations but also targets individuals, allowing for the imposition of financial sanctions on them. The adoption of the anti-democratic "Foreign Influence Transparency Law" and the processes surrounding it indicate a sharp shift in the government's foreign policy, which effectively represents a rejection of EU membership.

On June 27, 2024, the European Council referred to Georgia's EU accession process as "de facto halted." Additionally, the European Union suspended €30 million in support from the European Peace Facility (EPF) until the end of 2024. EU officials indicated that additional measures may be considered if the situation deteriorates further. Several EU Member States also suspended financial support to Georgia. International attention is now focused on the

parliamentary elections set for October 26, 2024. At the same time, the government escalates its anti-Western rhetoric to unprecedented levels.

It is important to highlight that, despite clear statements from the European Union, 'Georgian Dream' persists in claiming that the adoption of the law brings the country closer to EU membership and that Georgia will join the EU by 2030, which ultimately misleads the public

In July 2024, the President of Georgia, opposition parties, and 120 non-governmental organizations and media outlets filed a constitutional lawsuit challenging the "Foreign Influence Transparency Law." They requested the suspension of the unconstitutional provisions as a temporary measure until a final ruling is made by the Constitutional Court. As of now, the Court has yet to issue a decision.

Monitoring

Despite the current halt of the EU accession process and the low expectations of any change in the government's foreign policy direction, the informal coalition of civil society organizations remains committed to monitoring the implementation of the nine steps outlined by the European Union. The coalition believes that, as soon Georgia returns to the path of European integration, the reports will serve as essential guidance for swift reforms and shape future actions.

The second edition of the 2024 "Accession Check" provides a detailed analysis of the expected steps in the nine priority areas identified by the European Union, as well as the current status and challenges in implementing these reforms. As of September 2024, civil society organizations report that only one of the nine steps (related to anti-corruption measures) has seen slight progress, with no progress on the remaining steps. In certain areas, there has been notable regression.

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:

✘ "By adopting the law 'On the Transparency of Foreign Influence,' the government hindered and endangered the activities of organizations working to combat disinformation and propaganda, instead of establishing a 'unified public approach' in cooperation with civil society and the media.

✘ Adoption of the law was accompanied by increased anti-Western propaganda in Georgia, especially from the ruling party and government officials.

✘ According to the European Union, the law contradicts the first step (Fight disinformation) outlined by the EU Commission in its enlargement report

✘ "Instead of distancing themselves from and countering disinformation against the European Union, government representatives themselves spread anti-Western propaganda and facilitated its broad dissemination. Specifically, they accuse donor organizations and EU member states, as well as the United States, of interfering in internal affairs and electoral processes, blackmail, colonial attitude, limiting sovereignty, funding radical groups and propaganda, promoting revolutionary scenarios, and spreading lies. According to 'Georgian Dream,' representatives of the European Union, its member states, and the United States are spreading false information against Georgia and misleading the Georgian population to incite unrest and destabilization in the country, thus encouraging revolutionary scenarios

✘ Government representatives continue to claim that the 'global war party,' which has substantial influence over EU and US institutions and decision-making processes, is trying to open a 'second front' in Georgia. In this context, government officials also state that the US and the EU

themselves need de-oligarchization. At the same time, 'Georgian Dream' does not disclose specific information about the 'global war party' due to national security reasons, and Mariam Lashkhi even compared the 'global war party' to the Freemasons

✘ Georgian Dream is spreading a false narrative, claiming that the so-called agents law is similar to legislative acts adopted by the European Union and other Western partners, and even 'softer' than those, labeling the West's criticism of Georgia's law as 'unfair

✘ Representatives of the ruling party claim that opposition parties, the President of Georgia, civil society organizations, and critical media are members of the "[Global War Party](#)" and "agents of foreign influence" who want to cause destabilization in Georgia, organize a revolution, and involve Georgia in war;

✘ "Russian official authorities are making propagandist and disinformation statements regarding Georgia, elections, and the revolutionary plans of Western countries, particularly the United States, which constitutes harmful foreign interference in the elections. However, the government is not taking steps to counter this. Moreover, representatives of the ruling party, in some cases, indirectly agree with such statements. According to the Speaker of Parliament, Shalva Papuashvili, 'If in the past, waves of disinformation came from the North, unfortunately, for the past few years, especially since the war in Ukraine began, we have witnessed false narratives being spread from the West against Georgia.'"

✘ Members of the ruling party spread 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](#); Especially recently, they have been accused of "unprecedented foreign interference" in election processes. The ruling party also accuses Western foundations of spreading "LGBT propaganda" in Georgia.

✗ The "Georgian Dream" views Western politicians who express critical positions on current developments as enemies.

✗ The political instrumentalization of homophobia continues, aiming to discredit the collective West by appealing to traditional and religious sentiments. The 'Georgian Dream' initiated constitutional amendments and a draft law on "[On Family Values and Protection of Minors](#)" which, according to the party's leaders, serves to protect society from 'LGBT propaganda' and 'pseudo-liberal ideology and its inevitable harmful consequences.' The Prime Minister called the EU's criticism of this initiative 'extremely alarming,' as the EU opposed the bill aimed at protecting traditional values;

✗ Government representatives are conducting a propaganda campaign implying that the responsibility for the start of the 2008 war lies not with Russia, but with the government of that time, which supposedly initiated military actions at the behest of external forces.

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

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

✗ No investigation has been conducted regarding the coordinated and inauthentic network related to the Strategic Communications Department

of the Georgian Government Administration, as indicated in Meta's report. According to the 2024 report published by Meta, an inauthentic coordinated network operating from Russia was spreading disinformation in Georgia (and beyond), including about the so-called foreign agents law, criticizing the demonstrators against the law, and also supporting the ruling party, Georgian Dream.

✓ 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.

✓ Georgia has joined the Council of Europe Convention on Artificial Intelligence, which, among other things, regulates risks stemming from disinformation and information manipulation related to artificial intelligence

⌚ 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;



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";

! The anti-western, including anti-EU propaganda, coming from government officials causes concern on the part of the European Union and hinders Georgia's progress in the EU accession process.

! 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", including the initiation of the

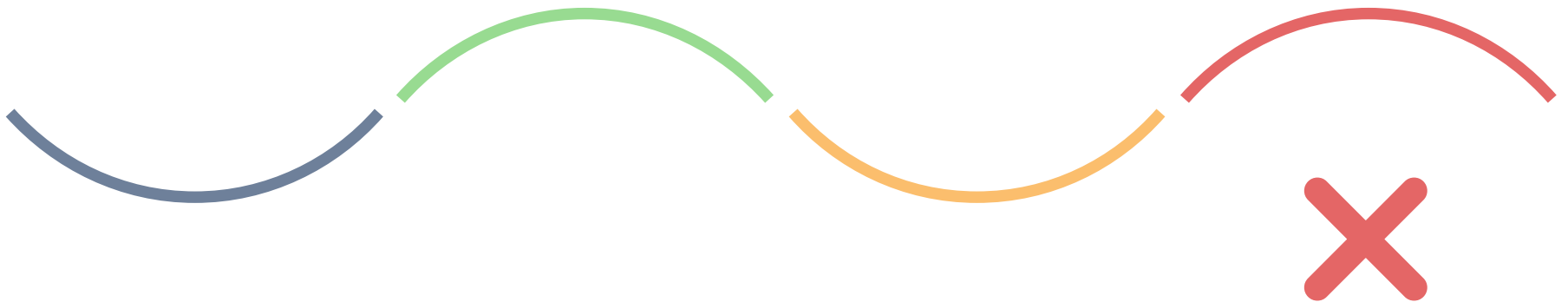
constitutional amendments, contribute to the dissemination of disinformation narratives against the European Union and its values; Contrary to the EU-recommended "whole-of-society approach," there is no cooperation with civil society organizations working on disinformation issues to fulfill the first step defined by the EU. Instead, with the "Foreign Influence Transparency" law, the government creates more obstacles to their activities and puts them at risk. At the same time, government representatives actively engage in discrediting and verbally attacking civil society organizations working on disinformation issues.

! Russia is attempting to interfere in the parliamentary elections through harmful media manipulation, which is being facilitated by the anti-Western propaganda promoted by the government.

Step No. 2

Alignment with the EU common foreign and security policy

To be 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:

✗ Recent legislative acts initiated or passed by the ruling party, primarily the so-called foreign agents law, along with accompanying anti-Western rhetoric, are incompatible with the EU's legal system and contradict its values. This stands in opposition to aligning with the EU's Common Foreign and Security Policy. This is evidenced by the European Union's decision to freeze €30 million in funding allocated to strengthen Georgia's defense, as well as the European Council's decision and the statement of the EU Ambassador to Georgia that the Georgia's EU accession has been put on hold.

✗ The dialogue and cooperation formats between Georgia and the European Union have also been suspended.

 From January 1 to August 29, 2024, the rate of alignment to the joint statements of the European Union by Georgia was 52%. Out of 62 statements and decisions adopted by the EU, Georgia aligned with 32. It should be noted that Georgia has align with 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 aligned with 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.

✗ Georgia has align with any joint statement of the EU condemning the Russian aggression against Ukraine and none of the EU decisions 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](#)), ([CFSP 2024/1770](#)), ([CFSP 2024/1744](#)) 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 align with 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 align with 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. Georgia also did not align with the statement of 27 May ([CFSP 2024/1484](#)) establishing a new framework for restrictive measures against those responsible for the deterioration of the human rights and democratic environment in Russia. It should be noted that Ukraine and Moldova aligned with all EU statements against Russia on the issue of human rights;

⌚ Georgia also did not align with the sanctions against citizens and legal entities engaged in subversive activities against the independence and sovereignty of Moldova ([CFSP 2024/740](#)) ([CFSP 2024/1242](#));

⌚ Georgia also did not align with any of the decisions that imposed restrictive measures on Iran for internal repression ([CFSP 2024/1019](#)) and the supply of weapons to Russia for use in the pre-insurgency war in Ukraine ([CFSP 2024/1605](#)). The same can be said about Israel, where Georgia has not aligned with the sanctions against the perpetrators of serious crimes against the Palestinians in the West Bank ([CFSP 2024/1175](#)). Notably, it also did not align with the [April 24, 2024 statement](#) condemning Iran's massive drone and missile attack on Israel.

✗ It should be emphasized that Georgia still does not align with any of the statements/decisions concerning Belarus, in particular the decision of August 24, 2024 ([CFSP 2024/2116](#)), which condemns Belarus' support for the aggression of the Russian Federation in Ukraine and imposes restrictive measures on 28 people in addition to the previous decision. measures.

✗ Georgia did not align with the additional restrictive measures against North Korea, which the European Union imposed on persons and organizations responsible for another nuclear weapons test by the latter in violation of the relevant resolution of the UN Security Council ([CFSP 2024/1603](#))

✓ According to the available data, Georgia does not give its territory to attempts to avoid sanctions by third parties. In this context, According to the Georgian government, since the start of the war in Ukraine, more than 1,500 attempts have been rejected to allow goods sanctioned by the West to enter the territory of the Russian Federation through Georgia.

✗ In 2024, Georgia ceased its participation in EU missions in Mali and the Central African Republic. No requests were made for Georgian presence in other EU missions.

Challenges:

! Through its actions and rhetoric, the government contradicts the EU's legal system and its values, which fundamentally excludes alignment with the EU's Common Foreign and Security Policy

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

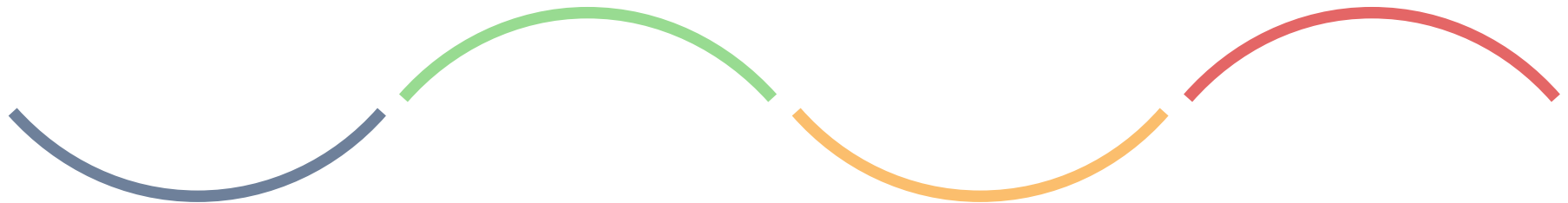
! Georgia does not adequately respond to Russia's aggression towards Ukraine and does not join the European Union's decisions on imposing restrictive measures against persons or countries supporting aggression, which in itself harms the country's expectations of meeting European expectations.

! Georgia is not responding adequately to Russia's aggression against Ukraine and is not aligning with EU decisions on imposing restrictive measures against individuals or countries supporting aggression, which undermines the expectations for fulfilling its European aspirations.

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:

- Changing the current course of action by the ruling party and returning to the path of European integration;
- Avoid confrontational statements and/or actions on the part of the "Georgian Dream" related to the civil society and media, refuse to initiate laws hindering their activities,
- Refrain from such actions and legislative initiatives that may lead to deepening of political tensions, disruption of democratic institutions and reform agenda, and further complication of relations with the European Union;
- Stop disinformation statements directed against the EU;
- Stop deepening polarization through violence and/or encouraging violence against political opponents and adequately investigate the previous facts of violence, including during the spring protests;
- 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;
- 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 within the framework of the Parliament, which involves the ruling party ensuring the substantial participation of the opposition in the decision-making process, while the opposition engages in working groups and committee work processes;
- 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 a qualified (2/3) majority;
- Power Sharing in the Parliament by relinquishing the positions of chairpersons of several committees to the opposition, as stipulated by the Charles Michel Agreement of April 19, 2020
- "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.;
- "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;

✗ Despite calls from the European Union and other strategic partners, as well as large-scale public protests, the ruling party overcame the president's veto to approve the "Foreign Influence Transparency" law (the so-called agents law), which sharply deepened the polarization with the opposition, the president, civil society, and the media. With the adoption of this legislative initiative, Georgian Dream violated multiple commitments made after the withdrawal of a similar law in 2023, stating that it would not be reintroduced.

✗ The process of drafting, initiating, discussing, and adopting the law took place in an extremely destructive and non-inclusive environment, without substantial involvement from interested parties. Georgian Dream refused to listen to the arguments of the opposition, civil society, experts, and international partners. Similarly, the leaders of the ruling party did not take into account the opinions of the OSCE/ODIHR and the Venice Commission, citing a "lack of legal arguments," and accused these organizations of unprofessionalism, bias, and ties to the National Movement.

✗ The excessive use of force by law enforcement against protesters, along with physical violence and threats against political leaders and activists, significantly deepened polarization. There has been no investigation into cases of excessive force used by law enforcement against participants in peaceful protests against the law, nor has there

been accountability for those who carried out physical violence and made threatening calls to political leaders and activists.

✗ According to the general secretary of "Georgian Dream", [Kakha Kaladze](#), it was impossible to cooperate with the opposition in order to fulfill the 9 steps.

✗ The sharp rhetoric between the government and the opposition has intensified, often taking on an offensive nature. The opposition accuses the ruling party of pursuing pro-Russian policies, unconstitutional actions, and betrayal of the country, while Georgian Dream refers to the opposition as the country's greatest enemy and "agents," accusing them of carrying out orders from "foreign patrons," including the "global war party," to the detriment of the country. Members of both Georgian Dream and the opposition use insulting language towards each other. During the discussions of the so-called agents law in Parliament, instances of physical confrontation have also significantly increased. Polarization has been further exacerbated by Georgian Dream's blame on the "National Movement" for the start of the August 2008 war and the promise to hold them accountable for it.

✗ The parliamentary majority does not recognize the independent identity of the opposition forces, does not recognize the boundary between political parties and public organizations, and calls everyone a "collective national movement" that must be "neutralized". Recently, the "Georgian dream" questions the independent identity of the opposition parties in the context that they are not parties working for the Georgian society, but are controlled by external forces. Moreover, the ruling party vows to declare the opposition parties unconstitutional after the elections, prosecute them and confiscate their mandates, which "Georgian Dream" takes as an important prerequisite for "establishing long-term peace and proper democratic public institutions" in Georgia.

✘ "Georgian Dream" accuses opposition in moral violence and the so-called liberal fascism and claims that it is a form of violence, which, among other things, resulted in the death of "Georgian Dream" member Ermile Gigiadze in Tskaltubo.

✘ The relationship between the government and the president became even more strained after the adoption of the law. The ruling party refers to Salome Zourabichvili as an "illegitimate", "formal" president, a traitor, as well as an "activist" and "puppet" of the "National Movement" accusing her of collaborating with the opposition, betrayal, and acting against the interests of the state. Moreover, according to the Prime Minister, Salome Zourabichvili is not the president of Georgia at all, but merely the "president of the National Movement." Polarization is evident in the issue of appointing members to the National Bank's board, where Georgian Dream refuses to consider the candidate proposed by the president. The government frequently denies the president permission for foreign visits. Georgian Dream has sharply criticized the "Georgian Charter" developed by the president to ease political tensions, which was signed by 17 political parties and 5 independent MPs;

✘ After the adoption of the so-called agents law, cooperation with civil society has practically ceased. Due to the law's objectives, civil society organizations view it not as a tool for ensuring transparency of foreign funding, but as a deliberate step to restrict and stigmatize their activities. The Georgian National Platform of the Eastern Partnership Civil Society Forum suspended its 2023 cooperation memorandum with the Parliament of Georgia. The majority of civil organizations have refused to register as "organizations acting in the interests of foreign powers." Already, three organizations have announced their liquidation;

✘ Parallel to the adoption and enforcement of the law, the "Georgian Dream" continues verbal attacks on the civil sector and attempts to discredit them. The leaders of the ruling party accused the civil sector of spreading pseudo-liberal ideology and "LGBT propaganda", attacking the Orthodox Church, pursuing foreign interests, and being connected with

the "radical" opposition, trying to organize a coup d'état with "black money" received from donors and of wanting to involve Georgia in a war against Russia;

✘ The adoption of the so-called Law of Agents resulted in the suspension of the working format created in the Parliament in connection with the 9-step implementation process, in which the members of the parliamentary majority and the opposition, as well as the representatives of civil society organizations that are members of the Georgian national platform of the Eastern Partnership Civil Society Forum, participated;

✘ The ruling party has not only failed to resume cooperation with critical television stations but has also continued its verbal attacks against them. There are frequent cases of physical violence, intimidation, and interference with professional activities against critical media representatives, which have not been investigated. In the May-June period, at the request of "Georgian Dream" and "People's Power" MPs, the parliamentary accreditation of four journalists of "Mtavari", "Formula" and "TV Pirveli" was temporarily suspended. On the pretext of security measures, journalists of online media, newspapers, and radio were deprived of the right to enter the parliament several times, including During discussions of the so-called law of agents. Cooperation between opposition parties and pro-government television stations was also not renewed. According to the 2024 report of the international organization "Reporters Without Borders", according to the press freedom index, Georgia moved back by 26 places and took 103rd place;

✘ The anti-Western rhetoric of the ruling party's leaders has recently reached an unprecedented level, escalating into sharp verbal confrontations. Leaders of Georgian Dream accuse the European Union and its member states, the U.S., and donor organizations (IRI, NED, EED) of violating Georgia's sovereignty, attempting to stage a violent revolution through "opaque" funding of civil society organizations and the opposition, as well as interfering in the upcoming parliamentary elections. They also allege that these entities are spreading pseudo-liberal ideology

and "LGBT propaganda." The irritation of Georgian Dream is particularly fueled by the fact that high-ranking officials from EU member states openly supported the participants of peaceful protests and addressed them with supportive words during their visit to Tbilisi.

Statements from the leaders of the ruling party continue regarding the "global war party," which they claim is orchestrating "blackmail" against Georgia and attempting to open a "second front" in the country. Despite Georgian Dream's assertions that the "global war party" doesn't mean the EU and that, conversely, European states have fallen under its influence, the context of the statements often suggests that the government is indeed hinting at the EU and other strategic partners. Prime Minister Irakli Kobakhidze even accused EU Commissioner for Enlargement Oliver Varhelyi of "threatening his life" prompting an immediate [response](#) from the EU.

✗ Government officials refuse to hold high-level meetings with Western partners.

✗ "Georgian Dream" initiated a number of draft laws, thus further deepening the polarization and confrontation with the political opposition and civil society. Among such legislative initiatives are constitutional amendments prohibiting "LGBT propaganda" and the draft law "On Family Values and Protection of Minors". In addition, overcoming the veto of the president, "Georgian Dream" approved changes in the tax code (the so-called offshore law), as well as adopted new electoral changes (abolition of gender quotas); changing the decision-making procedure by the CEC, which means making decisions by simple majority instead of the previously existing qualified majority; and removing the 40% electoral threshold for majoritarian candidates in municipalities while allowing the determination of delegates under proportional election conditions.

✗ In addition, the ruling party disregarded the recommendations published by the Venice Commission in December 2023 and the President's motivated remarks regarding the electoral changes, and

overcame the President's veto, approved the changes to the Electoral Code and Rules of Procedures of the Parliament. According to the amendments, the ruling party will be able to elect the chairperson and professional members of the CEC without reaching a consensus with the opposition, which could be one of the steps to overcome polarization;

⌚ The CEC has developed a code of conduct for the parliamentary elections and sent it to the political parties for feedback. Signing the code is planned to take place after the completion of the registration procedures for electoral subjects;

✗ The parliamentary majority did not take into account the position of the opposition and civil society on important issues related to judicial and anti-corruption issues; Discussion of the issue of checking the integrity of judges (the so-called "vetting") deepened the polarization; Discussion of the issue of checking the integrity of judges (the so-called "vetting") deepened the polarization; Moreover, the so-called "Georgian Dream" Regarding the need for a vetting procedure, he responded to the statements of EU representatives, including the ambassador to Georgia, with a verbal attack and assessed the calls to check the integrity of judges as an interference in sovereignty and an insult; The reason for the controversy was also the decision of the City Court, which suspended the decree of the President of Georgia on the appointment of a non-judge member to the Supreme Council of Justice;

✗ 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.

✗ Political polarization appeared in connection with sports events and the field of culture, which, on the contrary, may have had the effect of unifying the society.

Challenges:

! Polarization is significantly fueled by the ruling party's attempts to change Georgia's foreign policy trajectory, expressed through its anti-Western rhetoric, the adoption of the so-called agents law, and the initiation of other legislative acts, as confirmed by high-level representatives of the European Union;

! The sharp rhetoric between the government and the opposition has not diminished; Political processes have become even more polarized ahead of the 2024 elections and especially after the adoption of the so-called Foreign Agents Law;

! No consensus was reached on important reforms regarding the 9-step implementation process;

! There was no distribution of power between the parliamentary majority and minority; Moreover, in the parliament of the next legislative term "Georgian Dream" plans to dissolve opposition parties and revoke the mandates they have obtained;

! The ruling party didn't approve the constitutional amendments approved in the first reading in September 2021 that involve lowering the threshold for parliamentary elections;

! The polarization between the ruling party and the president is growing and becoming offensive, which has hampered the appointments of high-

ranking officials, where cooperation between the president and parliament is required;

! Formats of cooperation between the government and the civil sector have been terminated and/or canceled; Verbal attacks and unfounded accusations continue against civil society and part of the media; It is expected that after the full implementation of the Foreign Agents Law and the first results, the relationship will become even more intense;

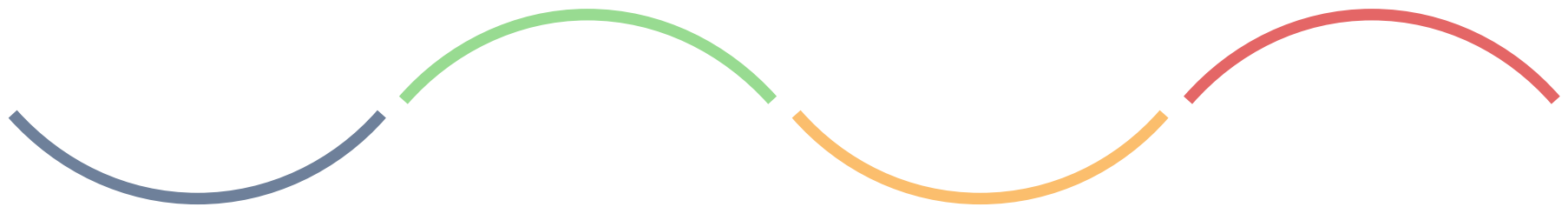
! The anti-Western rhetoric continues, including actions against European values, unfounded accusations, and instances of disinformation. Notably, there are allegations against the European Union and Western partners, the opposition, and civil society of attempting to orchestrate a coup, interfering in internal affairs, promoting non-traditional lifestyles, and trying to open a second front in Georgia;

! There is no political will for agreement on parliamentary appointments that require a high quorum. In some cases, Georgian Dream unilaterally adopts legislation without collaboration with the parliamentary opposition, lowering the required quorum from a high majority to a simple majority, thus disregarding 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:

✘ On May 15, 2024, an amendment was made to the "Electoral Code of Georgia," which granted parties the right to determine a candidate for parliamentary membership from among their party list as a candidate for delegation from any of the 30 districts specified in the annex of the same law. A member of the Parliament of Georgia designated as a candidate for delegation is considered a delegate for that district from the moment their parliamentary powers are recognized until those powers are terminated, provided that the party which designated them received the highest number of valid votes from voters participating in the relevant elections for the Parliament of Georgia in that district. It is noteworthy that the territory defined for the delegates' activity almost exactly coincided the 30 majoritarian districts that existed before the implementation of a fully proportional system for the 2020 parliamentary elections.

According to the assessment of ISFED, within the framework of the current, fully proportional electoral system, the presented initiative fails to ensure the real representation of the regions in the highest representative body of the country, it does not provide the institutional basis of the connection between the voter and the candidate, both in the process of voting and the distribution of mandates. Therefore, the presented change may mislead the voter. Furthermore, it is important to note that prompt responses to the needs of the local population, in accordance with decentralization standards, fall under the responsibility of the relevant municipal authorities.

✘ On May 15, 2024, an amendment was made to the "Electoral Code of Georgia," which abolished the required 40% threshold for selecting members of the municipal council based on a majoritarian electoral system.

✘ On May 15, 2024, an amendment was made to Georgia's organic law "Electoral Code," which abolished mandatory gender quotas for both parliamentary and municipal elections.

Additionally, changes were made to the "Law on Political Unions," which removed the 30% financial supplement established to increase women's representation on party lists.

The President of Georgia vetoed the adopted bills, which was not taken into account by the Parliament. These two amendments were negatively assessed by the [OSCE/ODIHR](#).

According to "ISFED," the abolition of mandatory gender quotas and financial allowances will adversely affect women's participation in politics and hinder the achievement of substantive gender equality. Notably, in 2020, the [OSCE/ODIHR](#) regarded the introduction of quotas for parliamentary elections as a significant step toward gender-balanced representation.

✘ On May 29, 2024, amendments were made to the organic law "On Political Associations of Citizens," stipulating that if a party fails to submit the legally required financial declaration to the Anti-Corruption Bureau for two consecutive years, or if all such financial declarations submitted to the Bureau over two calendar years show zero income and expenses, the Bureau may appeal the National Agency of Public Registry to revoke the party's registration.


According to ISFED, the revocation of a party's registration under the aforementioned circumstances could be considered an excessively harsh and disproportionate sanction.

This legislative package also included amendments to the "Electoral Code of Georgia," which granted the Anti-Corruption Bureau the authority to question and/or interrogate individuals before a magistrate judge for monitoring the financial activities of electoral subjects. Additionally, the Bureau can request necessary information, including special category personal data, other personal data, and confidential information (excluding state secrets as defined by Georgian legislation), from public


institutions, individuals, legal entities (including payment service providers), and other subjects.

On May 28, 2024, the Parliament of Georgia adopted the law on "Transparency of Foreign Influence." The discussion of the law took place amid ongoing protests, during which the government continued to use disproportionate force, mass detentions, inhumane treatment, and criminal prosecution to weaken the momentum of the demonstrations and punish activists. The President of Georgia vetoed the adopted bill, but Parliament overrode the veto.


According to ISFED the law undermines the electoral environment and poses a threat to the observation of parliamentary elections.

 On August 27, 2024, the President of Georgia issued a decree, according to which the next elections of the Parliament of Georgia were scheduled for October 26, 2024.


According to "Fair Elections," Georgia entered the official pre-election campaign period under conditions of strong political polarization, with an increase in anti-Western rhetoric. Several notable incidents emerged during the unofficial pre-election period, including five alleged bribery cases, the use of administrative resources, and several instances of interference and violence against the pre-election campaign.

 On March 19, 2024, changes were made to the "Electoral Code of Georgia," which altered the procedure for electing members and the chair of the Central Election Commission (CEC). In connection with this matter, the Rules of Procedures of the Parliament were also amended on February 20, 2024. Specifically, the chair and professional members of the CEC will once again be selected by the Speaker of the Parliament and submitted for approval to the Parliament, which can elect the candidates for a full term of five years by a simple majority. According to ISFED, these factors undermine the independence of the CEC and create risks of influence from a single party over the electoral administration. Additionally, the proposed changes do not address the main challenges in the selection process for the CEC chair and professional members and do not align with the recommendations from the EU, the Venice Commission, and OSCE/ODIHR.


On April 30, 2024, the Parliament elected Giorgi Kalandarishvili as the chairman of the CEC, and Maya Zaridze, Giorgi Sharabidze and Gia Tsatsashvili as members. It should be noted that they could not be elected with a high quorum (90 votes).

 2024 On June 27, amendments were made to the "Election Code of Georgia", according to which the advisory group of the CEC was abolished, which consisted of international and local experts selected by the Office of the Public Defender of Georgia and monitoring organizations. This advisory group provided recommendations to the CEC regarding the handling of electoral disputes.


According to the assessment of ISFED, the advisory group could have played a positive role in improving the fairness of electoral dispute resolutions, provided it was composed of reliable and objective individuals.

 On June 27, 2024, the decision-making procedure of the Central Election Commission (CEC) was also amended. According to the new rule, if the CEC fails to make a decision requiring the support of at least two-thirds of its full membership (12 votes), the same decision can be re-voted during the same session and will be considered adopted if it receives a simple majority (9 votes).

These changes reduce the possibility of consensus-based decision-making. The President of Georgia vetoed this bill, but the Parliament overrode the veto.

 On August 16, 2024, a resolution adopted by the Central Election Commission (CEC) changed the timelines for the distribution of functions among the members of the precinct electoral commissions. According to the new rule, the draw must be conducted in all polling stations in advance, no later than the seventh day before the election day.

ISFED assessed that this resolution is problematic for several reasons, primarily because it contradicts the "Electoral Code." Additionally, it creates potential risks for pressure on commission members and complicates the ability to observe the draw procedure.

 The Central Election Commission of Georgia is conducting a large-scale information campaign regarding electronic technologies.

Challenges:

! The electoral threshold set for the 2024 parliamentary elections is 5%, which poses a high barrier in the current political context and may lead to problems regarding adequate representation of voters. Political parties reached an agreement mediated by Charles Michel, President of the European Council, on April 19, 2021, to reduce the electoral threshold to 2% for the next two elections. Constitutional changes regarding this issue have only been approved on the first reading, and the ruling party has refused to implement the agreement after withdrawing from it;

! There has been no public information regarding the investigation into the facts presented to the Prosecutor General's Office about electoral violations in July 2022. According to ISFED an investigation has been initiated, but additional details related to the investigation have not been provided to by the relevant authorities at this stage;

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

! The changes regarding the composition of the CEC still allow for the professional members to be elected unilaterally by the ruling party, maintaining a one-party influence over the commission;

! The changes adopted by the CEC regarding the new decision-making procedure reduce the possibility of consensus-based decision-making;

! 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;

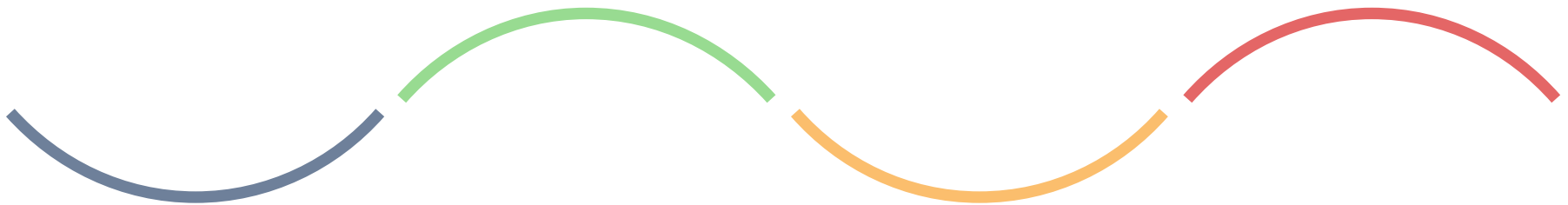
! The resolution adopted by the CEC regarding the change in the term of the lot for the functions of the members of the Precinct Election Commission does not meet the requirements of the "Election Code", creates the risk of pressure and influence on the members of the Precinct Election Commission,

! The decision made by the CEC regarding the changes to the deadlines for the drawing of lots for the functions of precinct electoral commission members does not meet the requirements of the Electoral Code. It creates risks of pressure and influence on precinct electoral commission members and complicates the ability of electoral monitoring organizations to fully observe this process.

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

(As of April 1, 2024)

⌚ 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, representatives of security agencies were not invited to parliamentary committees and plenary sessions;

✓ On March 11, opposition female MPs addressed the Minister of Internal Affairs with questions on the issue of domestic violence and violence against women.

⌚ 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;

✗ Until April 1, 2024 representative of the opposition did not attend any of the 4 meetings held by the group of confidence;

✔ 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.

(As of April 1 – September 9, 2024)

✗ Teona Akubardia, a candidate for membership in the Trust Group, supported by the parliamentary political group, is still undergoing clearance checks for access to state secrets as of September 9, in accordance with Georgia's Law on State Secrets.

✗ MP Teona Akubardia submitted her application for the 5th member position in the Trust Group at the beginning of March. According to

Georgia's Law on State Secrets, the State Security Service of Georgia is responsible for conducting the clearance process for access to state secrets within three months of the submission of the relevant documentation. This period may be extended, but for no longer than three months, with the approval of a superior officer overseeing the unit conducting the clearance procedure.

✗ On April 5, 2024, by the order of the Prime Minister, Irakli Beraia, by that time chairman of the Defense and Security Committee (and therefore the Trust Group), was appointed as the head of the Intelligence Service. As a result, the Trust Group now has only three members. Since then, the parliamentary majority has had only two members in the Trust Group instead of three;

✗ Decisions at the Trust Group meetings are made by the majority of its members. The reduction of its members (with two from the majority and one from the opposition) has brought the group's work to a standstill. During the reporting period, no Trust Group meetings were held.

✗ Despite numerous alleged instances of excessive use of power by the Ministry of Internal Affairs during large-scale protests in April and May, the Georgian Parliament has not exercised effective oversight in this direction. Mechanisms such as interpellation or summoning the Minister of Internal Affairs to committee hearings were not employed.

⌚ Of the 16 written inquiries sent to the Ministry of Internal Affairs during the reporting period, one remains unanswered (the deadline for a response has passed, per regulations). Three of the questions related to the protests in April and May, and the reactions from the Ministry of Internal Affairs were formal and did not adequately address the raised concerns. During the reporting period, only one MP, Teona Akubardia, submitted questions to the Ministry of Defense- a total of 11 inquiries. Two of these (one asking for the submission of the Defense Strategic Review Action Plan and another regarding the amount of funds frozen for defense from Western countries) remain unanswered (with deadlines

having passed per regulations). During the reporting period, the State Security Service received the fewest inquiries among the security sector institutions, with only two questions submitted, both by MP Teona Akubardia. None of these inquiries came from members of the parliamentary majority.

✓ On April 19, the Minister of Internal Affairs appeared before the Parliament's plenary session in an interpellation procedure. Questions from opposition female MPs (submitted on March 11) focused on cases of domestic and gender-based violence.

Election Administration:

✗ On March 19, 2024, amendments were made to the "Election Code of Georgia," changing the rules for electing members and the chairperson of the Central Election Commission (CEC). On February 20, 2024, changes to the "Rules of Procedure of the Parliament of Georgia" on the same matter were introduced. Specifically, the Speaker of Parliament will continue to select candidates for the CEC chairperson and professional members and present them to Parliament, which may now elect these candidates for a full 5-year term by a simple majority². According to "ISFED," these factors undermine the independence of the CEC and increase the risk of one-party influence over the electoral administration. Additionally, the discussed changes fail to address key challenges in the election of the CEC chairperson and professional members and do not consider the recommendations of the European Union, the Venice Commission, and OSCE/ODIHR.

Giorgi Kalandarishvili applied for the position of CEC chairperson, while Lukhumi Burjaliani, Maia Zaridze, Giorgi Sharabidze, and Gia Tsatsashvili applied for three vacant CEC member positions. On April 30, 2024,

² A candidate is considered elected if they receive the support of no less than three-fifths (90 votes) of the full composition of Parliament during the vote. If the CEC member is not elected in the first round of voting, the candidate will be

Parliament elected Giorgi Kalandarishvili as the CEC chairperson, and Maia Zaridze, Giorgi Sharabidze, and Gia Tsatsashvili as members. Notably, they were not elected by a high quorum of 90 votes.

National Bank of Georgia:

⌚ Currently the National Bank's board consists of five members, including the First Vice President and two Vice Presidents. Four positions remain vacant due to the resignation of three board members in September 2023, following events surrounding Otar Partskhaladze, the former Prosecutor General sanctioned by the U.S. (one of these members was due to complete their term in December), and the expiration of another member's term in December 2023. The selection process for filling the four vacant positions began on February 7, 2024, and concluded on March 1, with 28 applicants submitting their candidacies to the President's administration.

✗ Soon after, the President of Georgia issued a decree establishing an independent commission to select candidates for the National Bank's board. However, the ruling party criticized the commission's composition, accusing President Salome Zourabichvili of engaging in destructive actions and sabotaging the banking system. The party also objected to the inclusion of a former board member who had resigned in September, labeling them an "activist of the United National Movement." The President's administration officially invited Parliament to observe the commission's work, but this offer was rejected. As a result of the commission's work, five candidates were presented to the President, from which Salome Zourabichvili selected only one (Ekaterine Ghazadze) and submitted her nomination to Parliament for approval on May 24, 2024. However, "Georgian Dream" refused to consider the nomination,

subject to a second vote. In the second round, a candidate is deemed elected if they secure the support of the majority of the full composition of Parliament (76 votes).

conditioning further discussion on the submission of candidates for all four vacant positions. The candidate was not discussed during the extraordinary session held on July 18.

✗ Despite optimistic statements by the acting President of the National Bank, Natia Turnava, during a joint briefing on March 18, 2024, with Subir Lall, Deputy Director of the IMF's Middle East and Central Asia Department, the IMF program has not been restored. According to Andrew Jewell, the IMF's resident representative, the program could resume if the Georgian government demonstrates readiness to fulfill its obligations, which includes ensuring the independence of the National Bank and reforming state-owned enterprises. He also noted that during an election year, the government might not be willing to implement financial reforms, potentially delaying the program's resumption until 2025, when negotiations on a new program may begin.

According to the Minister of Economy, there are many nuances in the reform of state-owned enterprises, and negotiations with the IMF on this matter are ongoing.

✗ The National Bank's order regarding exceptions in the enforcement of financial sanctions imposed by the EU, U.S., and UK has not yet been revoked.

🕒 The U.S. State Department positively [assessed](#) the National Bank of Georgia's efforts in monitoring and enforcing financial sanctions.

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 nongovernmental 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.

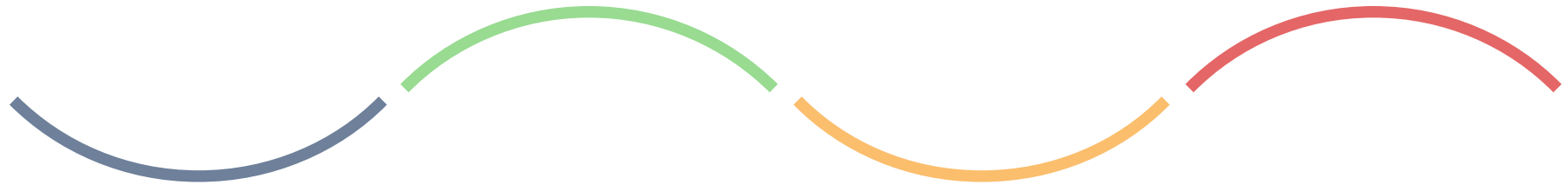
Georgian National Communications Commission:

- ! 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 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

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. This mechanism would apply in cases where the candidate with the highest score based on competence criteria in the shortlist fails to secure the support of two-thirds of the council members, after which, according to organic law, no further votes are cast for the remaining candidates. The Venice Commission, in its opinions published in 2019, 2020, and 2021, emphasized the necessity for the organic law to establish such an effective anti-deadlock mechanism.
- 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 of judges with qualified and conscientious candidates, eliminate the voting process in the so-called "second round" of the judicial competition and establish a merit-based appointment system.
- 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:

✘ In February 2024 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 ruling party, Georgian Dream, [refused](#) to create a mechanism for verifying the integrity of candidates and judges appointed to various leading positions (members of the High Council of Justice, Supreme Court judges, and court chairpersons), with the involvement of international experts. According to the Prime Minister, this issue is [closed](#) for them. Government representatives [stated](#) that such a mechanism contradicts the Constitution of Georgia and poses a threat to the independence of the judiciary. Consequently, no steps have been taken in this direction. In March 2024, the issue of integrity verification was also negatively addressed by the Supreme Court of Georgia, whose official statement was later discussed at a judges' conference attended by 295 judges. According to the statement published on the High Council of Justice's website, the so-called "vetting" fundamentally and significantly violates the independence of the judiciary and individual judges. On March 22, 2024, the European Union reaffirmed this stance in a [special statement](#), urging the Georgian authorities to cease attacks on individual judges who expressed differing opinions on integrity checks. It emphasized that to address the systemic deficiencies within the judiciary, Georgia should

establish a special system for integrity check of judges, with a crucial role for international experts.

✘ No measures have been taken to establish a system of continuous and periodical verification of declarations of the property status of judges; On April 5, 2024, it was [reported](#) that four judges, including Mikheil Chinchaladze and Levan Murusidze, halted the anti-corruption bureau's examination of their assets through the court system. In June 2024, Studio Monitor produced an investigative film regarding the alleged undisclosed assets of Levan Murusidze, a member of the High Council of Justice and one of the leaders of an influential group of judges, who is sanctioned by the United States. No information has been released regarding the initiation of an investigation into this matter.

✘ 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;

In March 2024, the composition of the High Council of Justice was renewed, with two judicial members replaced. Specifically, Badri Shonia and Paata Silagadze, who participated in the competition for the selection of Supreme Court judges, resigned from their positions in the High Council of Justice. On March 24 of the same year, influential judges Vasili Mzhavanderadze and Levan Tevzadze were elected in their place during the judges' conference.


As for the decision-making procedure of the Supreme Council of Justice regarding disciplinary measures, according to the legislative amendments, 2/3 majority of the full composition of the Council is required to decide on the disciplinary liability of a judge. However, according to the [opinion](#) of the Venice Commission, the support of even one non-judge member is sufficient. The balance between judicial and non-judicial members in the decision-making process remains unaddressed. Accordingly, the [recommendation](#) of the Venice Commission, which refers to the participation of at least three non-judge members to decide on disciplinary measures, is not taken into account.

Only a small part of the recommendations concerning changes in the election procedures of members of the High Council of Justice have been taken into account, in particular, the [draft law](#) extends the rule of staggered election to non-judge members of the High Council of Justice; Legislative amendments adopted on May 29, 2024, increased the time-frame for the staggered election of judicial members, stipulating that the election of more than four judge members is prohibited within any six-month period, instead of three months. A similar six-month period applies to the staggered election of non-judge members, thus prohibiting the election of more than four members of the High Council of Justice by the Parliament of Georgia within the same session (Article 47, Paragraph 12).

In July 2024, the term of office of Tamar Gvachava, a member of the High Council of Justice appointed by the President of Georgia, expired. To select a new member, a public competition was announced on July 21 by the President, and a selection commission for candidates for the High Council of Justice was established to prepare proposals for the President. Following public interviews with candidates, the commission presented two candidates—Giorgi Burjanadze and Kakha Tsikarishvili—to the President. Kakha Tsikarishvili was appointed as a member of the High Council of Justice by the President. However, based on a complaint from one of the candidates, Manuchar Kakochashvili, the Tbilisi City Court issued a ruling on July 22 suspending the President's decision on the appointment of Kakha Tsikharishvili and prohibiting the president from holding a new competition until a final court ruling is made, effectively undermining the President's constitutional authority and indicating support for the influential group within the judiciary.

As a result, the High Council of Justice is now nearly fully comprised (14 members) of individuals affiliated with this influential group within the judiciary.

Selection of Supreme Court Judges:

 Based on legislative changes, 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. Notwithstanding the Venice Commission's critical assessment, the phrase

"members of the High Council of Justice take into account the decisions of the Supreme Court's Qualification Chamber," as indicated in the draft law initiated in September 2023, has been maintained unchanged in Paragraphs 12 and 13³ of Article 343 of the organic law.

✘ 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. No initiatives have still been proposed regarding these issues.

⌚ According to the initial version of the draft law, the minimum required professional experience for candidates for the Supreme Court judges was increased from 5 years to 10 years. However, since the qualification requirements for candidates for the Supreme Court judges are defined by the Constitution of Georgia, this matter requires a change of constitutional norms. Instead of beginning work on constitutional amendments, the ruling party changed the provision of the draft law adopted in the first reading and declined to increase the minimum professional experience for candidates for the Supreme Court judgeship to 10 years. Consequently, the amendments to the organic law adopted on May 29 no longer include the increase of the minimum threshold from 5 years to 10 years.

The minimum age requirement for candidates for the Supreme Court judges also remains unchanged, which likewise requires a change in constitutional norms.

✘ 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, and 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;

On the contrary, the High Council of Justice does not fully and timely publish its decisions and minutes on its official website; it systematically violates the obligations set forth by the organic law and fails to publish

information about meetings and the agenda three days before the start of the meeting; it does not adequately provide public information, and thus the condition related to the accountability and transparency of the Justice Council remains unfulfilled. Moreover, instead of improving accountability and transparency standards, the High Council of Justice has completely disregarded the principles of publicity and transparency in the activities of constitutional bodies and has become even more closed. In April of this year, the Council established an artificial barrier to obstruct the monitoring of its meetings, prohibiting representatives of organizations and the media from entering the building before the start of meetings. In July of this year, attendance at Council sessions was allegedly prohibited by the oral directive of the Secretary of the High Council of Justice, citing completely vague reasons. No written justification for this decision has been published.

Similar to the High Council of Justice, the standards of transparency and accountability have significantly deteriorated in the activities of the Independent Inspector's Office. Specifically, for the first time since its establishment, as of September 2024, the office's official website still has not published the Inspector's report on activities for the previous year (2023).

✗ The legislative changes adopted on May 29 of this year stipulate that the full text of a judicial act adopted in an open court session becomes public information immediately upon its adoption and must be issued according to the established procedure for the release of public information. The depersonalized text of the court act must be published on the appropriate website after its adoption. According to the changes in the organic law, no one has the right to publish the text of this act without its depersonalization. The determination of the appropriate website for the publication of the depersonalized text of the court act falls under the authority of the High Council of Justice and the court. Despite the legislative changes, the public availability of judicial acts is not ensured in line with established procedures. Moreover, from April 30, 2020, to the present, the court's website (www.ecd.court.ge) has not published any decisions made by the court.

✗ 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; Regarding this issue, nothing has changed in the current reporting period.

✗ 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. In May 2024, the High Council of Justice appointed 21 judges for lifetime tenure, who had been appointed with a 3-year probationary period on June 18, 2021. Consequently, no new personnel have entered the judiciary system. The Council unanimously supported the appointment of all of them.

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 Dzierishvili. 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;

The High Council of Justice presented three candidates to the Parliament of Georgia for the position of Supreme Court judge: Badri Shonia, Gocha Jeiranashvili, and Gizo Ubilava. The Parliament elected all three candidates as Supreme Court judges. Consequently, the Supreme Court is nearly fully staffed with judges appointed for lifetime tenure.

On May 31, 2024, the High Council of Justice announced another competition for selecting a Supreme Court judge. It is noteworthy that this competition was announced approximately one year in advance, as the term of the current judge, Ekaterine Gasitashvili, expires in June 2025. After interviewing the candidates, the High Council of Justice submitted her candidacy to the Parliament for selection.

The process for the election of Nikoloz Marsagishvili in the Parliament began on September 5, 2024. Specifically, the Legal Affairs Committee formed a working group to determine the compliance of the Supreme Court judge candidate presented by the High Council of Justice with the requirements of Georgian legislation.

✘ 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 prosec-

utor 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.

It is also noteworthy that on July 18, the Parliament elected Giorgi Gabitashvili to the position of General Prosecutor with 80 votes in favor and none against, following the resignation of Irakli Shotadze from the position in May of this year.

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. Despite numerous reports in the media regarding the alleged ownership of assets incompatible with the property declaration by an influential judge, the authorities have yet to react to these facts, and work on establishing a system for periodic and permanent verification of judges' financial statuses has not even started.

! 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. Moreover, the council has become even more closed and opaque, as it created obstacles for monitoring its meetings starting in April 2024, and from July of the same year, attendance by representatives of non-governmental organizations and the media at council meetings has been completely prohibited.

! 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;

! 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;

! The accountability and transparency of the High Council of Justice have further diminished. It does not provide public information requested by civil society organizations, which complicates the effective monitoring of its activities and negatively affects the quality of accountability and transparency. Since July 2024, the council's sessions have been completely closed to the public.

! 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 hearing, 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;

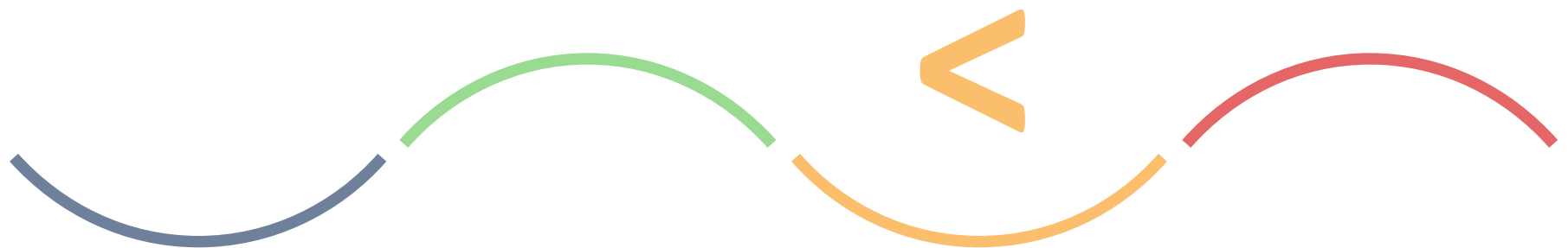
! There are not enough judges in the judiciary, which is one of the reasons why the judiciary is overloaded and cases are delayed;

! 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



EU Requirement:

Partially fulfilled

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:

- 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 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, 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", which were adopted on 29 Mai 2024. The challenge is that the amendments only minimally address the recommendations made by the Venice Commission and do not cover key areas related to the independence, impartiality, trust, and effectiveness of the Anti-Corruption Bureau. This shortcoming is gradually becoming apparent at the normative level; for example, [on April 5, 2024](#), judges suspended the verification of asset declarations through the court. There are also [clear signs](#) indicating that the Anti-Corruption Bureau is misusing its mandate to support the ruling party during the pre-election period.


 According to the amendments adopted on May 29, 2024, the law specifies some issues related to the Anti-Corruption Bureau highlighted by the Venice Commission, including protection of immunity of the head of the Anti-Corruption Bureau - which protects him/her from criminal prosecution, arrest, and search without the prior consent of the Parliament of Georgia and waiver of accountability to the Interagency Anti-Corruption Council.


 In the first quarter of 2024, information circulated that the process of developing a new anti-corruption strategy and action plan was underway. To date, nothing is known about this strategy and action plan


 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 included the amendments to the Law of Georgia "On the Fight against Corruption" which were adopted on 29 May 2024. However, in addition, according to the plan, the issue of Expansion of the circle of persons subject to


mandatory declaration of the property status should be addressed through amendments. The spring session has ended without the fulfillment of this obligation.

 The Anti-Corruption Bureau is not given the authority to investigate corruption cases. This power will remain with the various agencies and parliamentary discussions on this matter have been suspended.

 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;

 According to the Venice Commission's opinion, the accountability of the Anti-Corruption Bureau to both Parliament and the Interagency Anti-Corruption Council, along with the appointment and dismissal of the Bureau's head by the Prime Minister, effectively created a "triple accountability." According to the Venice Commission's recommendations, the Anti-Corruption Bureau should only be accountable to Parliament. The changes made on May 29 abolished the Bureau's accountability to the interagency council and established immunity for the Bureau's head. However, the rules regarding the appointment and/or dismissal of the Anti-Corruption Bureau's head, which would affect the reduction of the Bureau's accountability to the Prime Minister, remained unchanged, failing to ensure real accountability before Parliament at the normative 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 adopted on 29 May 2024, if an official fill in the declaration incorrectly, the Anti-Corruption Bureau may identify a deficiency, which must be corrected within one month. The amendments impose a direct 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 haven't implemented the recommendations issued in previous OECD/ACN rounds.

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;


! The Government of Georgia has still not returned to the OECD Anti-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;

! The anti-corruption reform has been suspended, and there is no ongoing parliamentary discussion on the key reforms necessary to meet the requirements related to step N7. The deficiencies of the anti-corruption reform began to be revealed in practice.

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.

 In February 21, 2024, the ruling party initiated a legislative package that includes draft laws amending the laws of Georgia "On Special Investigation Service" and "On Protection of Personal Data". According to the explanatory note of the draft law, the need for the adoption of the proposed amendments were the obligations deriving from the 9 steps of the European Union. Draft amendments were adopted on 29 May 2024.

According to the amendments:

- 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 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.

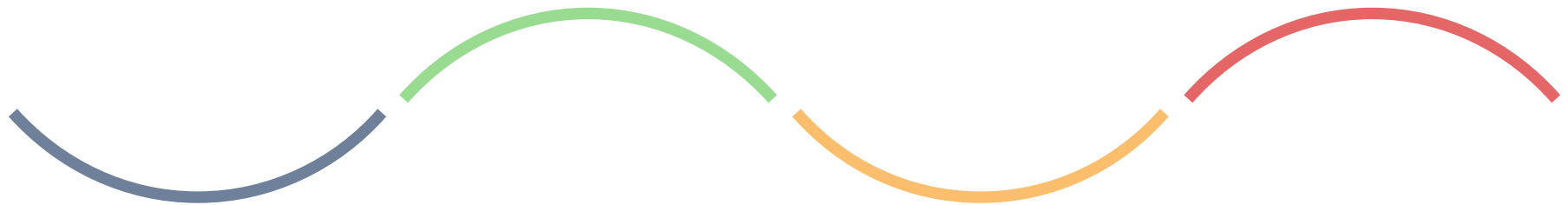
Challenges:

- ! Although the 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;
- ! The Special Investigation Service is conducting ineffective investigations into cases of violence by law enforcement agencies against protesters during the parliamentary discussions of the Russian-style agents' law. The Personal Data Protection Service, through its statements, indirectly supported Russian law and attempted to moderate legal issues related to personal data. Overall, we believe this confirms that Georgia still has further steps to take in strengthening the independence and impartiality of these institutions.

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". As of September 9, 2024, no key reforms have been implemented in Georgia that would have a positive impact on reducing oligarchic influence within state institutions.


 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; There is no available information regarding the implementation report of the current version of the de-oligarchization action plan.


 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.

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

 As of September 9, 2024, no key institutional reform has been implemented in Georgia that would reduce oligarchic influence in state institutions. Furthermore, such reforms have not been included in the de-oligarchization action plan. Work on essential reforms needed for de-oligarchization in Georgia remains suspended.

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:

- The repeal of the Russian-style law and the reversal of the current course, which endangers Georgia's path toward the European Union and effectively [halts](#) the accession process.
- 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;
- Legal response to the cases of excessive force and disproportionate measures used during the protests held in April and May 2024 against the "Foreign Influence Transparency" (Russian law);
- 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;
- The development of the National Gender Equality Plan should take into account all international recommendations for Georgia, particularly the need to fully align Georgian legislation with the Istanbul Convention.

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.
- Effective response and investigation of cases involving the persecution of civil activists (including through phone calls), physical violence, and damage to the offices of non-governmental organizations and the personal property of their employees;
- Ensuring the unhindered involvement of civil society in pre-election and electoral processes.

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;
- Working on the qualification enhancement of judges and law enforcement officials (especially in the regions) regarding crimes related to gender-based violence to ensure gender sensitivity and victim-centered justice;
- Restoring legislation related to gender quotas and promoting women's political representation.

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 May 28, 2024, the Parliament of Georgia adopted the Russian-style law (the "Law of Georgia on the Transparency of Foreign Influence"), which stigmatizes civil society and media organizations, thereby restricting their operational space. The process of initiating and adopting this law took place along with severe and [systemic human rights violations](#). Despite the European Union's repeated and clear [statements](#) that the law's spirit and content are incompatible with the EU's core norms and values, no steps have been taken to repeal the law.
- ✗ In April and May 2024, mass protests against the Russian-style law took place amidst severe human rights [violations by the state](#), including alleged cases of inhumane and degrading treatment by law enforcement officers. However, neither the Special Investigation Service nor the Prosecutor's Office of Georgia has yet provided information regarding the identification or prosecution of police officers responsible for the violence during the protests. Incidents of excessive force and disproportionate measures used during the March 7-9, 2023 protests remain uninvestigated to this day.
- ✗ Investigations into the obstruction of journalistic activities tend to be initiated biasedly in cases involving pro-government propaganda media, while they are ineffective or not initiated at all when it comes to opposition or neutral media outlets.
- ✗ Active members and leaders of civil society are consistently targeted by government propaganda, which manifests in the dissemination of disinformation on social media using their names, as well as offensive posters and election campaign videos featuring their images.
- ✗ None of the organizers of the July 5, 2021 violence have been prosecuted. There is a noticeable trend of violence and harassment against critical journalists ([GYLA, Georgia in 2023, Assessment of the Rule of Law and Human Rights, 2024](#)). Additionally, during the protests against


Russian law, incidents of violence and obstruction of journalists' [work were recorded](#).

- ✗ 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; According to the [Public Defender](#), the National Human Rights Strategy should not be considered a comprehensive and full-fledged policy document, as it completely neglects the rights and issues related to LGBTQI+ individuals, unlike other social groups. The Public Defender further explains that the same problematic approaches are reflected in the National Action Plan for Human Rights for 2024-2026, approved by the government. Additionally, the National Human Rights Strategy (2024-2026) was not developed through active engagement (consultations, meetings, collaborative work) with civil society. It only involved a one-time, written input, the content of which was not considered in the final draft.
- ✗ Instead of enhancing LGBTQI+ rights in the Human Rights Strategy and the 2024-2026 Action Plan, and strengthening the enforcement of anti-discrimination legislation, the government initiated two discriminatory bills on April 3, 2024: the draft constitutional law on "Amending the Constitution of Georgia" and the draft constitutional law on "Family Values and the Protection of Minors." Additionally, on September 4, 2024, Parliament supported a legislative package with similar content on the second reading, which entails the adoption of a new law on "Family Values and the Protection of Minors" and amendments to 18 existing legislative acts. These drafts do not comply with European and international standards, and even their mere initiation poses a [risk](#) of reinforcing a hostile and stigmatizing atmosphere towards LGBTQI+ individuals. On September 6, 2024, the Council of Europe's Commissioner for Human


Rights addressed a [letter](#) to the Speaker of Parliament, urging the MPs to refrain from adopting the draft law on "Family Values and the Protection of Minors" and from using stigmatizing rhetoric against LGBTQI+ individuals.


 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 Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM) [criticizes](#) the policy documents developed by the government for their incompatibility with the principles of inclusivity and equality. It argues that the action plan and national strategy do not adequately reflect the needs of ethnic minorities (§40).


 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.


 In the gender equality action plan developed separately in 2022, which includes the national strategy for combating domestic violence and violence against women, the GREVIO recommendation regarding the implementation of gender/domestic violence qualifications in cases of violence among intimate partners is still not addressed.


Improving the rights of civil society

 On August 1, 2024, the Minister of Justice of Georgia approved the "Rules for the Registration, Submission of Financial Declarations, and Monitoring of Organizations Pursuing Foreign Interests," which also approves the forms through which organizations must provide information about their activities on the website created by the Ministry of Justice. According to the Venice Commission's [assessment](#), the monitoring rules stipulated by the law could pose a significant financial and organizational burden on organizations and their staff, hindering the implementation of their core functions.

 Investigations initiated into the persecution of civil activists (including through phone calls), physical violence, and damage to the offices of non-governmental organizations and the personal property of their employees are proceeding ineffectively, without any legal outcomes.

 The discrediting discourse directed against 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, [Attacks](#) on NGOs with reference to their foreign funding also continued;

 The "Georgian Dream" prepared and presented a superficial [study](#) regarding the funding of the CSOs. Despite the methodological flaws, manipulative nature, and several mistakes and inaccuracies, the "Georgian Dream" once again accused the civil sector of lacking transparency based on this study.

 Functioning of the "Civic Advisor Council" envisioned by the Local Self-Government Code is less active. 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;

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

Women's rights

✗ The mandatory gender quota in Parliament and local self-government bodies has been abolished, which weakens the existing mechanisms for achieving equality. The abolition of gender quotas has also been negatively assessed by the [Venice Commission](#). It is noteworthy that achieving gender equality was one of the [12 priorities](#) set by the European Commission for granting Georgia a European perspective, and it was considered fulfilled at that time.

✗ The Public Defender's 2023 report emphasizes that the judiciary and law enforcement agencies still struggle to identify gender-motivated crimes.

✗ The current legislation still does not fully comply with the Istanbul Convention, specifically, the definition of rape does not rely on the absence of consent.

Ethnic minorities

✗ The Advisory Committee of the Framework Convention for the Protection of National Minorities, in its latest [report](#), points to the ineffectiveness of the legal framework for the protection of ethnic minorities and the need to strengthen its implementation mechanisms. The existing anti-discrimination legislation is problematic due to its application and low appeal rates. Moreover, ethnic minorities face significant shortcomings in exercising the rights enshrined in the Framework Convention for the Protection of

National Minorities, particularly regarding access to quality education and effective participation in socio-economic and political life (§35).

⌚ 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;

⌚ In the report on the 2023-2024 Action Plan for the State Strategy for Civic Equality and Integration, the Office of the State Minister of Georgia for Reconciliation and Civic Equality notes that in 2023, 11.7% more students from ethnic minorities participated in the "1+4 Educational Program" compared to 2022. Since the start of this program, the number of students has increased fivefold (pp. 7-8).

⌚ Despite the increase in access to higher education, access to preschool and general education remains a challenge for ethnic minorities. According to the Public Defender's [assessment](#), the reforms implemented in the education system do not adequately address the issues faced by ethnic minorities, resulting in non-Georgian language schools/sectors still facing numerous problems. Beyond infrastructural issues, there is still a lack of qualified personnel and quality educational materials in regions populated by ethnic minorities (§123-133)

✗ During the reporting period, the government has not taken effective steps to improve the social and economic integration of ethnic minorities. The language policy chosen by the state significantly reduces the chances for ethnic minorities to actively participate in social and economic life, especially in interactions with administrative bodies and in effectively

accessing state services. According to their assessment, 63% of ethnic minorities recognize Georgian letters poorly or very poorly and can read words. 60% can communicate with Georgian-speaking individuals very poorly or poorly. A large portion (84%) struggles to read Georgian literature and understand the content of texts very poorly or poorly.

✘ The state lacks a clear vision for the social and economic integration of ethnic minorities, which is confirmed by the report on the implementation of the State Strategy for Civil Equality and Integration Action Plan for 2023-2024. The Office of the State Minister of Georgia for Reconciliation and Civic Equality primarily views infrastructural projects as a facilitating factor for the social and economic integration of ethnic minorities, which is insufficient for the multifaceted process of their socio-economic integration (p. 8).

✘ There are no official statistics that would serve as a tool for measuring the socio-economic participation of minorities in various areas. Within the framework of the integration action plan, the state has committed to producing such statistics. The existence of this data would highlight the areas where positive state intervention is needed to address the socio-economic marginalization of minorities. According to the [assessment](#) of the Advisory Committee on the Framework Convention for the Protection of National Minorities, without the collection of disaggregated data, it is impossible to develop socio-economic development programs tailored to ethnic minorities and to assess their effectiveness (§168).

✘ During the reporting period, the state did not strengthen the quality of employment, political representation, and participation of ethnic minorities in public service, nor did it enhance their access to local self-government activities and state services by creating translation resources.

✘ According to the Public Defender's 2023 parliamentary [report](#) on the state of human rights and freedoms (pp. 307-308), national minorities are still very rarely represented in the central government bodies, similar to previous years. This is also noted in the conclusions issued by the UN Human Rights Committee based on the evaluation of Georgia's fifth

periodic report. The representation rate of minorities in self-governments where ethnic minorities are compactly settled is also low;

✘ According to the ISSA study, only 36% of employees in the Marneuli municipality administration are from ethnic minorities, while the total percentage of ethnic minorities in Marneuli municipality constitutes 91.4% of the population. In the Bolnisi municipality administration, this figure is even lower, at just 14%, while ethnic minorities make up 69.1% of Bolnisi municipality. In the Dmanisi municipality administration, only 21.5% of employees are from ethnic minorities, although ethnic minorities account for 66.9% of Dmanisi municipality. The situation is also critical in the Sagarejo municipality (Study on the Participation of Ethnic Minority Representatives in Political Life, ISSA, 2019, p. 78);

✘ The Georgian government does not conduct official statistics on the number of representatives of ethnic minorities employed in the public service. The lack of a unified practice for collecting data on the ethnic origins of public servants nationwide and the absence of reliable statistical information fundamentally precludes a factual examination of the employment quality of ethnic minorities and the improvement of existing practices;

✘ No formal, regular, and democratic consultative platforms have been established at the government and parliamentary levels for the inclusive participation of ethnic minorities, and according to the integration action plan, there are no plans to create such platforms in the near future.

✘ The state has not taken effective steps to improve the existing consultative platforms. According to the Public Defender's assessment, the current consultative mechanisms do not meet the standards set by the Advisory Committee of the European Framework Convention for the Protection of National Minorities. The obligation to cooperate with and consult the consultative bodies is not outlined in the legislation. The involvement of consultative bodies in the decision-making process is not regular, and thus the activities of consultative mechanisms lack a form of institutionalized dialogue with the highest organs of legislative and

executive power in Georgia (p. 307). The UN Committee on the Elimination of Racial Discrimination also calls on the Georgian government to strengthen the consultative mechanisms, as noted in the conclusions issued based on the evaluation of Georgia's ninth and tenth combined periodic [reports](#) (§12).

✗ Despite the latest recommendations from the Council of Europe, the consultative platforms for ethnic and religious minorities under the Public Defender's Office have not been strengthened. The competencies and roles of the councils for ethnic minorities and religions remain unclear.

✗ 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;

Religious minorities

✗ The government has not taken effective steps to protect the rights of religious minorities and to develop relevant policies. According to the Advisory Committee of the Framework Convention for the Protection of National Minorities, the Georgian Orthodox Churches continue to enjoy privileges, including reduced tax and property obligations (p. 4). Furthermore, the proposed legislative changes exempt only Orthodox clergy from the obligation to serve, which, in the committee's view, indicates unequal treatment of religious confessions by the state.

✗ Observation of current processes shows that the state is failing to address the challenges faced by the Georgian Muslim community regarding their security, freedom of religion, and protection of equality. The Muslim population in Adigeni can no longer gather weekly for prayers, as this collective practice is unacceptable to representatives and members of the local Orthodox Church. On March 8, 2024, the owner of a building used for religious purposes, Imam Merab (Yusuf) Mikheladze, was subjected to violent threats and hate speech. The incident was repeated on April 5. The state has been unable to regulate the conflict on the ground and to resolve the issue in a way that would ensure both local security and the freedom of religion for the Muslim community, while also preventing the escalation of the situation in the long term. Unfortunately, the state has not initiated any investigations into the incidents, despite the presence of signs of crimes such as the illegal obstruction of the enforcement of religious rites and persecution.

✗ The issue of returning (restitution) religious buildings historically owned by their rightful owners, confiscated during the Soviet era, remains a challenge (p. 174). Unfortunately, no steps have been taken to document and assess the damage caused to religious communities in Georgia by the Soviet regime and the amount of confiscated property.

✗ For several years, the Public Defender has issued a recommendation to Parliament urging the legislative body to include an alternative legislative provision in Georgia's Labor Code, allowing non-Orthodox populations to have guaranteed time off during their religious holidays if they wish. However, this recommendation has not yet been implemented (p. 174).

✗ The discriminatory administrative practice regarding the issuance of construction permits for religious buildings for religious minorities remains unresolved. The Public Defender regrets the situation concerning the construction of a new mosque in Batumi and believes that the decision to deny the mosque's construction was made by the responsible

administrative body without investigating significant circumstances or providing adequate justification (p. 180).

LGBTQI+ people

✗ The rights of LGBTQI+ individuals remain a significant challenge. Members of the community continue to be victims of violence, discrimination, and harassment.

✗ On April 4, 2024, "Georgian Dream" initiated a homophobic constitutional amendment. The first five articles of the new constitutional law on "Family Values and Protection of Minors" contain provisions directed against individual identity and personal life, including a ban on trans-specific health services and legal recognition of gender, while the last three address restrictions on assembly and dissemination of information.

✗ "Georgian Dream" does not have a constitutional majority in Parliament, making it impossible for the current Parliament to gain the necessary votes for constitutional amendments. As a result, on June 4, 2024, the ruling party initiated a new, extensive package of 19 legislative proposals that restrict the rights and freedoms of LGBTQI+ individuals. The legal foundation for these legislative changes is the main bill on "Family Values and Protection of Minors," while the remaining 18 bills pertain to amendments in various existing laws. The Parliament has already adopted the legislative package on "Family Values and Protection of Minors" in third [reading](#).

✗ The homophobic legislative changes initiated by the government leave LGBTQI+ individuals without basic legal guarantees, imposing discriminatory restrictions on the protection of personal life. Explicit legal provisions prohibit expressions and gatherings related to LGBTQI+ issues. Alarming, the legislative package on "Family Values and Protection of Minors" stipulates administrative and criminal liability for violations of its requirements.

✗ 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.

✗ The government is not only trying to develop zero policies and practices against all forms of discrimination, but today it is the main actor that opposes the recognition of the basic rights of LGBTQI+ people and uses the most marginal political and social discourses against LGBTQI+ people. During the public discussion of the initiated constitutional draft law, members of the ruling party used openly politicized homophobia - messages about the harmful effects of "LGBT propaganda" on children were aimed at strengthening support for the government by appealing to sensitive topics.

✗ Such political instrumentalization of homophobia by the government already has certain consequences on people's daily lives. For example, homophobic language became noticeable even in the routine activities of the police.

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). It should be noted that the government undermines the mentioned progress with the legislative amendments "On Family Values and Protection of Minors

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 the freedom of assembly and expression and have carried out violent acts of repression against them](#) (§87);

✗ Until today, not one of the organizers of the violence of July 5, 2021, has been prosecuted.

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

✗ There is also a noticeable increase in cases of violence and persecution against critical journalists.

✗ The state pays insufficient attention to and [insufficiently investigates](#) crimes motivated by religious and racial intolerance (p. 12). In 2023, compared to 2022, the rate of criminal prosecution for crimes committed on the grounds of religious intolerance decreased by 50%, and by 66% compared to 2021. Additionally, the rate of criminal prosecution for crimes committed on the grounds of racial intolerance also decreased by 16.6%

✗ The trend of initiating criminal prosecutions for crimes motivated by intolerance based on sexual orientation has also dramatically decreased. Compared to 2022 (p.2), in 2023 (p.2), this rate dropped by 81%

⌚ Although the number of convictions for crimes motivated by intolerance based on discrimination has increased, this rise is driven by the [increase](#) in convictions for crimes motivated by gender-based intolerance."

⌚ According to the Government there is no need to create a special mechanism to ensure effective investigation of hate crimes committed based on 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;

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

✗ During the protests against the Russian law in April-May, law enforcement repeatedly and unlawfully used excessive force and coercive measures, including physical force and special means. Furthermore, not once did law enforcement fulfill their obligation to warn the protesters prior to dispersing the rally.

✗ During the protests against the 'Russian law,' law enforcement repeatedly obstructed media representatives from carrying out their professional duties (p. 39). During the bill's discussion process, online and print media were banned from entering the Georgian Parliament.

✗ During the protests against the 'Russian law,' more than 300 people were detained. Detainees were typically not informed of the grounds for

their detention or their procedural rights. They were often denied the right to a lawyer. In many cases, the Ministry of Internal Affairs did not provide family members or lawyers with information about the location of the detained individuals (p. 41). In more than 90 percent of the ongoing court cases against detained activists, the court found the individuals guilty of violations and imposed fines as sanctions against them.

✘ More than half of the citizens detained during the protests against the 'Russian law' reported improper treatment by law enforcement.

✘ A significant number of participants in the protests against the 'Russian law' were fined for 'blocking the road' under the Administrative Offenses Code, without any legitimate basis, as a means to prevent participation in the protests

✘ Organized groups openly supported by the authorities repeatedly used physical force and conducted a coordinated campaign of intimidation against participants in the protests, which also negatively impacted the full realization of the rights to assembly and expression (p. 42).

✘ 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;

✘ "The 2024 action plan of the Legal Affairs Committee of the Georgian Parliament includes the elaboration of a new Administrative Offenses Code, similar to the action plans of previous years. However, systematic changes to the Administrative Offenses Code have not yet started, despite the broad involvement of interested parties."

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

✘ Defamation lawsuits (SLAPP) continue to be filed to silence critical media and journalists. General courts are still adjudicating these cases violating the high standards of freedom of expression, with most of the

outcomes favoring individuals close to the government or representatives of the government itself.

✘ 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); Following the initiation of the 'Russian law,' cases of illegal interference and obstruction in the professional activities of journalists have become even more frequent (Statement by the Media Advocacy Coalition; GAYLA: "Georgia -Human Rights and the Russian Law, 2024).

✘ The practice of the Georgian National Communications Commission in imposing fines on opposition broadcasters regarding the placement of political advertisements during non-election periods. For instance, the Communications Commission considered the mention of the 'Russian law' in a video clip as obstructive political advertising for the Georgian Dream party and fined 'Mtavari Arkhi' for its placement during a non-election period."

✘ "The international organization 'Reporters Without Borders' (RSF) published its traditional Press Freedom Index, which indicates that Georgia's position in the 2024 ranking has significantly deteriorated compared to the previous year. Specifically, Georgia's situation has worsened by 26 positions compared to 2023, now ranking 103rd.

Challenges:

! The 'Russian law' poses a threat to the stigmatization, silencing, and ultimately the disappearance of civil society organizations and media organizations. The disappearance of organizations and media that are critical of the government negatively impacts open, informed public discourse, pluralism, and democracy. The adoption of this law represents a step backward on the path toward fulfilling the 9 steps outlined by the European Commission.

! Violence, social exclusion, hate speech, and discrimination against LGBTQI+ 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 Mdinaradze 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 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.