

Information Documents

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Compliance with commitments and obligations: the situation in Georgia

Six-monthly Report prepared by the Directorate of Strategic Planning (DSP),
(July 2003 – January 2004)

Executive summary

Recent political changes in Georgia could offer new opportunities to strengthen democratic processes and to fight efficiently against a main disease: corruption and organised crime. The new authorities have expressed good intentions and achieved short-term results; these positive trends must be confirmed in the medium- and long-term with a view to achieving realistic and sustainable objectives.

- **Democratic institutions and elections:** The proposed constitutional amendments should set the basis for a proper balance between the executive and legislative branches of power. The Venice Commission should be asked to study these amendments prior to their adoption. As regards the forthcoming elections particular attention should be drawn to the composition of electoral commissions and to a voters registry. Increased CoE involvement in the preparation and observation of the elections is welcome
- **Judiciary and law enforcement:** The CoE should be consulted on the planned reform of law enforcement system, including individual laws (in particular Code on Criminal Procedure, laws on police and the General Prosecutor's office). The enhanced activities in the fight against impunity which are welcome, should respect human rights and the rule of law.
- **Fight against corruption :** The arrests of a limited number of allegedly corrupt individuals should be followed by long term, structural measures in compliance with GRECO recommendation. As regards anti-money laundering measures, legislative reform and ratification of ETS 141 are urgently expected

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I. INTRODUCTION

1. In accordance with a decision of the Committee of Ministers [CM 826th meeting, 5 February 2003, item 2.1 a] the Secretariat has been instructed to proceed with a six-monthly regular assessment of the progress achieved by Georgia in fulfilling its commitments as a member State of the Council of Europe. The Committee of Ministers decided to concentrate this regular monitoring on three priority areas: the preparations for the parliamentary elections (planned for November 2003), the functioning of the judiciary and law enforcement agencies and the fight against corruption and organised crime.
2. Two documents were produced in December 2002 [doc. SG/Inf (2003) 1] and June 2003 [doc. SG/Inf (2003) 25]. The third report was due by the end of 2003, but had to be postponed due to the situation resulting from the partial cancellation of the results of the November parliamentary elections, the resignation of President Shevardnadze and the holding of presidential elections on 4 January 2004.
3. The present report is largely based on the information gathered during a Secretariat delegation visit to Tbilisi on 14-16 January 2004 (programme attached as Appendix I). The Secretariat delegation was composed of Mr. Jean-Louis Laurens, Director of Strategic Planning (DSP), Mrs. Despina Chatzivassiliou, Deputy Head of the Monitoring Department, (DSP) and Mr. Jeremy Moakes, Co-ordinator for Eastern Europe and the Caucasus, (DSP). The report also relies on the information and advice of the Special Representative of the Secretary General in Georgia (SRSG), Mr. Plamen Nikolov, whose outstanding contribution was praised by all interlocutors of the Secretariat delegation.
4. The Secretariat delegation expresses its gratitude to the Georgian authorities, in particular the Deputy Foreign Minister, Mr. Kakha Sikhasulidze, as well as the Ambassador of the Kingdom of the Netherlands in Georgia, Ambassador H. Molenaar representing the Chair of the Committee of Ministers, for their contribution to the organisation of the programme of the visit.
5. The visit of the Secretariat delegation took place at a very crucial moment, just weeks after the election of a new President, Mr. Saakashvili (not yet in office at the time of the visit) and in the middle of negotiations between the three new leaders (the interim President, Mrs N. Burjanadze, the State Minister, Mr. Z. Zhvania, and the President-elect) on the future constitutional regime of Georgia (see under Constitutional Reform), and their respective roles in this new context. Another issue discussed in all meetings was the situation in Adjara, both with respect to future parliamentary elections and as regards the possible relation with the situation in the two breakaway regions of Abkhazia and South Ossetia.
6. The visit of the Secretariat delegation partially coincided with a visit to Tbilisi of the EU Special Representative, Mr. Javier Solana. This in no way affected the level and content of the programme, nor its impact in the media. This testifies to the high appreciation of Georgia's membership of the Council of Europe and the Council of Europe's role and contribution in solving existing problems.

II. POLITICAL CONTEXT

A. CONSTITUTIONAL REFORM

7. At the time of the visit, constitutional changes were being discussed among the three leaders of the governing coalition (President-elect, Interim President and State Minister) with a view to introducing the post of Prime Minister and defining the relations between the executive and legislative branches of power (introduction of a Cabinet system, right of dissolution of Parliament and vote of confidence of government). While this is a legitimate objective as such, fears were expressed by different sides – including pro-governmental NGOs – that the planned changes could result in an unacceptable weakening of the Parliament. The text of the proposed amendments was not available at the time of the visit.
8. The Delegation was told that the constitutional changes would be adopted by the current Parliament as soon as possible. Whereas there was agreement that the current - old - Parliament lacked legitimacy and thus, from this point of view, it would be better for the new Parliament to adopt such important constitutional changes, the counter-argument had prevailed that the country urgently needed an effective government. Hence the majority view was clearly in favour of a rapid adoption of the Constitutional amendments by the present Parliament.
9. The Delegation insisted that, in any event, the Venice Commission should be consulted on the proposed amendments and that arrangements could be made so that this consultation would not delay the process. This was agreed.

Specific concerns and proposals

Proposals for the Constitutional amendments should be submitted for consideration by the Venice Commission before their submission to the Parliament.

B. ADJARA

10. Stabilisation of growing tensions with Adjara represents one of the most complicated questions for the new government coalition.
11. A state of emergency in the region was imposed in November 2003 and several opposition activists from the 'Kmara' ("*Enough*") movement who started an anti-Abashidze campaign in Adjara, as well as journalists were arrested. Serious concerns were expressed with regard to ill-treatment of detainees. Moreover, journalists from Georgian Rustavi 2 and Imedi TV were prevented from filming the 'Kmara' protests. Following pressure by the international community, some of the detainees have since been released.
12. Besides 'Kmara', a newly established Adjarian movement 'New Adjara' challenges the regime of Abashidze. They have appealed to the Constitutional Court with respect to the anti-constitutionality of the decision declaring the state of emergency. Furthermore, the NGOs operating within the Adjarian territory appealed to the Supreme Court of the Autonomous Republic 12 January, demanding the abolition of the state of emergency. Rallies organised in the course of January in Adjara with protesters demanding the annulment of the state of emergency in the Autonomous Republic were violently disbanded.

13. To date, the central Georgian authorities have reacted moderately, principally noticing that the arrests for political motives are inadmissible and asking Abashidze to investigate the grounds on which the 'Kmara' activists were apprehended. On 10 January, in a TV interview, President-elect, Mr Saakashvili, stated that "a tough control of the central authorities will be established in Adjara".
14. The situation in Adjara is even more delicate given the existence of a Russian military base in Batumi and the possible linkage with the separatist regions of Abkhazia and South Ossetia.
15. During the Delegation's visit to Tbilisi, almost all interlocutors (national and international) expressed their concern about the evolution of the situation in Adjara. However, they also expressed the hope that Mr. Abashidze would be rather flexible in view of the forthcoming parliamentary elections and the wish that the Council of Europe be more active with respect to the situation of Adjara.
16. On 21 January 2004, Mr. Abashidze travelled to Strasbourg and met Secretary General Walter Schwimmer to express his fear of a possible military intervention by central forces (possibly on the occasion of the President's investiture on 25 January 2004). On the same day, the President-elect of Georgia, Mr. Saakashvili, who was in Davos for the World Economic Summit, dispelled such fears, and Mr Abkshidze's prediction has in the meantime been refuted.

Specific concerns and proposals

CoE could provide its good offices to improve the situation in Adjara and relations with the central authorities.

C. UNRESOLVED CONFLICTS: ABKHAZIA AND SOUTH OSSETIA

17. All Georgian interlocutors clearly stated that the first objective of the new leadership is the reintegration of the two breakaway regions of Abkhazia and South Ossetia under the legitimate constitutional order of Georgia. However, no detail was given on the steps to be undertaken to achieve this objective. Observers in Tbilisi consider that no spectacular development should be expected before the presidential elections in the Russian Federation and in the United States, as well as "elections" in Abkhazia in the Autumn.
18. In a meeting in Gali on 19 January, the Georgian and Abkhaz sides agreed *inter-alia* to take every measure to ensure the strict observance of the Moscow Ceasefire Agreement of 1994 and refrain from any action which may destabilise the situation and have a negative impact on the peace process.

III. ELECTIONS

19. The organisation of free and fair elections is the litmus test of any genuine democracy. It is also a legal obligation of Georgia, which ratified Protocol 1 to ECHR guaranteeing *inter alia* the right to free and fair elections. It is regrettable that Georgia, four years after its accession to the Council of Europe, has still failed to comply with this common obligation of all CoE member States during the November 2003 parliamentary elections. All observers have concluded that the elections of 2 November 2003 (and more specifically the weeks of bargaining before the announcement of the results) have fallen short of international standards. This led the Supreme Court of Georgia to annul the proportionate votes of the 2 November 2003 elections; whilst the results of the majority constituencies and of the referendum on the reduction of the number of seats in Parliament (as from 2007) remained valid. This fact raises questions about the future Parliament which will be the result of two separate elections, one which was partially cancelled for being largely flawed and another one still to take place.
20. The undeniable progress registered during the presidential elections on 4 January 2004 are welcome. However, observers also noted some shortcomings in these elections which took place in very specific conditions, with incomplete voter registration and practically no competition. All interlocutors recognised that the 28 March (date still to be confirmed) repeat proportionate parliamentary elections will be the real test of the new authorities to depart from the old practices and to achieve steady progress towards fully democratic free and fair elections. In this context, Georgian interlocutors expressed their positive assessment of the role of the CoE in the preparation and observation of the Presidential elections on 4 January. They hope that this increased role and presence of the CoE will be repeated for the 28 March parliamentary elections.
21. To achieve this objective a number of conditions have to be met:
22. *Composition of the electoral commissions:* The revision and establishment of professional electoral commissions is a long-term objective (absolutely necessary for the Chairman of the Central Electoral Commission - CEC) but there is clearly no possibility for this reform to be implemented in time for the parliamentary elections of 28 March. For the latter, commissions will still be composed of party representatives, and it is still open to negotiations amongst parties who gets what and, in particular, the number of members of the CEC to be appointed by the President.

Specific concerns and proposals

The Venice Commission could be invited to assist in the research of a new formula for the composition of the CEC.

23. *Electoral lists:* According to the CEC Chairman, the process of computerisation is on-going but it will not be completed by 28 March, which might plead in favour of postponing the elections by a few more weeks. One of the problems is how to register citizens who did not participate in the January Presidential elections. The creation of a single civil (citizens') registry is planned, which would be under the responsibility of the Ministry of Justice, but again not until after the March elections (financial aid by the international community is requested for this purpose).

Specific concerns and proposals

At the appropriate moment, CoE expertise could be provided for the establishment of a single civil registry.

24. *Threshold:* Several interlocutors (mainly NGOs) argued that lowering the 7% threshold would be advisable, in view mainly of fears that no opposition party – with the possible exception of Revival - would be represented in the Parliament after the 28 March elections. However, this would require constitutional changes, which according to the Interim Chairman of Parliament could not be passed with the present Parliament. He added that the opposition parties did not agree to lowering the threshold. The delegation, however, did not have the chance to verify this statement with the opposition parties themselves.

Specific concerns and proposals

Venice Commission assistance could be provided whenever amendments to the electoral code will be considered.

25. *Election date:* All NGOs (including those supporting the governing coalition) argued that 28 March was too early to allow the opposition to prepare for elections and allow effective organisation of the latter. However, the representatives of the governing coalition stressed the problem of legitimacy, which the current Parliament currently lacks, and explained that the date had already been postponed twice to give more time to the opposition to prepare itself. However, they recognise that the new Parliament would certainly be largely dominated by one political alliance.
26. *Assistance to Parliament:* The Interim President and representatives of the Parliament stressed the need for international, including Council of Europe, assistance to the Parliament, notably in the elaboration of rules of procedure, the organisation of parliamentary committees, etc. The CoE could also play an important role also in providing expertise to parliamentary committees when dealing with the ratification of CoE instruments. Bearing in mind the forthcoming Constitutional reform and the likely composition of the future Parliament, it is of utmost importance to secure the proper functioning of the legislative body and to provide it with the tools to exercise its power of control over the executive.

Specific concerns and proposals

The CoE, and in particular the Parliamentary Assembly, could offer appropriate assistance to the newly elected Parliament.

IV. FUNCTIONING OF THE JUDICIAL SYSTEM AND LAW-ENFORCEMENT AGENCIES

27. *Key legislative reforms and other measures:* On 9 January the Interior Minister, Giorgi Baramidze, presented the main points of a Programme on the Structural Reform of the Ministry of Internal Affairs according to which the Ministry of Internal Affairs will be transformed into a civil agency and excess administrative offices and functions will be abolished. As a result of optimisation, the police will be divided into patrol and criminal police divisions. Decentralisation should be implemented through the creation of a municipal police which will first be given the patrol departments and later the criminal police forces which do not require centralised management. The chief executive of the municipal police will be elected. The programme envisages launching mechanisms to fight against corruption, protection against human rights violations by the police and improvement of staff policy. A “consulting group” consisting of experts and NGO members, and headed by the Minister himself, has been set up to work on drafting and implementing the programme.
28. As regards the relations between the new reform programme of the Ministry and the “concept” previously elaborated by the then Inter-Agency Commission headed by the President of the Supreme Court, Mr Lado Chanturia [see SG/Inf (2003) 25], the Interior Minister told the Delegation that the new reform group would “share the positive ideas of the Chanturia Commission” and that members of the latter also participated in the new group. He added, however, that as part of the reform the draft laws on police and the General Prosecutor’s Office would be further significantly changed. The Minister welcomed Council of Europe expertise on both the reform plan and individual draft laws which will be affected by the reform, such as those on police and on The General Prosecutor’s Office, and confirmed that the consulting group would be in “daily contact” with the SRS in Georgia and Council of Europe experts.
29. Concerning more specifically the draft Code of Criminal Procedure, assurances were given by the new Minister of Justice - who was chairing the existing drafting group - that on-going work, carried out with the assistance of CoE and German experts, as well as American experts for more than two years, would continue although further changes would be introduced to the present draft, in particular to take into account the Ministry of Interior reform. Also plea-bargaining proceedings would be introduced into the draft. The Justice Minister dispelled fears expressed by some NGOs that work might start from “scratch”, a development which would be highly regrettable given the advanced stage of consultations on the current draft. The CoE should continue to follow developments closely and be consulted on any new draft or amendments.
30. Harmonisation of Georgian legislation in general with Council of Europe standards was an objective that had not yet been reached. The Justice Minister regretted that the Georgian authorities had not been very active as yet and had not sufficiently used the possibilities provided for within the framework of the CoE/EC Joint Programme. In this respect a strong plea was made by the Interim President and the Representatives of Parliament for increased assistance to the legislative body. All draft laws submitted to Parliament should be submitted to the expertise of relevant international experts. Increased direct assistance from the CoE to the Parliament is urgently called for.

31. With regard to police attitudes, a Human Rights Hotline has already been established by the Interior Ministry to identify human rights violations by the police which are then investigated by the General Inspection Service. High level officers have already been removed in the course of the last two months as a result of the fight against corruption or drug trafficking within the Interior Ministry.
32. To improve police training, a Police Academy should be organised and CoE assistance would be welcomed in this field. Also local councils will be created to increase public awareness and establish local control over police

Specific concerns and proposals

Any new amendments to the draft Code of Criminal Procedure should be submitted to CoE expertise before transmission to Parliament.

The Programme for the Structural reform of the Ministry of Interior, as well as the interrelated draft legislation (in particular draft laws on Police and on the General Prosecutor's Office) should be submitted to CoE expertise.

In general, Georgia should make a more structured use of CoE capacities to analyse draft laws in its sphere of competence, including during examination by the Parliament.

33. *Practical measures to fight against impunity:* No progress has been registered with respect to the trial of defrocked priest Mkalavishvili [see SG/Inf(2003)25, paras. 28-29]. Officially he is hiding but representatives of religious minorities told the Secretariat Delegation that he celebrates mass every Sunday. However, he has not provoked any incidents of violence for the last two months.
34. To demonstrate the new leadership's determination to fight against impunity, the Minister of Interior referred to recent arrests of alleged members of organised crime and corrupted officials.
35. Although these developments are welcomed, action taken should remain within the limits of the rule of law and respect for human rights (e.g. respect for the presumption of innocence principle, only legitimate use of force during arrests, etc.). Several reports by NGOs referred to abuses of force during arrest and detention. They also reported on declarations from high officials which would infringe upon the principle of the presumption of innocence. The CoE should remain vigilant that the welcomed, increased efficiency in the fight against corruption and organised crime is not at the expense of the basic principles of human rights and rule of law.

Specific concerns and proposals

More determined action against corruption and organised crime should remain within the limits of what is admissible in a democratic state, ruled by law and party to the ECHR.

36. *Independence of the judiciary and fair trial:* According to the President of the Supreme Court, Mr L. Chanturia, the Law on the National School of Judges should still be adopted by the current parliament. The draft was positively assessed by Council of Europe experts. However, the latter have not yet had the occasion to see its final version.
37. Discussions on reforming the status of judges are on-going, notably as concerns their appointment, career and disciplinary proceedings. Linked to this reform is the reform of the Council of Justice with a view to strengthening the independence of the judiciary. The competences of the Judges' Conference, which was set up three years ago despite the negative opinion of the Council of Europe, seem to interfere with those of the Council of Justice. The creation of a Chief Justice, in particular, raises several problems. The Council of Europe should give an expert opinion on the concept regarding the reform of the Council of Justice.

Specific concerns and proposals

The concept on the reform of the Council of Justice should be submitted for CoE expert opinion.

38. A new law on the execution of judgments, drafted jointly by Georgian and Council of Europe experts, was adopted. However, the level of execution of decisions of courts remains a problem and undermines the long-term credibility of the judiciary. The Council of Europe will continue its assistance as regards the implementation of the new law.
39. Georgian courts continue to be faced with financial difficulties despite the aid given by the World Bank. NGOs have also expressed concerns with respect to the ignorance of law occasionally demonstrated by judges of lower courts and the public's resulting mistrust of the judicial system. However, the Chairman of the Supreme Court told the Secretariat Delegation that since the Supreme Court's decision annulling the results of last year's parliamentary elections, and thus the role that this Court played in the recent political developments in the country, the image of judges among the public has greatly improved.
40. *Prevention of torture and prison system:* The responses of the Georgian authorities to the report drawn up by the CPT after its first periodic visit to Georgia (6-18 May 2001) will be made public on 29 January 2004. It would now be timely to allow the CPT to pay a visit to places of detention in breakaway regions of Abkazia and South Ossetia.
41. The Minister of Justice informed the Delegation that the reform of the penitentiary system would start with the replacement of the current colony-system by a cell-type prison system. Contacts were made with donors to collect resources for the building of new prisons. Work was also being carried out together with NGOs to improve living conditions in prisons. Moreover, an Action Plan on the Reform of the Prison System of Georgia for 2003/2004, as part of the Joint Council of Europe/European Commission Joint Programme, is currently being implemented.

42. The Minister stressed the fact that, at present, influential criminals - so-called “legal thieves” – controlled the situation in prisons through bribing of the prison administration. This phenomenon had to stop, using the most energetic measures, whilst remaining within the limits of a democratic system ruled by law.
43. As regards probation, the Minister said that currently 5,000 prisoners were released on probation. However, there was a lack of resources and expertise was needed to find ways to ensure proper rehabilitation.

Specific concerns and proposals

Co-operation in the field of prison system should be further developed, in the light also of the recommendations of the CPT.

V. THE FIGHT AGAINST CORRUPTION AND MONEY LAUNDERING

44. Fight against corruption is one of the priorities of the new governing coalition and both the Interior Minister as well as the newly appointed Prosecutor General seemed determined to convince the population that impunity was over in Georgia. The arrests of allegedly highly corrupt persons have indeed marked the first two months of the new government, such as the arrests of the General Director of Georgian Railway LTD and his counsellors, the Head of the Saburtalo District Branch of Post Bank, the former President of Georgian Football Federation, etc. (see also above regarding the need for strict respect of the rule of law and human rights in these operations).
45. Some may question whether these measures are just short-term, limited numbers of mediatic cases addressed to the public opinion (domestic and international) to justify the change of leadership in the country or the beginning of a dedicated, long-term and thorough fight against the roots of corruption and organised crime. The clear commitment expressed by all interlocutors of the Secretariat delegation at the highest level confirmed that the latter opinion is correct. However, everyone is conscious that it will be a painful and dangerous process as it will affect important economic interests.
46. On 11 September 2003, the Monitoring Group of the Anti-Corruption Bureau (ACB) of Georgia held its first meeting. This Group was installed to oversee the political parties' campaign financing in order to ensure financial transparency.
47. The Secretariat Delegation met with the new Prosecutor General on the first day following his appointment. Mr Irakli Okruashvili distinguished himself by fighting productively against corrupt police officers and organised crime activities during his short term as Governor of the Shida Kartli region.
48. The Prosecutor General's Office of Georgia sent official documents to the law enforcement agencies of Switzerland, Luxemburg, Liechtenstein and other States concerning the freezing of bank accounts of Georgian officials suspected of large-scale corruption and embezzlement. According to the representative of the General Prosecutor's Office, the illegal accounts will be transferred into the State budget of Georgia.

49. As regards legislative reforms, an anti-corruption package is being prepared by the Ministry of Justice and soon should be presented for adoption by the present Parliament. The Justice Minister told the Secretariat Delegation that new legislation would introduce confiscation, *in absentia* and plea-bargaining proceedings.
50. GRECO's Compliance Report on Georgia, adopted in December 2003, remains confidential since the Georgian authorities have not yet authorised its publication.
51. Georgia has not yet ratified the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141), despite its commitment to do so within three years of its accession to the Council of Europe. Preventive and anti-money laundering legislation, passed by the Parliament last June, came into effect on 1 January 2004. However, amendments to the legislation in compliance with recommendations made by MONEYVAL experts are still expected.
52. The Secretariat delegation stressed the need for rapid adoption of these amendments and ratification of the CoE Convention (ETS 141) as concrete steps in the fight against corruption and organised crime. Assurances were given, including those at the highest level, that this issue would be dealt with as a matter of priority.

Specific concerns and proposals

Authorisation by Georgia for Publication of the GRECO report in due time would be welcomed.

Georgia should introduce, without further delay, amendments to the anti-money laundering legislation. Ratification of ETS 141 Anti-money Laundering Convention is expected as soon as possible.

VI. OTHER IMPORTANT MATTERS

A. LOCAL SELF-GOVERNMENT REFORM

53. The newly appointed Head of Service of Local and Regional Authorities of the State Chancellery informed the delegation that a National Conference with all stakeholders on local self-government - to which the CoE would be invited - was planned for mid-February to launch dialogue on reforms in the field. Election of all mayors of the country (including Tbilisi and Polti) would be part of the new reforms. The relevant draft law had been prepared and was before the parliamentary committee. A law on local government property was adopted at first reading and a law on local government finance was to be adopted soon.
54. Training of local elected representatives and staff was carried out with Council of Europe assistance (national training strategy). An Action Plan for decentralisation, including specific deadlines, could be agreed with the Council of Europe. The creation of a Local Democracy Agency in Kutaisi could make a concrete contribution in this respect.
55. The delegation urged that Georgia fully participate in relevant Council of Europe structures, namely both in the intergovernmental sector (CDLR) and the Congress of Local and Regional Authorities in Europe.

Specific concerns and proposals

Georgia should use CoE cooperation capacities more efficiently, both in the field of drafting laws and training of staff, and fully participate in CoE structures (CLRAE and CDLR).

B. FREEDOM OF CONSCIENCE AND RELIGION

56. The representatives of religious minorities with whom the delegation met confirmed that there had been no religious violence for the last 2-3 months and they welcomed this positive development.
57. However, there has been no progress as regards the draft Law on Freedom of Conscience and Religious Entities which was submitted to the Council of Europe for expert appraisal in June 2003. It would be unlikely that any real progress on this draft would be made before the Parliamentary elections of 28 March 2004.
58. Since the most urgent matter that needs to be solved is linked to the lack of legal status for all churches other than the Georgian Orthodox Church, the Parliamentary Secretary of the Patriarchy of the Orthodox Church of Georgia suggested that this issue could be solved through amendments to the Civil Code. The latter could probably be adopted rather quickly whereas the contents of the Law on Freedom of Conscience and Religious Entities could be discussed more in-depth among all those concerned. In general, representatives of religious minorities reacted favourably to this suggestion, provided that the ultimate objective of the adoption of a specific law (which was the compensation for their support to the conclusion of the "Concordat" with the Orthodox Church) be further pursued and asked the Council of Europe to be actively involved in this process.

Specific concerns and proposals

CoE expertise could be mobilised to help define legal measures to solve the issue of legal personality of churches in Georgia through or pending the adoption of a specific law.

C. NATIONAL MINORITIES

59. The new Justice Minister told the Delegation that the new government would push forward ratification of the Framework Convention for the Protection of National Minorities. At the same time, a draft law on “the protection of rights and freedoms of national minorities” has been drafted by the NGO “Public-Movement – multinational Georgia”. NGO representatives expressed the hope that the process of adoption of a law and ratification of the Framework Convention would be accelerated.

Specific concerns and proposals

Ratification of the Framework Convention on National Minorities is still expected.

D. REPATRIATION OF DEPORTED PERSONS DURING THE PERIOD 1940-1944

60. The Secretariat still expects a new version of the draft Law on Repatriation of Formerly Deported People since the expert discussion of April 2002.

Specific concerns and proposals

The revised text of the draft Law is still expected.

VII. CONCLUSIONS AND PROPOSALS

61. **To sum-up**, high expectations by both the Georgian people and the international community are placed on the new political leadership. Good intentions by the latter should be confirmed in the nearest future by concrete acts.
62. All Georgian interlocutors recognised that a landslide popular support and the lack of a structured opposition creates more responsibilities and duties for those in power who will have no scapegoat and no excuse if they fail. Expectations are very high and the risk of disappointment is also very high. Thus, all interlocutors underlined the need to achieve quick and concrete results which indicate the new course of action and at the same time fix achievable objectives for the medium- and long-term.
63. In its specific domain of responsibility, the role of the CoE could be crucial in this transition period. European ambitions of the new Georgian leadership are very high. They recognise that the future of their European ambitions and aspirations depends upon their performance as a full member State of the CoE. It is not a surprise – and probably more than symbolic – that the first official visit abroad of the new President, a few days after his investiture, will be to Strasbourg *inter-alia* to meet his former colleagues in the Parliamentary Assembly.
64. Through its combination of monitoring and cooperation policies, the CoE can be the vector for change in Georgia, in complementarity with other members of the international community, in particular the European Union.
65. As regards cooperation, implementation of the EC/CoE Joint Programme concluded in early 2003 lagged behind due to the political and electoral priorities of the past months. For this reason, an urgent meeting of the trilateral (EC/CoE/Georgia) Steering Committee of the Joint Programme should be convened at short notice. Such a meeting would offer the possibility to review the objectives, methods and calendar of the existing programme. It could also be the occasion to identify new areas for common action, in particular, support to the Parliament of Georgia.
66. As regards regular monitoring, bearing in mind the forthcoming repeat parliamentary elections and the political objectives of the new government, it would be advisable during the next six months to continue to concentrate the efforts on the same three priorities: preparation of elections, functioning of judiciary and law enforcement and the fight against corruption. However, these priorities do not exclude examining other important commitments accepted by Georgia when joining the Organisation. This balanced policy of monitoring and assistance should assist the country to progress towards a stable, modern and open European democracy.

Appendix I

Programme of the visit to Tbilisi (14 – 16 January 2004)

Wednesday, 14 January 2004

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| 6.10 pm | Arrival in Tbilisi |
| 8.00 pm | Meeting with the local NGOs at the CoE Office: Liberty Institute, Open Society Institute, Georgian Young Lawyers Association, ISFED, Former Political Prisoners, Centre for Social Studies, Public Movement Multinational Georgia, International Institute of Human Rights, Economic Policy and Research Centre |
| 9.30 pm | Dinner hosted by Mr. Vladimer Ugulava, Director of the Anti-corruption Bureau of Georgia |

Thursday, 15 January 2004

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|----------------|---|
| 8.00-08.45 am | Breakfast with Mr. Mark Mullen, Director of National Democratic Institution |
| 9.00-9.45 am | Meeting with International NGOs in Georgia: ABA-CEELI, IDEA |
| 10.00-10.45 am | Meeting with Mr. Zurab Adeishvili, Minister of Justice of Georgia |
| 11.00-11.45 am | Meeting with Mr. Teimuraz Lomsadze, Acting Ombudsman of Georgia |
| 12.00-12.45 pm | Meeting with Mr. Giorgi Baramidze, Minister of Interior of Georgia |
| 1.00-2.00 pm | Lunch with Media representatives |
| 2.15-3.00 pm | Meeting with Mr. Zurab Tchiaberashvili, Chairman of the Central Election Commission of Georgia. |
| 3.15-4.00 pm | Meeting with the representatives of the OCSE Mission: Mr. Marc Behrendt, Head of Human Dimension, Ms Yrugenia Avetisova, National Legal Advisor |
| 4.15-5.00 pm | Meeting with H.E. Mr. Gigi Tsereteli, Interim Chairman of the Parliament of Georgia and the Georgian Parliamentary Delegation to the PACE |
| 5.15-6.00 pm | Meeting with Mr. Malkhaz Kakabadze, Minister of Special Affairs of Georgia |
| 6.15-7.00 pm | Meeting with Mr. Lado Chanturia, Chairman of the Supreme Court of Georgia |
| 7.15-8.00 pm | Meeting with Mr. Giorgi Andriadze, Parliamentary Secretary of Patriarchy of the Orthodox Church of Georgia |
| 8.00-9.00 pm | Meeting with Mr. Nikoloz Geguchadze, Director of the Financial Investigation Unit |

Friday, 16 January 2004

- 9.00-9.45 am Meeting with Mr. Malkhaz Begiashvili, Head of Service of Local and Regional Authorities of State Chancellery
- 10.00-10.45 am Meeting with the Ambassadors accredited in Georgia
- 11.00-11.45 am Meeting with H.E. Mr. Tedo Japaridze, Minister of Foreign Affairs of Georgia
- 12.15-12.45 pm Meeting with H.E. Mr. Mikheil Saakashvili, President-Elect of Georgia
- 1.00-2.00 pm Lunch with Ambassadors accredited in Georgia
- 3.15-4.15 pm Meeting with H.E. Mrs. Nino Burjanadze, Interim President of Georgia
- 4.15-4.55 pm Meeting with H.E. Mr. Zurab Zhvania, State Minister of Georgia
- 5.00-6.00 pm Meeting with Mr. Irakli Okruashvili, General Prosecutor of Georgia
- 6.15-8.00 pm Meeting with a group of participants in the Tbilisi School of Political Studies
- 8.00-8.45 pm Meeting with representatives of religious minorities
- 9.00 pm Dinner hosted by H. E. Mr. Kakha Sikharulidze, Deputy Foreign Minister of Georgia

Saturday 17 January 2004

- 6.00 am Departure from Tbilisi