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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by Georgia

Information note by the co-rapporteurs on their fact-finding visit to Tbilisi and the Kakheti region (12-16 July 2010)¹

Co-rapporteurs: Mr Kastriot ISLAMI, Albania, Socialist group, and Mr Michael Aastrup JENSEN, Denmark, Alliance of Liberals and Democrats for Europe

¹ This information note has been made public by decision of the Monitoring Committee dated 7 October 2010.

I. Introduction

1. We visited Georgia from 12 to 16 July 2010. This was the second visit to the country in the last half year in the framework of the regular monitoring procedure for this country. This relatively quick succession of visits is the result of our desire, which is shared by the Georgian authorities, to give a renewed focus on the regular monitoring of the democratic developments in Georgia, and the important developments that have taken place in that country, such developments having been overshadowed for some time by the consequences of the 2008 war with the Russian Federation.

2. The aim of this visit was to familiarise ourselves with the latest developments regarding: the reform of the justice sector and the independence of the judiciary; local self-government reform and decentralisation; the fight against corruption; as well as human rights issues, especially with regard to the right to a fair trial, administration of justice, prison conditions, length of investigations and impunity. Our visit took place in the aftermath of the local elections of 30 May 2010, which have given new impetus to political reforms and dialogue, and which were also an important topic for discussion. At the end of our visit, we issued a statement which is attached in Appendix 1.

3. During this mission, we visited both Tbilisi and the Kakheti region including ethnic Ossetian villages in that region. We met, inter alia, the President of Georgia, Mr Mikheil Saakashvili; the Speaker of the Parliament of Georgia, Mr David Bakradze; the first Deputy Speaker of the Parliament of Georgia, Mr Mikheil Machavariani; the Minister of the Interior, Mr Ivane Merabishvili and Deputy Minister of Interior, Mrs Eka Zguladze; the Minister of Justice, Mr Zurab Adeishvili and Deputy Minister of Justice, Ms Tina Burjaliani; the Minister of Corrections and Legal Assistance, Ms Khatuna Kalmakheidze; the Chairman of the Supreme Court of Georgia, Mr Konstantine Kublashvili; the Secretary of the National Security Council, Mrs Eka Tkeshelashvili; the Chairpersons of the committees on Foreign Affairs, Human Rights and Civil Integration and Regional Policy, Self-Government and Mountainous Regions of the Parliament of Georgia; the Executive Director of the National Association of Local Authorities; the Deputy Public Defender; the Chairman and members of the Georgian delegation to the Assembly, as well as representatives of local authorities, civil society and the international community in Georgia. The programme of our visit is attached in Appendix 2.

4. We would like to thank the Parliament of Georgia, as well as the Office of the Special Representative of the Secretary General of the Council of Europe in Tbilisi, for the excellent programme and the hospitality and assistance given to our delegation.

II. Recent political developments and political reforms

5. The local elections that took place on 30 May 2010 can be considered as a step forward in the consolidation of democracy in Georgia. Despite a number of shortcomings, these elections were positively assessed by international observers, including from the Congress of Local and Regional Authorities of the Council of Europe. Most importantly, the international observers noted, and welcomed, the clearly evident political will of the authorities to improve the election process and conduct these elections in line with international standards. This progress was also notable because of the fact that, for the first time in recent Georgian history, the leaders of political groupings that "lost" these elections conceded defeat and congratulated the winning candidate or party. We expect and hope that these two developments will have a considerable impact on the normalisation of the political environment resulting in a situation where healthy and strong political competition can take place without the confrontation and polarisation that has characterised Georgian politics to date.

6. In the May 2010 local elections, the ruling party won the majority of the city councils. However, the parliamentary opposition and the moderate extra-parliamentary opposition scored rather well in these elections. This is an indication that the Georgian public is willing to reward a critical constructive opposition strategy over confrontation and obstruction. In our last information note to the Committee, we therefore urged the authorities to demonstrate that they are willing to reward this strategy of engagement and co-operation, failing which they would strengthen the radical opposition. In particular, we exhorted the authorities not to neglect or ostracise the moderate opposition but instead to initiate a dialogue and seek their involvement in the governance of the country. During our visit, we were informed that positive developments had taken place in that respect. In Tbilisi, two posts of Deputy Chairperson of the city council have been reserved for the opposition, as well as the posts of chairperson of two important commissions, those on Health and Social Issues and on Rehabilitation, Construction and Urbanisation of Old Tbilisi. We hope that similar initiatives will be taken in other city councils where the opposition is present.

7. As we have mentioned on several occasions, a viable opposition is essential for the consolidation of democracy in Georgia. The developments we mentioned above will no doubt help strengthen the role of the

opposition. However, the Alliance for Georgia has split, which could indicate further fragmentation of the opposition. While some interlocutors suggested that this split may actually strengthen the role of the moderate opposition by allowing the Free Democrats, which were at the heart of the Alliance, an enlarged space for manoeuvre and negotiation with the authorities, it should be stressed that the moderate opposition will put itself out of play if it becomes too fragmented. In parallel, the more radical opposition is trying to strengthen its position and to establish a strategic partnership within its midst. This partnership, the so-called Munich talks, is rather controversial due to the participation of parties that have recently been in regular contact with the Russian authorities.

8. It is important that all political forces in Georgia use the positive momentum created after the local elections to reform the electoral framework for the 2013 Presidential elections and, most importantly, for the parliamentary elections which are foreseen for 2012. In that respect, we welcome the fact that the authorities have asked the National Democratic Institute (NDI) to again convene and mediate the Electoral Working Group (EWG) with a view to improving the election environment for the 2012 parliamentary elections. The opposition, with the exception of the Christian Democratic Party, has not yet formally announced if it will join this working group. However, in a statement issued on 29 July 2010, 7 opposition parties announced that they *“welcome any organization’s willingness to facilitate the creation of an electoral environment needed for holding free and fair elections”* but that the *“creation of a fair mechanism for facilitation, discussion of election code and decision-making is required for fruitful talks”*. We therefore hope that the opposition will soon announce that it will formally join the EWG. In this respect, it is important that no issues are declared off limits beforehand and that a consensus can be achieved on the electoral system according to which the mandates will be distributed, as such agreement was not reached for the 2008 elections. In addition, the European Commission for Democracy through Law (Venice Commission) recommendations should be addressed, especially those regarding the unequal sizes of the majoritarian constituencies, which run counter to accepted European standards for the equality of the vote.

9. An agreement on a new electoral system would necessarily imply changes to the constitution. A far-reaching constitutional reform process – which we will discuss below – is taking place concurrently with the reform of the electoral system. It is important that the constitutional reform process should not hinder or pre-condition the search for an consensus on the electoral system in the EWG.

10. As mentioned in our previous information note, a State Constitution Commission of Georgia has been established, composed of academics, international experts and representatives of political parties and civil society. This Commission has been tasked with drafting a new constitution with a view to, inter alia, strengthening the role of the Parliament, to strengthening the independence of the judiciary and to enhancing the system of checks over the powers of the President. The draft was completed by the working group on 14 May 2010 and was sent to the Venice Commission for opinion on 17 May 2010. This draft constitution was discussed with the Venice Commission, as well as other international experts, in Berlin from 15 to 17 July 2010. Following that meeting, the State Constitutional Council adopted a revised draft constitution.

11. On 31 July 2010, the Venice Commission issued a draft opinion² on the amendments to the Georgian constitution, taking into account the discussions in Berlin, which it intends to adopt at its forthcoming meeting in October 2010. A comprehensive discussion on this opinion is outside the scope of this information note. We will limit ourselves to the main issues contained in the draft opinion.

12. The draft constitution moves from a presidential system to a mixed system where the executive power is in the hands of the government, which is accountable to the parliament. The president is transformed into an independent political arbiter between state institutions. However, the president maintains important political powers in the field of international relations, the armed forces and emergency situations. Moreover, the constitution foresees a direct relation between the president and parliament as well as the right of legislative initiative for the president, potentially allowing the former to side-step the government. As mentioned in the draft opinion, this creates a potential for political conflict and gives the president a political role which is not commensurate with his role as a neutral arbiter between state institutions. We would recommend that the Georgian parliament address the concerns of the Venice Commission, and take its recommendations fully into account, when adopting the new constitution.

13. The authorities and representatives of the ruling party indicated that they favoured a speedy adoption of the new constitution, which gave rise to some concerns that this could be done at the cost of a proper public discussion and consultation on the draft constitution, as is required by law. We therefore welcome the fact that the authorities have started a comprehensive public consultation process, with a view to adopting the new constitution in Parliament by the end of October or beginning of November 2010.

² CDL(2010)062

14. A main tenet of the draft for the new constitution has been the strengthening of the powers of the Parliament and Prime Minister at the cost of those of the President. This has led to speculations that President Saakashvili, who is prohibited from running for the presidency for a third consecutive term in 2013, is considering returning as Prime Minister after the next Presidential elections. Although we have no indication that this scenario is being considered, it would seem to us that Georgia's democratic credentials would be damaged if such an arrangement were to be effected.

III. Reform of the justice sector and the independence of the judiciary

15. The strengthening of the justice sector and the independence of the judiciary remain a priority for the Georgian authorities and reforms have continued unabated, despite the war. The provisions that allowed a strong role for the President in the appointment and the dismissal of judges have been removed from the law. The appointment and dismissal of judges is now fully in the hands of the High Council of Judges, which is now chaired by the Chairman of the Supreme Court and not by the President. In addition, the majority of members of the High Council are now judges and the President and the Minister of Justice are no longer members.

16. While great progress has been made with regard to the reform of the justice sector and the strengthening the independence of the judiciary, pressure on the judiciary and limitations on the independence of the judiciary, as well as the strong public perception thereof, continue to be of concern. Further reforms are needed in this respect, as was also underscored in the latest report³ of the Public Defender of Georgia and the 2009 Human Rights Report of the US State Department.

17. The need to further strengthen the independence of the judiciary is recognised by the authorities and further reforms are planned. Of key importance in this respect are the recently adopted constitutional amendments that will introduce the appointment of judges for life, as well as the adoption of a law that outlaws ex parte communication with judges concerning a case and severe sanctions for any transgressions. Moreover, a new Criminal Procedure Code will come into force in October 2010. This new CPC introduces the adversarial principle in the justice system, as well as jury trials for certain categories of cases. In addition, the new CPC changes the role of the judge in the court proceedings into an impartial arbiter between prosecution and defence, which further insulates the judiciary from undue influence by third parties.

18. Many interlocutors, including the Public Defender of Georgia, have expressed concern with regard to the administration of justice. Problems in this respect have, at times, led to uneven application of justice which undermine the principle of a fair trial as guaranteed by Article 6 of the European Convention on Human Rights. The main problems noted with the administration of justice in Georgia are, inter alia, the lack of, or inadequate, reasoning given in court decisions, obstacles to the right of defence, the use of standardised templates for decisions by the courts, as well as court decisions based on meagre or contradictory evidence.

19. The problems in the administration of justice are compounded by the fact that the justice system, as a leftover from Georgia's soviet past, is still biased in favour of the prosecution, which challenges the principle of the presumption of innocence until proven guilty. In response to allegations that persons would have been prosecuted on non-existent or fabricated evidence, the National Democratic Institute (NDI) has started a trial monitoring project for those cases where people have been charged for illegal weapon or drugs possession, as these charges were highlighted as problematic by several human rights organisations. While this trial monitoring project is still ongoing, preliminary results show that there is a significant number of cases where persons are convicted only on the basis of police testimony, without corroborating evidence. In a number of cases, the prosecution was reportedly not able to produce the weapon or drugs that were at the basis of the charges. We would like to note that the Assembly, on other occasions, has expressed its view that convictions based solely on police evidence without corroborating evidence are unacceptable.

20. The fact that the justice system in Georgia is still very much "prosecution driven" is also clear from the statistics given to us by the Chairman of the Supreme Court that show that the conviction rate in Georgia is 98%, 75% of which based on plea bargain agreements. The very high percentage of plea bargain agreements is, in our view, an indication that public trust in the fairness of the justice system is still low. This seems to be recognised by the legislator from the fact that Georgian law allows persons to appeal their conviction and sentencing, even if this has been based on a plea bargain agreement.

³ Report of the Public Defender of Georgia on "The situation of Human Rights and Freedoms in Georgia – 2009 Second Part", presented to the Georgian Parliament on 16 July 2010.

21. We urge the Georgian authorities to address the problems with the administration of justice indicated by several national and international bodies and organisations, including by the Georgian Public Defender, as these problems undermine the right to a fair trial and public trust in the fairness and independence of the justice system. This in turn could undermine the considerable progress made by the authorities in the field of judicial reform and the strengthening of the independence of the judiciary. In addition, the borderline between uneven justice and selective justice is vague. The problems in the administration of justice could therefore easily give credence, especially in the current charged political environment, that political motivations can influence the application of justice in Georgia.

22. Considerable progress has been made with the reform of the police, transforming it from a strict instrument of force into a societal service organisation. A key aspect of these reforms has been to make the police forces more accountable and transparent, going as far as the construction of completely transparent police stations. As a result, corruption in the police force has been almost completely eradicated. In addition, excessive use of force and torture by law enforcement personnel, which used to be a systemic problem several years ago, has disappeared although isolated cases regrettably still occur. A point of ongoing concern are the protracted and ineffective investigations, some of which have been going on for more than 10 years without bearing any results. This may partly be explained by a remnant of the soviet mentality whereby the police does not want to close unsuccessful cases in order to maintain a statistically high success rate of investigations. However, these protracted investigations feed allegations and concerns about uneven investigations and lack of willingness of the police to investigate politically sensitive cases. In that respect, it should be noted that neither the attacks on protesters during the November 2007 demonstrations, nor those during the demonstrations of April 2009, have been concluded or led to charges being brought. These protracted investigations risk becoming a systemic problem which should be addressed as a matter of priority by the authorities.

23. According to a number of interlocutors, there is considerable reticence among the police and prosecution services to investigate cases that involve personnel of law enforcement agencies, resulting in sense of impunity. Any perception of impunity for anyone is of concern and we therefore urge the authorities promptly and swiftly to investigate any allegations of violations of the law by personnel of law enforcement agencies.

24. In order to underscore the resolve of the authorities to fight crime, very strict, and in our view somewhat disproportionate mandatory sentences are prescribed in the law, even for minor crimes. In addition, sentences are served consecutively and not concurrently, as is the case in many other European countries. As a result, Georgia has proportionally one of the largest prison populations in the Council of Europe area, which continues to grow with an average of 200 persons per month. This growth is hindering the efforts of the government to bring the conditions in all prisons up to European standards. The authorities have tried to address the growing prison population with parole measures and pardons, but the work of the State Parole Commission has been criticised as chaotic and ad-hoc. In our view, it would be important for the Georgian legislator to revisit the mandatory sentencing guidelines, consider alternative sentencing as a means to reduce the growth in prison pollution and develop improved guidelines for early release, especially for minor crimes.

IV. Local self-government reform and decentralisation

25. Georgia ratified the European Charter on Local Self-Government in March 2005 and has been developing a series of reforms to implement the Charter and to bring its national legislation in line with its provisions. A decentralisation strategy was developed with the help of the Council of Europe but was never formally adopted. We have regrettably not received a conclusive answer on the question why this strategy has not yet been formally adopted, but we were told that its adoption should take place in the very near future.

26. The draft Constitution prepared by the State Constitution Commission of Georgia contains a special chapter on local self-government. This chapter is especially important taking into account the fact that it is intended to replace the current organic law that regulates Local Self-Government in Georgia. In its opinion on this chapter, the Venice Commission noted the provisions were generally vague and in need of clarification and/or strengthening especially with regard to the organisation and definition of local powers.

27. The reform of the organic law on local self-government has been pursued with a view to bringing it in line with the Charter. This reform is taking place in close co-operation with the Council of Europe. A number of concerns of the latter still remain to be addressed, especially with regard to, inter alia, the organisation of executive power and state supervision over local authorities. Part of the problem with regard to the executive power is related to the fact that the Gambelli and Gamgeogba continue to hold executive authority despite

the fact that they are not elected and therefore are not accountable to the citizens of the community. This is in contradiction to the provisions of the Charter. Moreover, the appointment procedures of these persons are ambiguous and potentially run counter to the provisions of the Charter. It is important that these issues are addressed in the new Constitution.

28. Currently, only the mayor of Tbilisi is directly elected. Mayors in other municipalities are elected by the city councils. Originally, President Saakashvili had also proposed that the mayors of other large self-governing cities would be directly elected but, for unknown reasons, this was not implemented. In view of the very positive experience with the direct election of the mayor of Tbilisi, we would recommend that direct election of mayors be introduced for all municipalities in Georgia and especially for the large self-governing cities. The introduction of direct election of mayors of all municipalities is also supported by the National Association of Local Authorities in Georgia.

29. While the opposition was elected in a significant number of city councils across the country during the last elections, they are often considered weak and not well organised on the local level, especially in the smaller municipalities. The opposition needs to be further strengthened in that respect. In this context, the 2009 Freedom House report notes that, as a result of the domination of the city councils by the ruling party, the central government maintains tight control and supervision over city councils, which undermines the very logic of self-governance.

30. The fiscal basis of local authorities is very weak and needs to be strengthened. While some taxes, such as property taxes, are levied directly and collected by the municipalities, the cost of collection of these taxes is often higher than their revenue. As a result, practically all city councils receive additional funding from the central budget, which limits their independence.

31. The authorities have expressed their interest in developing strong regions, especially in the view of the still rather weak municipalities in the country. There is currently no constitutional arrangement for regions in Georgia. However, the authorities have nonetheless started to draft a regional development strategy. A number of organisations and bodies, including from the Council of Europe, have expressed some concern about the possible regionalisation of Georgia, in the light of the still very weak financial and human resources at the regional and local levels. It is feared that the development of strong regions could undermine the development of local self-governance at the municipality level. While we support the principle of regionalisation in the country, we would like to stress that this should not be done at the cost of the development of strong and effective self-government at the local municipality level.

V. Human rights and freedoms

32. Allegations are increasingly heard, mainly from opposition parties as well as a number of NGOs, that opposition figures and their families are targeted by politically motivated criminal investigations and that political pressure and motivations have influenced the charges brought and the sentences handed down. They therefore claim that political prisoners de facto exist in Georgia. We cannot comment or judge on the merits of the individual cases. However, we note that allegations of the existence of political prisoners are increasingly used as a political strategy. At the same time, we should stress that the problems of the administration of justice and protracted investigations outlined above can easily give credence to allegations of selective or politically motivated justice. Selective justice, for whatever reason, is clearly unacceptable in a democratic country that respects the rule of law. We therefore call upon the authorities to address problems in the administration of justice that could give rise to such allegations and, at the same time, to investigate fully, and remedy where necessary, any alleged miscarriages of justice.

33. As mentioned above, police brutality during criminal investigations and in detention appears to have disappeared, although some cases were still reported in 2009. Excessive use of force by the police during large protest events remains a problem, especially during the spring 2009 protest actions. While the prosecutor general has started a number of investigations into excessive use of force by members of the law enforcement agencies, several NGOs, including such reputable ones as Human Rights Watch, allege that, in a number of cases, investigations were not conducted systematically or convictions were not pursued, which contributes to a sense of impunity among law enforcement personnel.

34. The situation in the prisons continues to be a point of concern, despite the many efforts of the Georgian authorities in that respect. A new "Mega" prison has been built and will be opened shortly. This new, very large, prison complex has been developed with the assistance of the international community and adheres to European standards for prisons. However, as a result of the continuous growth of the prison population (see also above), old prisons remain in use, the living and health conditions of which are of concern as they are far below European standards. The European Committee for the Prevention of Torture

and Inhuman or Degrading Treatment or Punishment (CPT) reported that the conditions in old facilities are considered to be inhumane and life-threatening. A new comprehensive strategy to liberalise the prison system and parole conditions is therefore planned by the authorities to address this problem.

35. Problems still remain with regard to the ill-treatment of persons in prisons, as well as at the time of their arrest. However, victims are often afraid to speak up and file official complaints out of fear of retribution, as noted in the report of the Public Defender of Georgia. Addressing this issue should be a priority for the Georgian authorities and care should be taken that no climate of impunity for such ill-treatment in detention centres and prisons is allowed to subsist.

36. Minority rights were a main topic of discussion during our previous visit to the country.⁴ However, when visiting the Kakheti region during this mission, we had the opportunity to visit some of the minority populated areas, including an Ossetian village. All interlocutors in these areas underlined that, from their perspective, minority relations had been improving substantially since 2004 for all minorities, including those of the Ossetian minority. Moreover, none of the representatives of ethnic Ossetian persons we spoke to felt that they had experienced forms of racism or negative treatment as a result of the 2008 war between Russia and Georgia.

VI. Media pluralism

37. Georgia's media landscape continues to be an example for the region and beyond. While Georgia's media legislation is still one of the most liberal, the overall media environment, especially with regard to media pluralism, has deteriorated in the recent period. In the recent report to the Committee of Ministers, the Directorate General of Democracy and Political Affairs of the Council of Europe noted that, while the media freedom in general seemed to be adequate, unresolved issues with regard to media ownership and whistleblowers exist. In a report published in November 2009, Transparency International (TI) concluded that Georgia's media is less free and pluralistic than before the 2003 Rose Revolution. TI faulted the lack of transparency of ownership and control over the electronic media and noted that the national regulatory body is not perceived as independent and needs to be further depoliticised. In addition, TI expressed its concern with regard to the independence of the public broadcaster which, in its opinion, operates more like a state than a public broadcaster. Likewise, in its 2009 report, the Committee to Protect Journalists expressed its concern over increased government control over the television broadcasters, including manipulation and politicisation of TV news and obstruction of opposition aligned broadcasters.

38. Most initiatives to address the deteriorating plurality of the media have focused on increasing the transparency of ownership. While increasing the transparency of ownership of, and control over, the media is indeed important, it can only offer a partial solution, especially in an increasingly global media market with a plethora of offshore media holdings. Equally important, in our view, is the possibility for new groupings to enter the media market. We were informed that a number of initiatives exist that have sufficient economic backing, but that, regrettably, no new frequencies have been made available by the authorities for quite a considerable time. We would therefore recommend that the authorities organise, as soon as possible, a new tender for broadcasting frequencies with a view to diversifying the media landscape and increasing its pluralism.

39. At the same time, a number of positive developments have taken place. In a welcome development, a new parliamentary channel, that is administered with the involvement of the opposition, has started broadcasting. In addition, the international election observation mission noted an improvement in the media environment during the May 2010 local elections, which was confirmed by the findings in other reports. In that respect, the balanced coverage of the elections by the Public Broadcaster was highlighted.⁵

VII. Fight against corruption

40. The fight against corruption since the Rose Revolution is considered a Georgian success story and low level corruption has been practically eradicated. However, allegations of high level corruption continue to persist and many NGOs still consider political corruption to be a problem in Georgia. Further initiatives are needed, including in the field of the transparency of political party financing.

⁴ AS/Mon(2010)24 rev.

⁵ http://www.osce.org/documents/odihr/2010/09/46040_en.pdf

41. In January 2009, the Anti-Corruption Council, which includes civil society groups, was established under the Ministry of Justice and tasked with updating and further developing the Government's anti-corruption strategy. Several of the interlocutors noted that, while the strategy is generally very good, more efforts need to be deployed to inform the public of this strategy and to enforce its provisions in practice.

42. The latest compliance report of the Group of States against corruption (GRECO) was adopted in May 2009. In this compliance report, GRECO welcomes the adoption of several legislative initiatives to address GRECO recommendations. At the same time, it notes that the Georgian authorities "now face the challenging task of ensuring that existing legislation is vigorously implemented in practice".

43. It should be noted that the shortcomings mentioned do not necessarily imply that a climate of impunity for high level corruption exists in Georgia. On a number of occasions, the Prosecutor general has initiated investigations into allegations of corruption, including by high officials, and a number of high level political figures have been convicted.

44. We intend to return to the country in the second half of 2010, with a view to preparing a report on the honouring of obligations and commitments by Georgia for debate in the Assembly early in 2011.

APPENDIX 1

Georgia: PACE rapporteurs welcome democratic developments but stress need for continued efforts to maintain public trust

Strasbourg, 20.07.2010 – Kastriot Islami (Albania, SOC) and Michael Aastrup Jensen (Denmark, ALDE), co-rapporteurs for the monitoring of Georgia by the Parliamentary Assembly of the Council of Europe (PACE), have expressed their satisfaction with the positive political developments that have taken place following the recent local elections in Georgia.

At the end of a five-day visit to Tbilisi (12-16 July 2010), the co-rapporteurs said: “The efforts of both authorities and part of the opposition to maintain a constructive dialogue and to secure the opposition’s rightful place in the governance of the country are an important step for the consolidation of democracy in Georgia.” They underscored that the planned electoral and constitutional reforms should be based on an all-inclusive process: “A wide political consensus and solid public consultation process on the direction of these reforms are essential to ensure public trust, not only in the electoral process, but in the political system as such.”

On human rights in Georgia, the co-rapporteurs welcomed the overall improvements with regard to the judiciary and judicial system. However, they expressed concern about problems brought to their attention regarding the administration of justice and guarantee of a fair trial: “Further efforts by the authorities in this field are necessary as even the perception that justice is selective, or that obstacles to the right of a fair trial could exist in this country, undermine public trust in the justice system and ultimately in the authorities themselves.” They highlighted the positive role played by the Public Defender in this field and urged the authorities to swiftly address the concerns expressed in his forthcoming report to the Parliament of Georgia.

They also extensively discussed the reforms in the penitentiary system and welcomed the overall direction of these reforms. However, they cautioned that the continuing increase in the number of prisoners in Georgia, already high, could undermine these reforms. In addition, they noted that concerns with regard to the treatment of prisoners as well as their healthcare remain, and encouraged the authorities to address these areas as a priority.

During their visit, the co-rapporteurs also visited the Kaheti region to familiarise themselves with the impact of reforms regarding local self-government as well as minority populations. “During our visit to an ethnic Ossetian village in Kaheti, all ethnic Ossetians we met stressed the improvements made with regard to the living conditions of the minority population since 2003, as well as minority relations in general,” said the co-rapporteurs. “The fact that they feel fully integrated into Georgian society is especially important in the light of some questions raised recently with regard to the multi-ethnic character of Georgia,” they added.

The co-rapporteurs will present an information note on this visit to the Monitoring Committee during its meeting in Paris on 9 September 2010.

APPENDIX 2

Programme of the fact-finding visit to Tbilisi and the Kakheti region (12-16 July 2010)

Mr Kastriot ISLAMI, member of Parliament
Mr Michael Aastrup JENSEN, member of Parliament
Mr Bas KLEIN, Deputy to the Acting Head of Secretariat of the Committee

Monday, 12 July 2010

- 11:00-12:00 Brunch with the Human Rights Advisor, Ms Sabrina BUECHLER
- 12:30-13:00 Joint meeting with the Minister of Interior of Georgia, Mr Ivane MERABISHVILI, the Deputy Minister of Interior of Georgia, Mrs Eka ZGULADZE, the Minister of Justice of Georgia, Mr Zurab ADEISHVILI, and the Deputy Minister of Justice of Georgia, Ms Tina BURJALIANI
- 13:30-14:30 Visit of the Service Agency of the Ministry of Interior of Georgia
- 15:00-16:30 Meeting with the representatives of the NGOs working on human rights issues
- 16:30-17:30 Meeting with the Group of Human Rights representatives of missions and embassies
- 17:30-18:30 Meeting with media representatives
- 18:30-19:30 Meeting with representatives of NGOs working on anti-corruption issues
- 20:00 Dinner with the Ambassadors of the member states of the Council of Europe accredited in Georgia

Tuesday, 13 July 2010

- 10:00-10:45 Meeting with the members of the Foreign Relations Committee of the Parliament of Georgia and Legal Issues Committee
- 11:00-11:45 Meeting with the Deputy Public Defender of Georgia, Ms Tata KHUNTSARIA
- 12:15-13:00 Meeting with the Minister of Corrections and Legal Assistance of Georgia, Ms Khatuna KALMAKHELIDZE
- 13:30-15:00 Working lunch with the Secretary of the National Security Council of Georgia, Mrs Eka TKESHELASHVILI
- 15:15-16:00 Meeting with the Chairman of the Supreme Court of Georgia, Mr Konstantine KUBLASHVILI
Meeting with the President of Georgia, H.E. Mr Mikheil SAAKASHVILI
- 20:00 Dinner hosted by the Head of the permanent delegation of the Parliament of Georgia to the PACE, Mr Petre TSISKARISHVILI

Wednesday, 14 July 2010

- 10:00-10:45 Meeting with the Executive Director of the National Association of Local Authorities, Mr David MELUA
- 11:00-11:45 Meeting with a member of the State Commission on Decentralization of Georgia, Mr David CHICHINADZE
- 14:00-14:30 Signagi City Tour
- 14:30-15:30 Lunch hosted by the Governor of the Kakheti Region, Mr George GVINIASHVILI
- 16:00-17:00 Meeting with the local authorities of the Ethnic Azeri village Karajala
- 18:00-19:00 Meeting with the local authorities of the Ethnic Ossetian village Kitaani

21:00 Dinner hosted by the Chairman of the Foreign Affairs Committee of the Parliament of Georgia, Mr Akaki MINASHVILI

Thursday, 15 July 2010

11:00-11:45 Meeting with the Mayor of Tbilisi, Mr George UGULAVA

12:00-13:00 Meeting with the representatives of the non-parliamentary opposition

13:30-15:00 Working lunch with the Chairman of the Parliamentary Committee on Human Rights and Civil Integration, Mr Giorgi ARSENISHVILI

15:15-16:00 Meeting with the Chairman of the Parliament of Georgia, Mr David BAKRADZE

16:00-16:45 Meeting with representatives of the parliamentary majority

16:45-17:30 Meeting with representatives of the parliamentary opposition

17:30-18:15 Meeting with the Chairman of the Committee on Regional Policy, Self-Government and Mountainous Regions of the Parliament of Georgia, Mr Vakhtang BALAVADZE

18:30 Press conference

20:00 Dinner hosted by the first Deputy Chairman of the Parliament of Georgia, Mr Mikheil MACHAVARIANI