

Georgia: Recent & Upcoming Democratic Reforms

June 2008 – August 2010

Status Report
Distributed by the Delegation of Georgia

1. INITIATIVES TO ENCOURAGE POLITICAL DIALOGUE AND STRENGTHEN THE ROLE OF THE OPPOSITION

1. Establishment of Constitutional Commission:

Constitutional Commission was established upon the initiative of the President of Georgia. The objective of the Commission is to draft a new Constitution with a more enhanced system of checks and balances, a stronger Parliament, an independent judiciary and balanced presidential power.

The Chair of the Commission - nominated by the opposition - is an impartial, respected scholar, one of the authors of the current Constitution of Georgia and a former chairman of the Constitutional Court. The Commission comprised representatives of all major political parties and state institutions, as well as academics, NGOs, and civil society. Each political party (including the ruling party) had one representative. The Commission was composed in a balanced way, which excludes any possibility to control majority of its members by any political party or state institution, while all decisions are made by 2/3 quorum.

The commission worked in close cooperation with relevant international organizations. Different EU member-state constitutions are reviewed as possible models.

STATUS: THE COMMISSION HAS FINALIZED DRAFT CONSTITUTIONAL AMENDMENTS.

2. Constitutional Reform Ongoing:

On 21 July 2010 the Constitutional Commission submitted the final draft of landmark amendments to the current constitution of Georgia. The draft envisages a completely new balanced arrangement of government branches, strengthens the guarantees of property rights, augments the independence of judiciary and the system of local self-governance, and increases the role of opposition in the decision-making process.

- The document introduces a so-called "mixed" system of governance – with a strong parliament, effective government formed by and directly accountable to the parliament and president as an arbiter with representative functions. Through a number of checks and balances the government branches counterbalance each other in a way to avoid the accumulation of power in one hand.
- The amendments were elaborated as a result of scrupulous work for more than a year, with a wide range of stakeholders involved – domestic and international experts, civil society representatives, members of academia, political parties, and the public at large. The input from the aforementioned parties was significant both during the deliberation and elaboration stages of the amendments.

On 21 July the Parliament of Georgia formally initiated the process of public consideration of the draft, via establishing a commission to organize public debates. The commission consists of 36 persons including Members of Parliament (on the basis of parity between the majority

and the opposition), representatives of non-governmental organizations and academia. Due to the particular importance of the document the commission is chaired by the Chairman of Parliament.

- Public considerations started on July 28. Meetings were held in all regions of Georgia with the participation of public and local community organizations, academia representatives and experts, NGOs, opposition political parties, minority organizations, members of the judiciary, business community, as well as diplomatic corps based in Tbilisi.
- A special web-page attached to the Parliament's web-site was created to facilitate public consideration of the issue. The web-page, created with support of UNDP, provides interested parties with access to current constitution and the text of draft amendments; the schedule and protocols of commission meetings; analytical pieces by experts; a forum where citizens can post their proposals and questions.
- The meetings were open to the media and interested parties. Questions and proposals are registered to be discussed afterwards during commission sessions.

STATUS: THE PROCESS HAS BEEN INITIATED. PUBLIC CONSIDERATION OF AMENDMENTS UNDERWAY.

3. Electoral Code Reform:

- To increase the confidence towards the Electoral Code and electoral environment at large through an inclusive, participatory and transparent process and through sustaining dialogue between political parties, the Chairman of Parliament has launched an initiative to establish a cross-party working group (EWG) with participation of the ruling party, parliamentary and non-parliamentary opposition, relevant international organizations and NGOs. The mandate of the group was to draft amendments to the electoral code in line with general political consensus and recommendations of relevant international organizations, taking into account the experience of the recent elections.

The group launched its activities by political parties signing a code of conduct. The document enforces the following principles:

- ✓ Constructive cooperation;
- ✓ Consensus based decisions;
- ✓ No preconditions prior to discussions.

At the initial stage, the code of conduct was signed by:

- ✓ Parliamentary Opposition – Christian Democratic Party, "We Ourselves", "Kartuli Dasi", National Democratic Party, Democratic Party of Georgia.
- ✓ Non-parliamentary Opposition – "Industry will save Georgia".
- ✓ Majority party - United National Movement.
- ✓ At a later stage the group was joined by other non parliamentary opposition parties – Georgian Traditionalist Party and "Alliance for New Georgia" (consisting of three parties – "Our Georgia-Free Democrats", Republican Party, New Rights Party).

Non-governmental organizations, as well as international organizations such as the Council of Europe, Organization for Security and Co-operation in Europe, National Democratic Institute, International Republican Institute, embassies of the United States and EU countries participated in the work of the group with observer status. The Central Election Commission is invited to group meetings. Council of Europe Venice Commission and OSCE Office for Democracy and Human Rights provided expert assistance.

Consultations within EWG lasted for ten months. Based on the agreements reached the National Democratic Party proposed the final document for signature, which embodied the following topics, subsequently adopted:

Direct Elections of Tbilisi Mayor:

- Direct elections of mayor were held in Tbilisi with 30% threshold.

Elections of Tbilisi Council:

- Tbilisi Council is composed of 25 single-mandate majoritarian and 25 proportional system seats.
- The proportional seats are distributed among the election subjects that overcome the 4% threshold.

Election Administration:

- The rule for electing the Chairman of the Central Election Commission has been changed. After consulting with non-government organizations (NGOs), the President presents three candidates for the chairman's post to the CEC. The decision is made by those members of the CEC designated by the opposition with the majority of the votes. If none of the candidates receives enough votes, the Parliament is to select the Chairman of the CEC from the three presented candidates.
- All secretaries of Precinct Electoral Commission are appointed by the opposition.

Special Precincts:

- Policemen are given the right to vote in majoritarian elections only if the polling station where the policeman is voting is located in the place of his/her registration.

Timeline of Appeals:

- Timeline for submitting complaints and appeals to every level of electoral administration is 48 hours instead of the previous timeline of 24 hours.

Monitoring of Voter Lists:

During parliamentary hearings the Chairman of Parliament announced an initiative to allocate budgetary funds for political parties to carry out voter list monitoring activities via door to door campaign. Named initiative was incorporated into legislative amendments to Election Code. 1,200,000 GEL was allocated to 11 political parties. Results of monitoring were submitted to CEC until April 10. CEC is examining the material submitted by parties.

Seven political parties signed all of the issues. Political party "Kartuli Dasi" expressed reservation only to the issue of election administration but signed the remaining issues. "Alliance for New Georgia" (Irakli Alasania's alliance) refused to sign the document due to disagreement on the threshold of mayoral elections.

Amendments encompassing above-mentioned agreed issues were initiated in Parliament by the Legal Committee to launch committee and plenary hearings. Parliamentary discussions are the venue for additional topics to be raised and details to be reconciled. All interested political parties (including non-parliamentary) have the possibility to participate in committee discussions.

As a result several recommendations proposed by NGOs were shared by the Legal Committee, namely:

Upon proposal of NGO Georgian Young Lawyers Association

- ✓ Sanctions for election procedures violations committed by representatives of electoral administration and observers were increased;
- ✓ Requirement of 2/3 majority decision by CEC for annulment of election results on precinct level;
- ✓ Amendments clarified definition of political advertisement.

To address concerns expressed by several oppositional parties and media entities on alleged fact of reallocation of population from regions to Tbilisi by the UNM in order to increase supporters in capital, legislative amendments initiated by the UNM were introduced circumventing registration process from January 14 until June 1 for electoral purposes, i.e. person cannot change place of registration.

Political parties agreed to continue dialogue within Election Working Group Format on issues concerning parliamentary elections.

STATUS: AGREEMENT ON MAJOR ISSUES REACHED; AMENDMENTS TO THE NEW ELECTION CODE ADOPTED.

4. Opposition Participation in Work of the National Security Council (NSC):

- In his address to Parliament in July 2009, the President called for reform of the National Security Council and establishment of an extended NSC format. The aim of this new format, which enables the opposition to participate in NSC work, is to facilitate a wider debate on national security issues and to encourage opposition to be part of decisions concerning Georgia's security and foreign policy. On August 6, the first meeting of the National Security Council in an extended format took place. Representatives of seven parliamentary and four non-parliamentary political parties participated in the meeting.

STATUS: NEW FORMAT HAS BEEN ESTABLISHED; FIVE MEETINGS WERE ALREADY HELD; FUTURE MEETINGS WILL TAKE PLACE PERIODICALLY.

5. Offer to Non-Parliamentary Opposition to Take Seats in Parliament:

- As a part of political dialogue and reconciliation process, representatives of non-parliamentary opposition who boycotted Parliament and refused to take their seats after the 2008 parliamentary elections have been offered to assume their parliamentary seats. The aim of this offer is to shift the center of political gravity from street rallies to debates within the political institutions and to facilitate political discussion within Parliament. Relevant constitutional amendments have been prepared, initiated and passed in Parliament.

STATUS: CONSTITUTIONAL AMENDMENTS ALREADY ADOPTED; ONE NON-PARLIAMENTARY OPPOSITION REPRESENTATIVE TOOK SEAT IN PARLIAMENT – KONSTANTINE GAMSAKHURDIA, PARTY FREEDOM.

6. Establishment of Direct Communication Between the Opposition and the Ministry of Interior:

- At the meeting of the National Security Council on August 6, 2009, an agreement was reached to establish direct communication between the opposition and the Ministry of Interior in order to cooperate in investigation of alleged cases of violence related to political rallies. As a result of the agreement, representatives of parliamentary and non-parliamentary political parties had a special meeting with the Minister of Interior on August 12, 2009. In order to maintain this cooperation, contact persons were designated on both sides and an agreement to set up an emergency "hot line" was reached.

STATUS: COMMUNICATION ESTABLISHED; FIRST MEETING WAS HELD ON AUGUST 12, 2009; FUTURE MEETINGS WILL TAKE PLACE PERIODICALLY, UPON THE REQUEST OF POLITICAL PARTIES.

7. Anti-Crisis Council:

- The Anti-Crisis Council was created at the initiative of the President of Georgia in September 2008. It is composed of representatives of the parliamentary majority as well as parliamentary and non-parliamentary opposition parties. The aim of the Council is to discuss and design further democratic reforms, strengthen the role of the opposition in Georgia's political life, facilitate the exchange of views between the government and opposition, monitor the distribution of international donor aid to victims of the Russian aggression, and oversee the post-aggression reconstruction process. The Council is chaired by an opposition Member of Parliament.

STATUS: ALREADY ESTABLISHED; ONGOING

8. Temporary Parliamentary Commission on Military Aggression & Other Acts of Russia Against the Territorial Integrity of Georgia and Government Response:

- A parliamentary commission was established at the joint initiative of the parliamentary majority and minority. The Commission studied, in detail, the August aggression and its background. It also provided the public with complete and objective information regarding how the Georgian Government acted in order to avoid and subsequently respond to the Russian invasion. According to the rules of procedure and the political agreement reached between the majority and minority, the Commission was granted the right to call any government official to testify as a witness. The Commission was comprised of an equal number of parliamentary majority and minority representatives. Finally, an opposition parliamentarian chaired the body.

In the interest of transparency, Commission proceedings were open to the media and general public, with a live TV broadcast of all sessions. In addition, journalists were able to attend all hearings and full transcripts were placed on the website of the Parliament. Questions were collected from general public through email and newspapers as well as published on the website. Moreover, prior to the hearings, the commission members held meetings with members of the diplomatic corps and experts. They also researched domestic and international media, analytical studies, and reports of international governmental and non-governmental organizations in order to formulate questions that would address key concerns of both domestic and international stakeholders.

The Commission conducted over 50 hours of hearings, with testimonies from over 22 high-ranking officials, including the President; the Chairman of Parliament; the Prime Minister; the Defense, Foreign, and Interior Ministers; the Secretary of the National Security Council; the Chief of Armed Forces; the Head of the Foreign Intelligence Service, and others, resulting in a 200-page report that analyzed the circumstances surrounding the Russian aggression last August and the actions and shortcomings of the Government of Georgia.

STATUS: ALREADY COMPLETED; REPORT DELIVERED IN DECEMBER 2008; THE COMMISSION WAS SUBSEQUENTLY DISSOLVED.

2. ADDITIONAL DEMOCRATIC REFORMS

1. Strengthening Judicial Independence:

- In July 2007 the Parliament of Georgia adopted Law on Rules of Communication with Common Court Judges that outlawed any contact with the judge from a party involved, person concerned or public servant on the concrete case that violates the freedom of court.

Judges are obliged to inform the chairman of the relevant Court if such communication occurs. If such communication took place with a chairman of Court, he/she must inform the chairman of the higher court. If this does not happen, she/he will be sanctioned by fine and initiation of disciplinary procedures.

In his appearance at political debates in Parliament in July 2009, the President proposed expanding sanctions for prohibited communication (especially for such communications by public servants and high-level officials). He also proposed making such violations a criminal offence in order to strengthen the preventive purpose of the legislation.

After extensive consultations with judiciary representatives, civil society and experts, amendments to the Law on Rules of Communication with Common Court Judges and to the criminal code were initiated in Parliament. According to the amendments the fine for the violation of the rules of communication by public servant is increasing twofold, for state political officials the fine is increased threefold. Furthermore, the new amendment to the criminal code places stricter sanction upon state political officials who interfere with the judges of common courts.

STATUS: ACCOMPLISHED: CONSULTATIONS WITH JUDICIARY, CIVIL SOCIETY REPRESENTATIVES AND EXPERTS HAVE BEEN CARRIED OUT; LEGISLATIVE AMENDMENT INITIATED IN SEPTEMBER 2009; ADOPTED IN FEBRUARY 2010;

- In close cooperation with local and international NGOs, the new Criminal Procedure Code has been drafted, initiated and adopted to fundamentally reform Georgia's criminal justice system. The Code, which has already been adopted by the Parliament, was discussed once again on 28-29 January 2009 in Paris under the auspices of the Council of Europe. According to the report of the CoE expert from the Sussex University, Dr. Richard Vogler, *"...In summary, my conclusion is that this [Georgian] CPC has a great deal to commend it, its terms are fully compliant with European human rights norms and it has many features which could, with advantage be adopted in other jurisdictions, including my own"*.

The central philosophy of the criminal justice reform is to set up a democratic system of criminal justice based on the tenets of independence of judiciary, adversariality, equality of arms and strong emphasis on human rights. The Georgian CPC draft is based on the following principles:

- ✓ Introduction of trials by jurors;
- ✓ Full application of adversarial proceedings and speedy trial;
- ✓ Transfer of operational activities to the domain of pre-trial investigation and its placement under the strict control of judge;
- ✓ In the process of pre-trial investigation, reinforcement of the role of the judge for the protection of the rights of the defendant;
- ✓ Strict time limit of 60 days for the investigation;
- ✓ Maximum restriction of pre-trial detention by emphasizing non-custodial, alternative measures, as well as reduction of pre-trial detention terms;
- ✓ Making testimony of witnesses voluntary in the pre-trial stage of investigation;
- ✓ Making pre-trial hearing a separate stage of the case proceedings;

- ✓ The construction of judicial investigation on the principle of direct examination of the evidence and principle of orality;
- ✓ New article is included in the new CPC (adopted in October 2009) guaranteeing a higher standard of protection for media institutions during the investigative proceedings.

In order to effectively implement provisions envisaged by the new CPC, a wide-scale education and public awareness and information campaign has been initiated in close cooperation with relevant international bodies.

STATUS: THE NEW CODE ALREADY ADOPTED; WILL ENTER INTO FORCE IN OCTOBER 2010.

- One member of the High Council of Justice – the administrative body that manages the judiciary system and makes all key decisions - is now elected from the ranks of opposition MPs. This will guarantee transparency in the work of the Council and allow the parliamentary minority to take part in the oversight of the judiciary system, as well as in the process of reforms carried out in the High Council of Justice.

STATUS: ALREADY IMPLEMENTED.

- Lifetime appointment of judges:

STATUS: CONSTITUTIONAL AMENDMENT WAS INTRODUCED IN JULY 2010. PUBLIC CONSIDERATION ONGOING.

- Amendments were made to the law on “Disciplinary Responsibility and Disciplinary Legal Proceedings of Judges of Common Courts of Georgia”, according to which, the chairman of the disciplinary board is elected from the judge members of the board. This excludes possibility of political influence on disciplinary processes against judges.

STATUS: ADOPTED IN DECEMBER 2009.

2. Facilitating Media Pluralism:

- In his appearance at political debates in the Parliament in July 2009, the President proposed to extend the Public Broadcaster’s Board and compose it based on the principle of parity; out of 15 members seven were nominated by opposition including extra parliamentary oppositional parties, seven by majority and one was named by civil society. Simultaneously, mandate and oversight authority of the Board will be strengthened.

STATUS: RELEVANT LEGAL AMENDMENTS ALREADY ADOPTED BY THE PARLIAMENT; FIVE PARLIAMENTARY AND FIVE NON-PARLIAMENTARY OPPOSITION POLITICAL PARTIES JOINTLY NOMINATED MEMBERS OF THE BOARD; APPOINTED DECEMBER 2009.

- Legal amendments have been adopted that enable an opposition representative to be appointed to the Georgian National Communications Commission, allowing the opposition to become directly involved in decision-making that pertains to all media-related technical regulations.

STATUS: ALREADY ACCOMPLISHED; AMENDMENT ADOPTED. OPPOSITION REPRESENTATIVE APPOINTED.

- Adoption of legislative guarantees in order to ensure regular broadcasting of live political talk-shows with equal participation of all major political parties (as is already the case with political debates during election periods) on the Georgian Public Broadcaster.

STATUS: ALREADY ACCOMPLISHED; IN GENERAL, THREE NATIONAL BROADCASTERS (PUBLIC BROADCASTER, “IMEDI”, “RUSTAVI2”) FEATURE FIVE POLITICAL TALK-SHOWS PER WEEK; ADDITIONALLY, FOUR TALK-SHOWS ARE BROADCAST BY TWO TVS (“KAVKASIA”, “MAESTRO”) PRIMARILY COVERING TBILISI AND SURROUNDING REGIONS.

- The commercial TV channel “Maestro” has received a license to air live political talk-shows. This resolves a long-standing legal dispute between the channel and the Georgian National Communications Commission. In July 2009 “Maestro” received a license to broadcast via satellite.

STATUS: ALREADY ACCOMPLISHED; CURRENTLY “MAESTRO” BROADCASTS A WEEKLY LIVE POLITICAL TALK-SHOW. SATELLITE LICENSE ISSUED.

- New article is included in the new Criminal Procedural Code guaranteeing a higher standard of protection for media institutions during the investigative proceedings. Namely, according to Article 123 of the code, a court can authorize the search, seizure or arrest only in a case when there is obvious and reasonable ground that the conduct of an investigative action would not violate the right to freedom of speech guaranteed under the Georgian Constitution. The investigative action shall be conducted in an effective form to provide for most minimal restriction of these rights.

STATUS: ALREADY ACCOMPLISHED.

- Creation of a special political television channel modeled after C-SPAN and/or BBC Parliament, following a joint initiative of the Chairman of the Parliament, Chairman of the Board of Trustees of Georgian Public Broadcasting, and the General Director of Georgian Public Broadcasting. The channel provides live coverage of all important political events. In addition, political parties and groups have direct access to the channel in order to reach out to the public. A parliamentary working group consisting of representatives of ruling and opposition parties had been established in advance to finalize operational guidelines. Public hearings have been held since March 2009 with the help of NDI in organization, financing and inviting the audience. Memorandum on rules and conduct was signed by 13 parties – the majority party, 6 parliamentary opposition and remaining 6 non-parliamentary opposition parties. The following was agreed among parties:

- The new political channel ensures regular live coverage of Parliament’s plenary and committee sessions;
- The new political channel provides daily, unedited and live coverage of activities of the opposition parties. Additionally the parties are provided with one hour coverage during primetime.
- GPB gives complete freedom to political parties to agree on the criteria for selecting political subjects that will be provided with live coverage on the new political channel
- The channel also organizes debates on the draft laws being discussed in the Parliament. During non-session period it airs debates on political issues. Debates are aired no less than once per week and political parties are given full parity. Representatives of parliamentary as well as non-parliamentary political parties participate in the programs.
- Political parties that are not signatory to the memorandum will not receive full service offered by the new political channel. Although, the channel ensures to air unedited, full versions of press-conferences.

- At a later stage the memorandum was joined by 4 non-parliamentary opposition parties.
- Following an amendment to the Law on Broadcasting in December 2009, the Public Broadcaster is financed from the state budget – “not less” than 0.12% of the country’s GDP. Thus, the financial sustainability of the Public Broadcaster is firmly linked to the country’s economic development rather than to ad hoc decisions of state officials.

STATUS: ACCOMPLISHED: CHANNEL IS OPERATIONAL SINCE FEBRUARY 25; COMMUNICATION WITH THE BBC PARLIAMENT CHANNEL HAS BEEN ESTABLISHED

- President of Georgia proposed tax amnesty of all television stations to relieve them from budgetary debts and facilitate further development of media.

STATUS: ADOPTED

3. Reforming the Penitentiary and Probation Systems:

- In December 2008, the Parliament adopted amendments to the Criminal Code of Georgia, widening the scope of community service as an alternative sentence. A custodial sentence can be substituted for community service, allowing certain convicts to serve their sentences outside of detention facilities and thus render a benefit to the public at large.

STATUS: ALREADY IMPLEMENTED.

- In July 2009, significant amendments were introduced to the current Law on Imprisonment. In particular, the prisoners were granted the right to leave penitentiary

establishment area for a certain number of days per year if they have already served a certain part of their sentences. For adult convicts this is five days twice a year, for juveniles and female convicts who are pregnant or have children up to three years, this period is maximum five days three times a year.

The main goal of introducing home leaves in the Georgian legal system and practice is to increase the opportunities for prisoners for their post-sentence re-socialization and to ensure their communication with the outside world. This mechanism also serves as an additional motivation for good behavior for prisoners. They are allowed to spend certain number of days with their families and relatives while serving sentences. This is in line with the recommendations of the Committee of Ministers of the Council of Europe (#R (82)16).

STATUS: ALREADY IMPLEMENTED.

- A reform of the Standing Commission on Early Conditional Release (Commission) has been successfully accomplished. The reform, which aims at increasing the competence and efficiency of the Commission, was carried out on the basis of the legislative amendments introduced to the Law on Imprisonment of Georgia in July 2009.

As a result of the reform, out of the nine Commission members three represent parliamentary majority and minority, as well as non-governmental organizations. The involvement of the legislators and civil society representatives will contribute to strengthening the transparency of the Commission and increase the role of the Parliament and civil society in the decision-making process.

The new Commission started functioning on 1 September 2009. It is obliged to motivate every decision concerning each case of early release. The Commission is authorized to apply to the Court to grant early release to a prisoner or to change the non-served part of the sentence with a lighter sentence. Refusal of the Commission can be appealed before the Court by a prisoner or his/her lawyer.

STATUS: ALREADY IMPLEMENTED.

- The new Draft Code on Imprisonment (Draft Code) has already been developed and submitted to the Council of Europe for its recommendations. The Draft Code has already been adopted in its first hearing by the Parliament of Georgia.

The main aim of the Draft Code is to improve conditions in the penitentiary institutions and provide relevant standards for prisoners in conformity with international and European standards. One of the main goals is to enhance the administration of pre-trial detention and execution of custodial sentences, regulating and guaranteeing protection of rights of defendants and convicts, giving strong legal and social guarantees, supporting re-socialization and re-integration of prisoners into the society. Important part of the re-socialization and integration is through maintaining their contacts with the outside world. For this purpose, together with the short leaves, adult convicted prisoners are entitled with the right to short-term meetings while juvenile convicts are additionally entitled with the right to long-term visits. This gives them a possibility to spend this time in a special facility within the penitentiary establishment, without presence of the prison administration.

STATUS: ADOPTED IN MARCH 2010: PART OF THE CODE WILL ENTER INTO FORCE ON OCTOBER 1, 2010 AND THE REMAINING PART ON JANUARY 1, 2011

4. Institutional Strengthening of the Parliament:

- Adoption of constitutional amendments requiring an obligatory vote of confidence by the newly elected Parliament for the Cabinet of Ministers.

STATUS: CONSTITUTIONAL AMENDMENT WAS INTRODUCED IN JULY 2010. PUBLIC CONSIDERATION ONGOING.

- Adoption of constitutional amendments simplifying the procedure for a parliamentary no-confidence motion against the Cabinet of Ministers, including a reduction of the necessary quorum and granting the parliamentary minority the right to initiate the no-confidence motion.

STATUS: CONSTITUTIONAL AMENDMENT WAS INTRODUCED IN JULY 2010. PUBLIC CONSIDERATION ONGOING.

- Adoption of constitutional amendments limiting the right of the President to dissolve the Parliament and call for the new parliamentary elections. According to amendments, President will have power to dismiss Parliament only once within one term of Presidency. If the grounds of dismissal arise again during the same term, the issue will be resolved based on results of referendum - in case majority of voters vote against the dismissal of Parliament, extraordinary Presidential elections will be held.

STATUS: CONSTITUTIONAL AMENDMENT WAS INTRODUCED IN JULY 2010. PUBLIC CONSIDERATION ONGOING.

5. Strengthening Constitutional Protections for Property Rights:

- Constitutional amendments have been initiated that aim to strengthen constitutional guarantees for property rights. Currently, there exists an exceptional rule to expropriate private property in public interest based on court decision as prescribed by law. Deprivation of property rights shall be reimbursed with adequate compensation.

The proposed initiative puts forth the following guarantees: a) compensation should be reimbursed in advance; b) compensation shall be full and fair; c) compensation of property is free from taxes and fees.

STATUS: CONSTITUTIONAL AMENDMENT WAS INTRODUCED IN JULY 2010. PUBLIC CONSIDERATION ONGOING.

6. Strengthening the Public Defender's Office:

- The Government of Georgia has considered that the implementation of the obligations incumbent upon Georgia under the United National Optional Protocol on Convention against Torture (OPCAT), namely development of the framework for the designation of the National Preventive Mechanism shall take place in a transparent and participatory process. The Inter-Agency Coordinating Council on Fight against Torture (the Council) served as a forum for the discussions. Membership of the Council is open to international/donor organizations and local NGOs/individual experts.

In July 2009, the Parliament of Georgia adopted amendments to the Law on Public Defender designating the Public Defender of Georgia as a National Preventive Mechanism in accordance with OPCAT at the Council session. The amendment has been drafted in accordance with the requirements of OPCAT and good practices existing in Europe. Apart from general provision designating the Office of the Public Defender of Georgia as an NMP, this proposal describes in detail the privileges (such as an access to any prison at any time) and duties of the members of the National Preventive Group.

STATUS: ALREADY ACCOMPLISHED; AMENDMENTS ALREADY ADOPTED.

7. Encouraging Development of Party Institutions:

- Parliament adopted amendments to the Law on Political Organizations that improved the financial sustainability of all qualified political parties. The basic financing of parties has been increased (including the resumption of financing for those parties that lost funding due to their refusal to take seats in Parliament). Simultaneously, budgetary funding for the ruling United National Movement has been decreased. In addition, a special foundation has been set up to finance research and development activities of political parties and non-governmental organizations. Part of the allocated funds is spent on strengthening civil society (NGOs, think-tanks, etc).

STATUS: ALREADY ADOPTED.

8. Adopting the New Law on the Chamber of Control:

- A new law on the Chamber of Control has been adopted to increase its independence, strengthen public oversight over budgetary expenses, bring existing regulations into line with EU standards, increase the transparency of government activities, and establish new institutional mechanisms that enable the opposition to exercise greater control over the work of the Chamber, including appointment of an opposition MP to the special "council of disputes" that makes decisions on all disputable issues.

9. Increasing Public Accountability and Control over the Government:

- A new law on the State Statistics has been initiated by the government. The draft law establishes a national body of statistics which is completely independent from the government (by the acting legislation, State Department for Statistics is part of the executive branch), therefore excluding any possible conflict of interests and ensuring the provision of unbiased and reliable information to the general public.

STATUS: ADOPTED IN DECEMBER 2009

3. Other Institutional Guarantees for Opposition Participation in Governance

1. Increasing Opposition Role in Adopting Constitutional Amendments:

- Under Georgian law, proposed constitutional amendments are subject to a one-month period of public debate. This process is conducted and supervised by a parliamentary commission and, as a result of recently adopted amendments, opposition MPs are now a majority on this commission.

STATUS: ALREADY IMPLEMENTED

2. Increasing Opposition Participation in the Civilian Control of Defense & Security:

- The number of opposition representatives has been increased in the Trust Group, a parliamentary body that supervises defense procurements and has access to all defense-related information, including classified documents, the use of state funds, etc.

STATUS: ALREADY IMPLEMENTED

3. Strengthening the Opposition Role in Parliamentary Governance & Decision-Making:

- Opposition factions have been granted the right to nominate candidates for up to three vice-chairmanships of Parliament.

STATUS: ALREADY IMPLEMENTED

- The minority has been granted the right to nominate one candidate for the position of Deputy Chairman in each parliamentary committee.

STATUS: ALREADY IMPLEMENTED

- Individual factions and the parliamentary opposition have been granted the right to nominate the chair of *ad hoc* investigative commissions.

STATUS: ALREADY IMPLEMENTED

- Procedures for establishing a faction within Parliament have been simplified. Previously, a minimum of 10 MPs were needed to form a faction; this number has been reduced to six. This reform has allowed the opposition to set up a second faction within Parliament, resulting in greater pluralism in debates, discussions, and decision-making.

STATUS: ALREADY IMPLEMENTED

4. Parliamentary Delegations and “Groups of Friendship”:

- In addition to being represented in all permanent parliamentary delegations, opposition factions have received additional quotas in every parliamentary “Group of Friendship.” This ensures their full-scale participation in inter-parliamentary relations. The opposition was granted the right to nominate the chairmen of “Groups of Friendship” with Canada, Belgium, Portugal, and Switzerland.

STATUS: ALREADY IMPLEMENTED