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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 (6 to 8 November 2018)

Co-rapporteurs: Co-rapporteurs: Ms Kerstin LUNDGREN (Sweden, Alliance of Liberals and Democrats for Europe) and Mr Titus CORLĂȚEAN (Romania, Socialists, Democrats and Greens Group)

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¹ Document declassified by the Monitoring Committee at its meeting on 12 December 2018.

1. Introduction

1. One of the key objectives of this visit was to discuss the overall stage of the monitoring procedure with regard to Georgia, as well as the perspectives for its development in the near future. In that context we aimed to identify, in consultation with stakeholders and partners, the reforms that remain to be implemented in a number of areas², as well as the legislative initiatives and policies that need to be minimally in place for the country to move to the next phase of the monitoring procedure. In addition, we informed ourselves about the recent political developments, including those concerning the political environment following the first round of the Presidential elections.

2. Our visit took place after the first round of the Presidential elections that took place on 28 October 2018. As none of the contenders had obtained the 50% of the vote, required to be elected in the first round, a second round of elections was announced. The second round was formally called after our visit had taken place for 28 November 2018. As a result, the political environment was dominated by the impact of the outcome of the first round of the elections. However, it is important to underscore that our visit was decidedly not election related and the election process itself was only cursorily touched upon. To minimise any possibility of being instrumentalised in the election process we decided not to issue a statement at the end of our visit, as would normally be our practice.

3. During this visit, we met with, inter alia, the Prime Minister; the Speaker of the Parliament; the Foreign Minister, the Minister of Justice, the Chief Prosecutor; the President of the Constitutional Court; the Deputy Minister of the Interior; the Chairperson and members of the High Council of Justice; the Deputy Chairperson of the Supreme Court of Georgia; the Head of the Georgian National Communications Commission; the Chairperson of the Legal Affairs Committee of the Parliament of Georgia, the Chairperson and members of the Georgian Delegation to PACE; individual meetings with all parliamentary factions; representatives of non-parliamentary opposition parties; as well as members of the diplomatic community and representatives of civil society organisations in Georgia. The programme of our visit is attached to this note in Appendix.

4. We would like to thank the Georgian Parliament for the organisation of our programme and hospitality provided, and the Head of the Council of Europe Office and his staff for the support given to our delegation, including with the organisation of the programme.

2. Recent political developments and political environment

5. The political climate in Georgia remains tense and polarised. These tensions and polarisation became increasingly more marked in the context of the Presidential elections and especially after the first round of these elections, when it had become clear that the ruling majority was facing a serious challenge from the opposition to its dominant political position.

6. In May 2018 Georgia was rocked by a series of massive protests following the inability by the Tbilisi City Court to convict three youths for the group murder of another teen during a street fight in Tbilisi in November 2017. This inability to convict was allegedly the result of deliberate interference by a member of the Chief Prosecutor's office who tried to cover up for a family member involved in the fight. The resignation of the Chief Prosecutor did not end the mass protests, and a permanent demonstration was initiated in front of the parliament. These developments underscored the still low level of public trust in the judiciary and prosecution service³, but also seem to indicate an increase in public dissatisfaction with the government and ruling party.

7. Following the first round of the elections the political environment hardened considerably. One of the two candidates in the second round, Mr. Grigol Vashadze, is considered close to former President Michael Saakashvili and was openly supported by the latter. Given that former President Saakashvili is the anathema for the ruling majority, the possibility of Mr. Vashadze winning the second round substantially hardened the campaign environment, as is evident from a number of deplorable violent incidents following the first round of the elections and the increase of harsh and sometimes violent rhetoric, including from leading officials.

8. Regrettably the relationship between civil society and authorities has deteriorated rapidly and considerably in the recent months. This trend is of concern, especially given the important role civil society has historically played in Georgia. Several NGOs have refused to participate in the Interagency Task Force for the

² In this visit we focussed on the justice system, parliamentary oversight as well as the country's outstanding commitments regarding signing and ratifying the European Charter for Regional and Minority Languages. The progress made regarding the repatriation of the deported Meskhetian population was discussed during our previous visit and only briefly touched upon.

³ NDI, Public Opinion Polls in Georgia, March and June 2018 (<https://www.ndi.org/georgia-polls>).

elections as it was led by the Minister of Justice, which has been openly, and harshly, critical of NGOs. We regret to note that the rhetoric of some government representatives, including the Speaker of the Parliament, has been so harsh that it passed all norms of acceptable criticism, which contributed to a rapidly escalating election environment. From their side, the authorities have accused NGOs of losing their impartiality and engaging in partisan politics. The Public Defender, on a number of occasions, expressed her concern about the escalating situation and called upon the authorities to refrain from discrediting NGO leaders and to respect their independence.

9. Following the first round of elections a number of isolated violent election related, or allegedly election related, incidents were reported. Regrettably, reports of isolated violent incident seem to have become a regular feature in the context of elections, which is an issue of serious concern. During our meetings with the relevant authorities we have therefore stressed that all allegations of election related, or politically motivated, violence need to be investigated promptly and transparently, as should any cases of alleged election fraud or violations of campaign and political party financing legislation. There can be no perception of impunity or unequal treatment before the law, for such actions. We welcome the assurance given by the authorities, including by the Deputy Minister of the Interior and by the Chief Prosecutor, that these allegations will be fully investigated and if perpetrators are found, prosecuted in line with the law.

10. A full analysis of the elections and their outcome is beyond the scope of the present information note. However, the reports of the election observers confirm a number of already expressed concerns of the Assembly about deficiencies in the legal framework for political party and campaign financing. Similar concerns were expressed by civil society organisations during our visit to Tbilisi. In this context it should be noted that in the addendum to the second compliance report on Georgia regarding the third evaluation round dealing with Transparency of Party funding *GRECO concludes that no tangible progress has been achieved by Georgia, since the adoption of the Second Compliance Report, as regards the implementation of the seven outstanding recommendations concerning transparency of political funding*⁴. We urge the authorities to promptly address the outstanding GRECO recommendations in the framework of the third evaluation round as well as concerns expressed in the election observation reports. Another issue that the authorities and political forces need to address is the blurring of the line between state and party interest in the governance of the country. This is a recurrent issue in Georgian politics, irrespective of whom is in power and it should not be allowed to become a systemic feature of the Georgian political environment.

3. Presidential Elections

11. Presidential elections took place on 28 October 2018. While, following the constitutional changes the powers of the President have been greatly reduced and are mostly ceremonial. The Presidential elections were seen by the opposition as a possibility to challenge the ruling majority's domination of the political environment.

12. The main opposition parties, the UNM and European Georgia – Movement for Liberty did not field a joint candidate. European Georgia nominated former Speaker (and 2013 Presidential candidate) David Bakradze, while the UNM nominated former Foreign Minister Grigol Vashadze. In total, 25 candidates participated in the first round of the Presidential elections. However, in reality, the presidential race centered on the three main candidates: Ms. Zurabishvili, Mr. Bakradze and Mr. Vashadze. During the presidential elections that took place on 28 October Ms Salome Zurabishvili (formally independent but supported by GD) got 38.66% of the vote and Grigol Vashadze, who was nominated by UNM, obtained 37.7% of the vote. Mr. David Bakradze who was nominated by European Georgia – Movement for Liberty received 10.97% of the vote. All other candidates failed to obtain significant support in these elections. As none of the candidates obtained more than the 50% needed to be elected President in the first round, a second round of elections was announced. After admitting his defeat, Mr. Bakradze called on his voters to support Mr. Vashadze in the second round.

13. The preliminary findings and conclusions issued after the first round by the International Election Observation Mission (IEOM) - of which the Assembly was part - concluded that the first round of the Presidential elections was competitive and professionally administered with voters having a genuine choice among candidates that could campaign freely. However, the IEOM expressed its concern about the uneven playing field resulting from, inter alia, the fact that shortcomings regarding campaign financing regulations allowed for a substantial imbalance in campaign donations and spending, the latter benefiting mostly Ms Zurabishvili. Regrettably, the misuse of administrative resources was also noted during these elections, which also contributed to the unequal playing field.

⁴ GrecoRC3(2016)12 § 40-44.

14. Following our visit, the second round of the Presidential election would take place Wednesday 28 November 2018. This date, which was somewhat controversial given that most elections take place on Sundays in Georgia, was formally announced by the CEC on 14 November 2018. It is therefore beyond the scope of this note to comment in detail on the conduct of these elections, which were won by Ms Zurabishvili with 59.5 % of the vote against Mr Vashadze who gained 40.5% of the vote. The turnout was 56.2% and increase of 9% in comparison with the first round which demonstrates the extent of voter mobilisation that took place.

15. According to the IEOM that observed the 2nd round of the Presidential elections⁵ - of which a delegation from the Assembly was a part - the second round had been competitive, and candidates had been able to campaign freely, but one side had enjoyed an undue advantage. The negative character of the campaign by both sides had undermined the process. The campaign was marked by harsh rhetoric and polarisation, including in the media. Regrettably an increase in the use of administrative resources and isolated violent incidents in the run up to the elections had been witnessed. According to the observers, the election day had proceeded in an orderly manner but the tracking of voters outside the polling stations raised questions about possible intimidation and voter control.

16. These were the last direct elections for the President of Georgia. The constitutional amendments adopted in 2017, which will come into force after the installation of the new President, reduce considerably the powers of the President whose role has become largely ceremonial⁶. Therefore, after the new constitutional provisions come into force, the President will from then onwards be elected by a 300-member Electoral Council consisting of the members of parliament as well as representatives of local and regional government.

4. Media Environment

17. The media environment in Georgia reflects the political environment and is highly politicised. The media market is dominated by two private broadcasters: Imedi TV, which is close to the leaders of Georgian Dream, Mr Ivanashvili; Rustavi 2 which is closely aligned to former President Saakashvili. All other private channels have a much lower market share but equally reflect the economic interest and political preferences of their owners. While the media are politicised and sometimes instrumentalised for political purposes, media representatives and experts we met during our visit also pointed out that the advertisement market in Georgia is too small for the number of private media outlets that exist. As a result of this, business interests and constraints are sometimes falsely projected as media freedom issues.

18. The media environment during the elections reflected the political environment and was highly polarised. Imedi and Rustavi 2 were strongly supporting, and biased in favour of, the candidates supported by their owners, Ms Zurabishvili by Imedi and Mr Vashadze by Rustavi 2⁷. Most other private media outlets were likewise biased in favour of one candidate or the other in line with the political preferences of their owners.

19. During the first round of the elections, the Georgian Public Broadcaster generally acted in line with legal requirements regarding impartiality. However, media monitoring by the OSCE/ODIHR Election Observation Mission in the run up to the second round of elections noted that the public broadcaster displayed a clear bias against the UNM candidate and in favour of the candidate backed by the ruling majority, in violation of its legal obligations regarding editorial independence and impartiality⁸. This is of concern and raises questions about the genuine independence of the Public Broadcaster, which needs to be strengthened.

20. The role of the media regulator, the Georgian National Communications Commission (GNCC), which oversees the media during the election campaign, was controversial and perceived as biased. The neutrality of the media regulator is an essential prerequisite for a genuinely democratic society. We encourage the Georgian parliament to explore possible additional measures to further strengthen the independence of the GNCC.

21. During our meeting with the GNCC, we were informed that according to legal provisions, outside the electoral period, content regulation, including with regard to hate speech, takes place through individual self-

⁵ International Election Observation Mission, Statement of Preliminary Findings and Conclusions, Second Round of the Presidential Elections in Georgia.

⁶ While the President remains Commander-in-Chief of the armed forces and retains his role as a representative of the country in international relations, he, inter alia, will no longer be responsible for ensuring the functioning of state bodies or have the right to place items on the agenda of the meetings of the Council of Ministers and participate in its discussions.

⁷ In the view of some interlocutors the resulting domination of the media environment by these two candidates could have contributed to the relatively low results for Mr Bakradze.

⁸ International Election Observation Mission, Statement of Preliminary Findings and Conclusions, Second Round of the Presidential Elections in Georgia.

regulatory mechanisms set-up by each broadcaster to regulate itself. During the official election campaign, control over election related content and reporting, is given by the electoral law to the GNCC. According to the GNCC the fact that outside the electoral period consent control and oversight depends on the willingness of each broadcaster to voluntarily regulate itself is not satisfactory, and- in its view - this role should be transferred to an outside regulatory body such as the GNCC or to the Court system. We were informed that the GNCC had made recommendations to that extent to the Georgian parliament. We understand that some form of content oversight and regulation may be necessary, especially with regard to hate speech and issues relating to national security. However, in the context of the highly politicised media environment and the perceived bias of the media regulator, this is a very sensitive issue and we would strongly encourage the authorities to seek Council of Europe expertise when drafting any legislation regarding media content regulation.

22. The ownership dispute over Rustavi 2, about which reported in a previous information note, is still ongoing before the European Court of Human Rights in Strasbourg. The execution of the judgement of Supreme Court of Georgia in this case remains suspended, as ordered by the Court in Strasbourg under Rule 39⁹ of the Rules of the Court, which is fully respected by the Georgian authorities.

5. Judiciary

23. Strengthening the independence of the judiciary and the impartial and efficient administration of justice are a key point of attention for the monitoring procedure with regard to Georgia and a priority for the authorities. Three waves of reform of the judiciary have been implemented by the authorities and a fourth wave of reforms is currently being drafted and executed. The first three waves were coordinated by the Ministry of Justice, while the fourth wave is being spearheaded by the Parliament. In addition, several constitutional amendments were adopted in 2017 that had as their main objective the strengthening of the independence of the judiciary. As part of these amendments, the Chief Prosecutor will become a completely independent institution from the executive. A High Prosecutorial Council (HPC), similar to the High Council of Justice, will appoint the Chief Prosecutor. However, given the hierarchical structure inherent to a prosecution service we were informed that the HPC will not have many additional powers or functions, unlike the HCJ which has extensive powers in appointing transferring and disciplining individual judges

24. We discussed the judicial reforms in depth with civil society representatives and experts. The three waves of judicial reforms have led to welcome progress regarding judicial independence, but shortcomings remain. While the judiciary is generally seen as operating independently in “normal cases” this is to the contrary for politically sensitive cases and high-profile cases where the judiciary seems to continue to serve the ruling power.

25. The high Council of Justice is a self-governing body of the judiciary whose members in majority are judges elected by their peers. According to several interlocutors, the functioning of the HCJ is one of the main obstacles for the genuine independence of the judiciary and impartial administration of justice. The HCJ is in effect functioning as a corporative body where a small number of key judges is able to control or influence the work of the HCJ and justice system as a whole. External dependence and interference has been replaced by internal dependence and interference. This seems to be mainly the result of the working methods of the HCJ, which has broad and discretionary powers regarding the appointment, transfer and disciplining of judges. The lack of transparency of its decision-making process and absence of clear legal criteria to guide its decisions in appointments and disciplinary proceedings were highlighted as key causes for the shortcomings in its functioning.

26. In the context of the questions raised with regard to the functioning of the HCJ, and the possible lessons to be learned for the functioning of the HPC, the Monitoring Committee, on 17 September 2018, requested an opinion of the Venice Commission on the legal rules for the High Council of Justice and the Prosecutorial Council. During our visit we met with the Venice Commission experts who are preparing this opinion, which is foreseen to be adopted by the Venice Commission during its plenary meeting in December 2018. We intend to present a more in-depth analysis of the current state of the judicial reform process, and the challenges it still faces, after the Venice Commission opinion has been adopted. However, we wish to already outline some key issues that were highlighted by our partners during the discussions with them.

⁹ According to Rule 39, interim measures can be issued at the request of a party or on the Court's own initiative when they are found to be in the interests of the parties or the proceedings before the court. They are mostly issued in those cases where any action, or failure to act, pending consideration of a case and/or of its admissibility, could cause considerable, irreversible harm to one of the parties.

27. A key issue that needs reform is the High School of Justice, which is the only academic institution in the country for the training of judges. Currently the HSJ is under full control of the HCJ and places are limited¹⁰ by the HCJ, who also controls the selection process for candidates for the HSJ. In the view of some of our interlocutors this gives the HCJ a considerable level of control and leverage over new judges. Without wanting to comment on the merits of those allegations, it is clear to us that the HJS should be fully independent from the HCJ and allow for a surplus of candidates to be trained which would widen the number of candidates available for each open vacancy in the judiciary. In addition, we were informed that persons enrolled in the HSJ are not allowed to hold any jobs during their stay at the HCJ while they are only provided with a small stipend, which is too low to live on, which severely limits the candidates¹¹ willing and able to enrol in the HSJ. This should be addressed.

28. All interlocutors stressed the lack of transparency of the decision-making process inside the HCJ as an area of concern as it impedes proper oversight over, and accountability of, the judiciary. This was for a large part the result of the fact that decisions of the HCJ are not required to provide a detailed reasoning, which hinders public oversight and impedes appeals against its decisions. During our meeting with them the HCJ told us that they had recognised the absence of detailed reasoning as a potential shortcoming and would explore manners to introduce this requirement in its decision-making process.

29. In addition to the broad and discretionary powers of the HCJ in the selection, transfer and dismissal of judges, the HCJ also appoints also the Chairpersons of the Courts, who have considerable powers in the administration of these courts. The original draft law on the HCJ, prepared by the Ministry of Justice, had proposed that the Court Chairpersons would be elected from among their peers by their peers in each court, but regrettably this was rejected by the parliament. We would recommend the parliament to reconsider this decision.

30. As part of the judicial reform process, a fully automated random case assignment system has been established to minimise the possibility that cases can be assigned to “favourable” judges. The system is considered overall to be working correctly for normal cases, but some interlocutors allege that the system can be, and is, bypassed in the case of politically sensitive cases, especially as the Courts which can hear such cases have many specialised judges which makes the number of judges available for the random assignment process rather small. These allegations strongly denied by the HCJ who during our meetings categorically stated that this would not be possible with the current system. At the same time, from their side, they noted that the current system is not sufficiently capable to take into account the complexity and workload of the different cases when assigning them to individual judges, or to consider the absence of judges for legitimate reasons such as holidays and illness.

31. The functioning of the Prosecution service in Georgia remains problematic. In this context, civil society interlocutors reported that the instrumentalisation of the prosecution service for political purposes has not ended under the new authorities. In the last year the Prosecution service has been at the centre of the protests that rocked Georgia in May and June following the inability of the Tbilisi City Court to convict three youths for the group murder of another teen during a street fight in Tbilisi in November 2017. Allegedly, this was the result of the deliberate interference by a member of the Chief Prosecutor’s office who tried to cover up for a family member who had been involved in the fight. The acquittal led to massive protests and the Chief Prosecutor General subsequently resigned. However, this did not end the mass protests which continued before the parliament and which underscored the low level of public trust in the Prosecutor’s service. These protests became increasingly more political in nature when opposition politicians aligned themselves with the protesters. The member of the Chief Prosecutor’s office at the heart of the scandal, who had left the prosecution service shortly after the murder, was later arrested for failure to report a crime and for witness tampering.

32. This arrested Prosecution employee, Mr Mirza Subeliani, is at the heart of the so-called tape scandal where allegedly secretly recorded conversations would indicate that Mr Subeliani was a “fixer” for the ruling party in sensitive and high-profile cases and that his upcoming trial and sentence would have been part of an arrangement between him and the Minister of the Interior. The statements were allegedly made in a conversation between him and a GD MP. As mentioned the allegations are strongly denied, and decried, by the ruling majority who allege that the tapes were fabricated.

33. We strongly welcome the reforms and legislative initiatives adopted but also wish to highlight that the efficacy of this legislation - and as a result a genuinely independent and impartial judiciary - will equally

¹⁰ Reportedly the number of places is the same as open vacancies in the judiciary.

¹¹ It should be recalled that prospective candidates for the HCJ need to have several years of practical experience as a lawyer before they can apply.

depend on their prompt and consistent implementation, and in some cases on changes in attitude and behaviour by all stakeholders concerned.

6. Parliamentary Oversight

34. Strengthening parliamentary oversight and the role of the opposition in those processes have been identified as a key issue and a stated priority for the authorities following the Constitutional change to a fully parliamentary political system. The issue of parliamentary oversight was therefore chosen as the topic for the joint seminar between the monitoring committee and the Georgian Parliament that was organised in the framework of the Monitoring Committee meeting in Tbilisi on 17 and 18 September 2018.

35. The parliamentary rules of procedure are considered the main mechanism to strengthen parliamentary oversight and the role of the opposition in these processes. To that extent a new set of Rules of Procedure has been elaborated by the parliamentary leadership in consultation and co-operation with all parliamentary factions. The opposition parties have stated that, in general, they consider the new rules of procedure to be an improvement over the current rules of procedure, but caution that the rules of procedure are often flouted by the ruling majority. This is, in their view, compounded by the fact that the current ruling coalition has a 2/3 majority in the parliament, which diminishes the incentive to co-operate with the opposition. In this context we wish to stress the importance of the new Rules of Procedure being implemented fully, impartially and in good faith. Proper parliamentary oversight and inclusion of the opposition in that process cannot be legislated via the rules of procedure alone, but also requires, - from both sides – a change of attitude and behaviour

36. The new rules of procedure, also in line with the Constitutional amendments, have simplified the procedures to introduce a vote of no-confidence in the government and have reduced the number of MPs needed to create an investigative commission to 50 MPs and stipulate that not less than half of its members should represent the opposition. According legislative provisions these special investigative committees have full subpoena powers and all ministries and state agencies are required to co-operate with the investigative commissions and to give them all information requested (reportedly only subject to state security restrictions).

37. The new rules of procedure, inter alia, clarify the obligation for the Prime Minister to report to the parliament at least once a year or when the parliament requests him to do so on specific parts of the government programme. In addition, we were informed that the rules of procedure foresee a new interpellation mechanism, as well as the possibility for each committee or faction, or 50 individual members, to summon a minister or government official to appear for questioning in the parliament. Moreover, Ministers and government officials can also be called to appear before a committee if so requested by the majority of the members of the Committee. In our meetings with the opposition factions most of them expressed doubts about how these new rules for the interpellation and summoning of members of government, would work out in practice. In that context they point to the fact that the right for a faction inside a committee to request the presence of a member of the government for questioning in a committee meeting had been removed from the draft rules of procedure. During our stay, we encouraged the ruling majority to revisit this decision. We welcome that, during the adoption of the Rules of Procedure in the beginning of December 2018, this recommendation was taken over by the Georgian parliament.

38. Proper parliamentary oversight over the security services is not only of key importance, but also a sensitive subject. Transparency International (TI) and the Human Rights Education and Monitoring Center (EMC) published a report on the reform of the security services in June 2018, while we were informed that the Georgian Young Lawyers Association (GYLA) is preparing a report on the oversight of the Security Services to be published at a later date. The new rules of procedure enhance the role of the Trust Group of the Parliament that oversees the security services and their operations. Representatives of the above-mentioned NGOs noted that there is no role foreseen for external experts or experts' groups as is the case in several European countries. These experts and experts' groups could provide expertise not necessarily available inside the parliament and Trust Group. During our visit we were only able to cursorily discuss this issue and we intend to return to this issue during a next visit.

39. In general, the efforts made by the parliament to strengthen parliamentary oversight are laudable and constitute marked progress. However, in this context we wish to emphasise that strong parliamentary oversight needs a strong parliament, which in turn needs strong and diverse political parties. While explicitly not wishing to reopen the discussions about the timeframe for the introduction of a fully proportional election system, we would recommend that, until that is introduced, the parliament explores in what manner the pluralist nature of the parliament and the functioning of political parties can be strengthened.

40. In a move that can strengthen the parliamentary oversight over the executive, we were informed that the Parliament will move back fully to Tbilisi (where the government is based) from Kutaisi where it is currently holding its plenary sessions.

7. Miscellaneous observations

41. The repatriation of the deported Meskhetian population is an outstanding accession commitment of Georgia. We explored this issue in depth during our visit in March 2017¹². A comprehensive legal framework for repatriation of the deported Meskhetian population has been put in place, which has been complemented with a comprehensive repatriation strategy to facilitate the repatriation in practice. There have been nearly 6000 applications concerning in total nearly 9000 individuals. However, until now only a very small number of Meskhetians have completed their repatriation in practice.

42. The Georgian authorities consider that they have by and large fulfilled their accession commitment in this regard. The small number of repatriates, despite the number of applications granted, highlights the fact that actual repatriation is a complicated and time-consuming process during which applicants face different hurdles and considerations, many of which are outside of what can be reasonably considered to be the responsibility of the Georgian authorities. We would subscribe to this position and therefore, if we could get explicit confirmation that the Georgian authorities will undertake a comprehensive evaluation of the repatriation framework and strategy, and the result it has achieved, identifying any unforeseen barriers and hurdles for a successful repatriation, we could indeed consider this commitment closed.

43. Another outstanding accession commitment of Georgia is to sign and ratify the European Charter for Regional and Minority Languages. Regrettably until now Georgia has not ratified or signed the Charter. This is to a certain extent surprising as we were informed that Georgian legislation regarding the use and protection of regional and minority languages is largely in line with the requirements of the Charter. The current authorities, as did the previous ones, cite security concerns¹³ as well as opposition from certain parts of the society, including the Georgian Orthodox Church, as the main reasons for not signing and ratifying the Charter. From our discussions with various stakeholders it seems that the opposition in society, as well as in (parts of) the political establishment seem to be based on lack of understanding and misconceptions about the Charter. As we have mentioned at previous occasions we recommend that an awareness raising strategy is established by the authorities, with the involvement of the various stakeholders, to counter misconceptions and foster understanding about the Charter and its requirements. We are, as a matter of principle, against renegotiating accession commitments and obligations, which could set a dangerous precedent. In addition, we wish to emphasise that all commitments have been willingly and voluntarily undertaken by the signatory state. All states that had similar accession commitments signed the Charter before moving to the next stage in the monitoring procedure and all but one, the "Former Yugoslav Republic of Macedonia", ratified the Charter. In that context we strongly recommend that the Georgian authorities sign the Charter without undue delay and then be given sufficient time to organise, in co-operation with the relevant Council of Europe departments, a proper awareness raising strategy with a view to the eventual ratification of the Charter by the Georgian parliament. We were informed by the main opposition parties that they would support the ruling majority in the event of such a decision.

44. During our visit we were again confronted with the daily borderisation of the ABL and creeping annexation of the breakaway regions of South Ossetia and Abkhazia by the Russian Federation, which we strongly condemned.

¹² See AS/Mon(2017) 16 for our findings at that time.

¹³ They argue that the political debate on the ratification of the Charter could upset delicate relations with and between minority communities, that could be instrumentalised by certain foreign powers.

Appendix

Programme of the fact-finding visit to Tbilisi (6 to 8 November 2018)
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Co-rapporteurs: Ms Kerstin LUNDGREN, Sweden, Alliance for Liberals and Democrats for Europe
 Mr Titus CORLĂȚEAN, Romania, Socialists, Democrats and Greens Group
 Secretariat: Mr Bas KLEIN, Deputy Head of Secretariat, Monitoring Committee of the Parliamentary
 Assembly of the Council of Europe

Main focus of the visit:

- Recent political developments and Presidential elections
- Independence of the Judiciary and reform of the justice system
- Parliamentary oversight (including over security services)
- political environment (including media environment)
- Outstanding commitments
- Perspective to progress in the monitoring procedure

Tuesday, 6 November 2018

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| 12:00 | Briefing by the Head of the Council of Europe Office (*) (Lunch meeting) |
| 13:30 | NGO/Expert Roundtable on the Independence of the Judiciary, Administration of Justice and Judicial Reforms (*) <ul style="list-style-type: none"> • GYLA • TI Georgia • EMC • Article 42 • Georgian Democracy Initiative |
| 15:30 | NGO/Expert Roundtable on Parliamentary oversight, role of opposition and political environment (*) <ul style="list-style-type: none"> • GYLA • TI Georgia • ISFED • IDFI |
| 17:00 | Roundtable with media experts and journalists (*) <ul style="list-style-type: none"> ▪ GYLA ▪ TI Georgia ▪ Media Development Foundation (MDF) ▪ Alliance of Broadcasters ▪ Rustavi 2 TV ▪ Imedi TV ▪ Pirveli TV |
| 20:00 | Informal dinner with the Venice Commission representatives |

Wednesday, 7 November 2018

- 09:00-10:15 Meeting with representatives of the extra-parliamentary opposition (*)
- Development Movement
 - Democratic Movement – United Georgia
- 10:30-11:30 Meeting with **Ms Tamar CHUGOSHVILI**, First Deputy Chairperson of the Parliament of Georgia, Chair of the Georgian Delegation to the PACE
- Participants:
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
M. Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
- 11:40-12:40 Meeting with **H.E Irakli KOBAKHIDZE**, Speaker of the Parliament of Georgia and Leadership of the Georgian Parliament responsible for drafting the new Rules of Procedure
- Participant:
Ms Tamar CHUGOSHVILI, First Deputy Chairperson of the parliament of Georgia
- 13:00-14:15 Lunch hosted by **Ms Nino GOGUADZE**, Member of the Legal Issues Committee, Member of Georgian Delegation to the PACE
- Participant:
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
- 14:30-15:10 Meeting with **Mr David ZALKALIANI**, Minister of Foreign Affairs of Georgia
- Participant:
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
- 15:20-16:00 Meeting with the Members of the Faction “Georgian Dream”
- Participants:
Mr Zviad KVATCHANTIRADZE, Faction “Georgian Dream”; Member of the Georgian Delegation to PACE
Ms Tamar KHULORDAVA, Faction “Georgian Dream”
Mr Dimitri TSKITISHVILI, Member of the Georgian Delegation to PACE
- 16:10-16:50 Meeting with the Members of the Faction “European Georgia”
- Participants:
Mr Sergi KAPANADZE, Deputy Chairperson of the Parliament of Georgia
Mr Giorgi BOKERIA, Faction “European Georgia”
- 17:00-17:40 Meeting with the Members of the Faction “National Movement”
- Participant:
Mr Roman GOTSIRIDZE, Chairman of the Faction “National Movement”
- 17:50-18:30 Meeting with the Members of the Faction “Alliance of Patriots”
- Participants:
Mr Giorgi LOMIA, Chairman of the Faction “Alliance of Patriots”
Ms Irma INASHVILI, Faction “Alliance of Patriots”
Mr Gela MIKADZE, Secretary of the faction, Member of the Georgian Delegation to PACE
Ms Ada MARSHANIA, Faction “Alliance of Patriots”
- 18:30 Departure for the High Council of Justice
- 18:45-19:30 Meeting with the members of High Council of Justice
- Participant:
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE

Thursday, 8 November 2018

- 09:00-09:50 Meeting with members of the Diplomatic Community (*)
- 10:00-10:40 Meeting with **Ms Louisa VINTON**, UN Resident Coordinator and UNDP Resident Representative in Georgia
- 11:10-11:50 Meeting with **Mr Shalva TADUMADZE**, Chief Prosecutor of Georgia
Participants:
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
Ms Nino BALAVADZE, MFA
- 12:00-12:40 Meeting with **Mr Kakhi BEKAURI**, Head of the Georgian National Communications Commission
Participants:
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
- 13:00-14:15 Lunch hosted by **Mr Zaza TAVADZE**, President of the Constitutional Court of Georgia
- 14:30-15:10 Meeting with **Mr Vasil ROINISHVILI**, Deputy Chairperson of the Supreme Court of Georgia
- 16:00-16:40 Meeting with **Ms Natia MEZVRISHVILI**, Deputy Minister of Internal Affairs of Georgia
Participants:
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
Ms Nino BALAVADZE, MFA
- 17:30-18:10 Meeting with Prime Minister **Mr Mamuka Bakhtadze**
- 18:30-19:10 Meeting with **Ms Tea TSULUKIANI**, Minister of Justice of Georgia
Participants:
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE
Ms Ana DZOTSERNIDZE, MFA
- 19:30 Dinner hosted by **Ms Tamar CHUGOSHVILI**, First Chairperson of the Parliament of Georgia, Chair of the Georgian Delegation to the PACE and Members of the Delegation
Participants:
Mr Dimitri TSKITISHVILI, Member of the Georgian Delegation to PACE
Ms Lana CHKHARTISHVILI, Secretary of the Georgian Delegation to PACE
Mr Aleksandre RAMISHVILI, Secretary of the Georgian Delegation to PACE

Friday, 9 November 2018

Early morning: departure of the delegation

- (*) Meetings to be organised by the Council of Europe Office in Tbilisi