

**THE STATE OF THE IMPLEMENTATION OF THE  
RECOMMENDATIONS OF THE EUROPEAN  
COMMISSION ON JUNE 17, 2022, IN GEORGIA**

**Monitoring of the Activities of the Parliament in Connection with  
Parliamentary Oversight, Elections and Judicial Reforms**

**Tbilisi  
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**Head of Publication: NANUKA KRUASHVILI**

**Author: NINO KAPANADZE**

**Project monitor: MARIAM BATSELASHVILI**

**Editor: KHATUNA KVIRALASHVILI**

**Technical Editor: IRAKLI SVANIDZE**

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J. Kakhidze street #15, Tbilisi, Georgia  
(+995 32) 295 23 53, 293 61 01  
[www.gyla.ge](http://www.gyla.ge)

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## 1. INTRODUCTION

On March 3, 2022, Georgia applied for membership in the European Union. The country was given a questionnaire, after which the European Commission and the European Council discussed granting Georgia candidate status. On June 23, 2022, by the decision of the European Council (which shared the recommendation of the European Commission of June 17), the country accepted the perspective of joining the European Union, defined the priorities, and was given time to fulfill them in order to grant the candidate status. These priorities are written in 12 points and refer to different areas. The main emphasis is on strengthening state institutions, eliminating corruption and reducing political polarization.

This document focuses on the second and third part of the 12-point recommendations, which provide for the strengthening of democratic institutions through the improvement of democratic oversight functions, the improvement of the electoral system in accordance with the recommendations of the Council of Europe, OSCE/ODIHR and the Venice Commission, as well as the implementation of effective and transparent judicial reform.

The purpose of this report is to identify the challenges in the relevant fields through the monitoring of the ongoing processes in the legislative body, to outline the ways to solve the problems and improve the adopted regulations, and as a result, to promote Georgia's adoption of the EU membership candidate status. Moreover, the evaluations given in the document represent the view of the Georgian Young Lawyers' Association (GYLA) and may not coincide with the official opinions of the European Union.

## 2. METHODOLOGY

Since the recommendations of the European Commission are presented in general terms, it is impossible to measure their performance based on quantitative methodology. GYLA, in relation to the relevant topic, has determined the recommendations and conclusions issued by several international organizations including the views of the Venice Commission<sup>1</sup> and the OSCE/ODIHR,<sup>2</sup> the United States Department of State) concerning Georgia at different times. Additionally, it has considered the best international practices, official opinions from GYLA, and various civil organizations as criteria for determining the implicit content of the EU recommendations. The assessment related to the implementation of the priorities of the European Commission, as outlined in the document, is also based on qualitative criteria. It reviews each recommendation by considering two aspects: Firstly, it evaluates the content of the recommendation, as determined by the research itself. Secondly, it analyzes the decisions made by the Parliament. Thus, in the document, taking into account this methodology, the state of implementation of the 3 recommendations<sup>3</sup> of the European Commission is evaluated. In relation to each, the measures adopted by the Parliament are analyzed, as well as their compliance with the best standards. At the same time, GYLA is discussing the challenges that, according to the organization, need to be addressed in order to bring the country closer to candidate status. The assessment was based on decisions made by the Parliament as of April 15, 2023.

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<sup>1</sup> European Commission for the protection of democracy through law- European Commission for Democracy through Law - Venice Commission.

<sup>2</sup> OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

<sup>3</sup> For the purposes of this document, the recommendation related to parliamentary oversight and electoral reform is presented as two independent recommendations.

### 3. GEORGIA'S PATH FROM APPLICATION TO EU SUMMIT

On March 3, 2022, the Government of Georgia submitted an official application for joining the European Union<sup>4</sup> and asked for its consideration in an emergency manner.<sup>5</sup> On March 7, the Council of the European Union officially requested the European Commission to submit an opinion (avis) on the membership applications of Georgia, Moldova and Ukraine.<sup>6</sup>

On March 15, the Parliament of Georgia adopted a resolution on the integration of Georgia into the European Union.<sup>7</sup> The document was about the European aspirations of the country, as well as the importance of the government's implementation of the Association Agreement and strengthening of work in the direction of European integration.<sup>8</sup>

On April 11, in Luxembourg, the European Union Commissioner for Neighborhood Policy and Enlargement, Oliver VARHELYI, handed over the first part of the self-assessment questionnaire on the membership of the European Union to Ilia Darchiashvili, the Minister of Foreign Affairs of Georgia.<sup>9</sup> The country was given 1 month to complete the document.<sup>10</sup>

On April 14, GYLA, along with other non-governmental organizations, met with Maka Bochorishvili, the Chairperson of the Parliament's European Integration Committee, and the committee members to enhance the transparency and efficiency of the questionnaire filling process.<sup>11</sup> The parties discussed the plan developed by civil society and exchanged views on the perspectives and expectations of the Georgian side.<sup>12</sup>

On April 15, the Government of Georgia released the first part of the EU questionnaire.<sup>13</sup> The document consisting of 369 questions was related to political and economic criteria.<sup>14</sup> The questions in the first category focused on the functioning of democratic institutions and the protection of human rights in the country. The second category of questions assessed the stability and competitiveness of the Georgian economy.<sup>15</sup>

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<sup>4</sup> "Irakli Gharibashvili signed Georgia's EU membership application", the official website of the Government of Georgia, March 3, 2022, available at: <https://www.gov.ge/news/324060?page=53&year>, updated: 10.01.2023.

<sup>5</sup> "Georgia will make an application for EU membership candidate status in an emergency manner", Radio Tavisupleba, March 2, 2022, available at: <https://www.radiotavisupleba.ge/a/31732611.html>, updated: 10.01.2023.

<sup>6</sup> "EU Council Decision: What to Expect?" Georgian Young Lawyers' Association, March 8, 2022, available at: <http://217.147.239.51/ge/post/evrokavshiris-sabtchos-gadatsyvetileba-ras-unda-velodot#sthash.GxE3zUhp.praVpyof.dpbs>, updated: 10.01.2023.

<sup>7</sup> "Parliament unanimously adopted the resolution on the integration of Georgia into the European Union", civil.ge, March 16, 2022, available at: <https://civil.ge/ka/archives/479613>, updated: 10.01.2023.

<sup>8</sup> "Resolution of the Parliament of Georgia on the integration of Georgia into the European Union", March 15, 2022, Website of the Parliament of Georgia, available at: <https://info.parliament.ge/file/1/BillReviewContent/296299>, updated: 10.01.2023.

<sup>9</sup> "Georgia received the questionnaire on the membership of the European Union", Radio Tavisupleba, April 11, 2022, available at: <https://www.radiotavisupleba.ge/a/31796999.html>, updated: 10.01.2023.

<sup>10</sup> Ibid.

<sup>11</sup> "Chairman of the European Integration Committee and members of the committee met with representatives of non-governmental organizations", official website of the Parliament of Georgia, April 14, 2022, available at: <https://parliament.ge/media/news/evropastan-integratsiis-komitetis-tavmjdomare-da-komitetis-tsevrebi-arasamtavrobo-organizatsiebis-tsarmomadgenlebs-shekhvdnen>, updated: 10.01.2023.

<sup>12</sup> Ibid.

<sup>13</sup> "Government publishes EU self-assessment questionnaire", civil.ge, April 15, 2022, available at: <https://civil.ge/ka/archives/486121>, updated: 10.01.2023.

<sup>14</sup> „Questionnaire: Information requested by the European Commission to the Government of Georgia for the preparation of the Opinion on the application of Georgia for membership of the European Union”, Part I, April, 2022, available at: <https://cdnq.us1.myspdn.com/atsdpid1d6u5cmy4j61kro6gh/wp-content/uploads/2022/04/Georgias-EU-Questionnaire.pdf>, updated: 10.01.2023.

<sup>15</sup> Ibid.

On April 29, the Georgian government published the second part of the questionnaire, which included about 2300 questions.<sup>16</sup> It assessed the compatibility of Georgian legislation with European legislation, the feasibility of making changes to it, and the country's readiness to fulfill its obligations as a member of the European Union.<sup>17</sup> Georgia was given a deadline of May 13 to complete the questionnaire.<sup>18</sup>

Prime Minister Irakli Gharibashvili submitted the answers to the first part of the European Commission's questionnaire to the EU Ambassador to Georgia Karl Hartzel on May 2,<sup>19</sup> and the answers to the second part were submitted on May 10.<sup>20</sup> In addition, according to Ilia Darchiashvili, the government refrained from publishing the answers given to the questionnaire, because there were "issues, the disclosure of which was not desirable and appropriate".<sup>21</sup>

At the press conference held on June 17, the President of the European Commission, Ursula von der Leyen, presented the opinion of the Commission regarding the granting of EU membership candidate status to Georgia, Moldova and Ukraine.<sup>22</sup> The Commission recommended granting candidate status to Ukraine and Moldova, while expressing support for a European perspective for Georgia.<sup>23</sup> In addition, Von der Leyen emphasized that several preconditions would be presented to Georgia, and if these conditions were met, the issue of candidacy would be reconsidered.<sup>24</sup> According to her statement<sup>25</sup> it is necessary for the country to unite politically and to set a clear path towards structural reforms and the European Union.<sup>26</sup> At the same press conference, European Commissioner for European Neighborhood Policy and Enlargement, Oliver Varhelyi, emphasized the need to end polarization and foster cooperation with all political parties.<sup>27</sup>

According to the Memo of the European Commission, in case of fulfillment of 12 priorities, the European Commission will issue a recommendation for granting candidate status.<sup>28</sup> It is mentioned in the Memo that the European Commission would monitor the progress of Georgia on the way

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<sup>16</sup> "The Government of Georgia released the second part of the European Commission questionnaire", Radio Tavisupleba, April 29, 2022, available at: <https://www.radiotavisupleba.ge/a/31827272.html>, updated: 10.01.2023; Questionnaire: Information requested by the European Commission to the Government of Georgia for the preparation of the Opinion on the application of Georgia for membership of the European Union", Part II, April, 2022, available at: [https://www.gov.ge/files/573\\_81827\\_881717\\_QuestionnairepartIIGeorgia.pdf](https://www.gov.ge/files/573_81827_881717_QuestionnairepartIIGeorgia.pdf), updated: 10.01.2023.

<sup>17</sup> "Questionnaire: Information requested by the European Commission to the Government of Georgia for the preparation of the Opinion on the application of Georgia for membership of the European Union", Part II.

<sup>18</sup> "The Government of Georgia released the second part of the European Commission's questionnaire", Radio Tavisupleba.

<sup>19</sup> "Irakli Gharibashvili handed over the first part of the EU questionnaire to Karl Hartzel", Government Administration of Georgia, Official Website of the Government of Georgia, May 2, 2022, available at: <https://www.gov.ge/news/335490?page=36&year=>, updated: 10.01.2023.

<sup>20</sup> "Irakli Gharibashvili handed over the second part of the EU questionnaire to Karl Hartzel", Georgian Government Administration, Official Website of the Government of Georgia, May 2, 2022, available at: <https://www.gov.ge/news/335555?page=34&year=>, updated: 10.01.2023; "Georgia submitted the second part of the completed questionnaire to the European Union", Radio Tavisupleba, May 10, 2022, available at: <https://www.radiotavisupleba.ge/a/31842804.html>, updated: 10.01.2023.

<sup>21</sup> "The Government of Georgia has made public the second part of the European Commission questionnaire", Radio Tavisupleba.

<sup>22</sup> "The commission's recommendation on Georgia: meeting the conditions first, then the candidate status", Civil.ge, June 17, 2022, available at: <https://civil.ge/ka/archives/496633>, updated: 10.01.2023.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ursula Von Der Leyen, Twitter post, available at: <https://goo.su/L1jatc>, updated: 10.01.2023.

<sup>26</sup> "The commission's recommendation on Georgia: meeting the conditions first, then the candidate status", Civil.ge.

<sup>27</sup> Ibid.

<sup>28</sup> „Opinion on the EU membership application by Georgia, 17 June 2022, Brussels, available at: [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3800](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800), updated: 10.01.2023.

to fulfilling the priorities and would present the report by the end of 2022.<sup>29</sup> The list of priority issues includes topics such as political polarization; effective functioning of state institutions with enhanced accountability and oversight; electoral legislation improvement; judicial reform; anti-corruption measures; de-oligarchization efforts; combatting organized crime; media environment improvement; protection of fundamental rights for vulnerable groups; promotion of gender equality and combating violence against women; involvement of civil society in decision-making processes; ensuring the consideration of decisions from the European Court of Human Rights by Georgian courts, and the procedure for electing an independent new public defender.<sup>30</sup>

On June 23, during the EU summit in Brussels, the heads of states of the European Union endorsed the European Commission's recommendation to grant the European perspective to Georgia, and candidate status to Ukraine and Moldova<sup>31</sup> Prior to the summit, Joseph Borrell, the EU High Representative for Foreign Policy and Security Affairs, emphasized that if the criteria were met, Georgia would automatically be granted candidate status.<sup>32</sup>

On July 13, it became known that the European Commission would extend the six-month deadline for the implementation of reforms in Georgia until the fall of 2023.<sup>33</sup>

#### 4. WORKING GROUPS IN THE PARLIAMENT

The management team has opted for the format of creating working groups to implement the recommendations of the European Commission. These working groups, often referred to as „mixed commissions”, will be responsible for carrying out the necessary tasks.<sup>34</sup> The group consists of deputies and invited specialists, and its main purpose is to examine the issue under discussion from a comprehensive perspective, encompassing both political and expert viewpoints.<sup>35</sup> Accordingly, decisions in such a mixed commission are made (must be made) jointly by the invited persons and the members of the parliament, on the basis of consensus-oriented discussion and substantive reasoning.<sup>36</sup>

According to the regulations of the Parliament of Georgia, a working group is established by the decision of the committee to facilitate the committee's activities, prepare legislative matters in advance, and address other current issues<sup>37</sup>. This document refers to the activities of 3 working groups created within 2 committees of the Parliament.

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> “The European Council granted candidate status to Ukraine and Moldova, but not to Georgia”, Radio Tavisupleba, June 23, available at: <https://www.radiotavisupleba.ge/a/31912319.html>, updated: 10.01.2023.

<sup>32</sup> Ibid.

<sup>33</sup> “The European Commission will submit a report on the implementation of recommendations by Georgia by the fall of 2023”, Civil.ge, July 14, available at: <https://civil.ge/ka/archives/500603>, updated: 10.01.2023; Report Card of the European Commission: Recommendations for Georgia, Committee on Foreign Affairs, European Parliament, July 13, 2022, available at: [https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-foreign-affairs\\_20220713-0900-COMMITTEE-AFET](https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-foreign-affairs_20220713-0900-COMMITTEE-AFET), updated: 10.01.2023.

<sup>34</sup> “Evaluation of the staffing of the working group by the Legal Committee”, Coalition “For Independent and Transparent Justice”, website of the Georgian Young Lawyers' Association, September 17, 2019, available at: <https://gyla.ge/ge/post/iuridiuli-komitetis-mier-samushao-jgufis-dakompleqtebis-shefaseba#sthash.xj0H9fSr.gK5EkLK7.dpbs>, updated: 10.01.2023; Vakhushti Menabde (Ed.and Head of Research), Giorgi Alaverdashvili, Tornike Gerliani, Ana Jabauri, Nikoloz Odikadze, Parliamentary control after the reform of the Constitution and Regulations, Georgian Young Lawyers' Association, 2020, 80, available at: <https://goo.su/pDbsj9>, updated: 10.01.2023.

<sup>35</sup> Ibid.

<sup>36</sup> Coalition for Independent and Transparent Justice, Evaluation of Task Force Staffing by Legal Committee.

<sup>37</sup> Rules of Procedures of the Parliament of Georgia, Article 46, Clause 1.



### **Working group related to improving parliamentary oversight**

At the meeting of July 7, 2022, the Committee on Procedural Issues and Rules decided to implement the procedure stipulated by the Rules of Procedures of the Parliament - the Control of enforcement of normative acts (Post-Legislative Scrutiny - PLS) based on the received data, to prepare a document that would reflect how effectively parliamentary control mechanisms are used in practice and whether any gaps are identified.<sup>38</sup> As a result, a report was compiled, which reflected an overview of the enforcement status of the regulatory norms concerning various mechanisms of parliamentary control from the time the new Rules of Procedures of the Parliament of Georgia came into force until July 1, 2022.<sup>39</sup>

On August 2, 2022, the committee discussed the issue of creating a working group to implement the European Commission's recommendation on strengthening democratic oversight.<sup>40</sup> It was decided that the working group would be responsible for preparing information to be submitted to the committee to facilitate the development of a legislative initiative.<sup>41</sup> The working group was assigned a timeframe of one month to complete its tasks.<sup>42</sup>

The working group conducted four meetings, taking place on August 12, 18, 24, and 26. The group included members of parliament, representatives of the committee's staff, as well as the United Nations Development Program (UNDP), GYLA, the Institute for the Development of Freedom of Information (IFDI), Democracy Index - Georgia, the Democracy Research Institute (DRI), the Green Movement of Georgia/Friends of the Earth.<sup>43</sup> At the meeting held on August 2, it was decided that the opinions on the individual mechanism of parliamentary control should be submitted by August 9, 2022.<sup>44</sup> GYLA sent written opinions to the working group regarding the improvement of parliamentary control.<sup>45</sup>

Furthermore, representatives of the organization participated in the meetings held on August 12 and 18. After one month of activities, the working group elaborated recommendations.<sup>46</sup> It was also planned to develop a draft amendments in the Rules of Procedures of the Parliament.<sup>47</sup>

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<sup>38</sup> Minutes of the session No. 73 of the Committee on Procedural Issues and Rules of the Parliament of Georgia of July 7, 2022, the website of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/oqmebi/2022/73.pdf>, updated: 10.01.2023; The decision of the Committee on Procedural Issues and Rules of the Parliament of Georgia on the establishment of the committee's working group, the website of the Parliament of Georgia, August 8, 2022, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/samushao-jgufebi/saproceduro-samushao-jgufi.pdf>, updated: 10.01.2023.

<sup>39</sup> "Report of the Committee on Procedural Issues and Rules of the Parliament of Georgia on the control of the enforcement of the regulatory norms of several mechanisms of parliamentary control provided for by the Regulations of the Parliament of Georgia", Tbilisi, 2022, The website of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/angarishi/angarishi-kontroli-saproceduro.pdf>, updated: 10.01.2023.

<sup>40</sup> Minutes of the session No. 75 of the Committee on Procedural Issues and Rules of the Parliament of Georgia on August 2, 2022, the website of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/oqmebi/2022/75.pdf>, updated: 10.01.2023.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> "GYLA presented to the Parliament opinions on the improvement of the mechanisms of parliamentary oversight", August 14, 2022, Website of the Georgian Lawyers Association, available at: <https://gyla.ge/post/saiam-parlaments-saparlamento-kontrolis-meqanizmebis-gaumjobesebis-taobaze-mosazrebebi-tsarudgina#sthash.MjEltcSg.dpbs>, updated: 10.01.2023.

<sup>46</sup> "Information on the results of the working group created by the Committee on Procedural Issues and Rules on Parliamentary oversight", the website of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/oqmebi/samushao-jgufi/info.pdf>, updated: 10.01.2023.

<sup>47</sup> Ibid.

## **Working Group on Electoral Reform**

Within the framework of the implementation of the recommendations of the European Commission, the Legal Issues Committee created five working groups on August 4, 2022. Among them, was the group with the issue of revision of the Election Code of Georgia.<sup>48</sup> The group included: members of the “Georgian Dream” faction, the parliamentary political group “Citizens”, “Girchi” and “European Socialists”, a non-fractional member from the party “For Georgia”, representatives of the Central Election Commission, the National Communications Commission and the State Audit Service. According to the statement of the chairman of the Legal Issues Committee, international organizations, including the US Embassy and the Council of Europe, as well as the administration of the President of Georgia, would have the opportunity to monitor the process.<sup>49</sup> As for the civil society, the ruling party communicated with them through the “Civil Society Platform of the Eastern Partnership”. In order to participate in the group, about 200 organizations united in the platform could nominate only 2 representatives.<sup>50</sup> This restriction was negatively assessed by non-governmental organizations.<sup>51</sup>

The meeting of the working group working on the electoral reform was held three times - on August 18 and 25, and on September 15. At the first meeting, “Georgian Dream” did not invite the organization ISFED, which is why GYLA left the meeting as a sign of protest,<sup>52</sup> and later suspended participating in all working groups.<sup>53</sup> In response, the ruling party stated that they would not consider GYLA’s written opinions unless it attended the working group meetings. The organization assessed this as a process-damaging ultimatum and it would not return to meetings until the process became inclusive with the participation of ISFED.<sup>54</sup> Despite the suspension of participation in the activities of the group, on August 23, GYLA submitted its opinions and recommendations in writing to the working group.<sup>55</sup> The exclusion of ISFED from the process was negatively evaluated by the opposition representatives and they called on the ruling party to reconsider this decision.<sup>56</sup>

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<sup>48</sup> The Legal Issues Committee created 5 working groups to fulfill the 12 priorities defined by the European Union, the website of the Parliament of Georgia, August 4, 2022, available at: <https://parliament.ge/media/news/iuridiul-sakitkhta-komitetma-evrokavshiris-mier-gansazghvruli-12-pirobis-shesasruleblad-5-samushao-jgufi-shekmna>, updated: 10.01.2023.

<sup>49</sup> Ibid.

<sup>50</sup> „Shalva Papuashvili: Every group is represented by at least 2 non-governmental organizations, which, in turn, represent 200 non-governmental organizations”, Imedinews, available at: <https://imedinews.ge/ge/politika/260937/shalva-papuashvili-kvela-jgupshi-tsarmodgenilia-minimum-2-arasamtavrobo-organizatsia-romelits-tavis-mkhriv-tsarmoadgens-200-arasamtavrobo-organizatsias>, updated: 10.01.2023.

<sup>51</sup> “The ruling party is criticized for refusing to include ISFED in the working group of the electoral system reform”, civil.ge, August 18, 2022, available at: <https://civil.ge/ka/archives/505044>, updated: 10.01.2023.

<sup>52</sup> Ibid.

<sup>53</sup> “The ruling party should ensure the involvement of ISFED in the working group working on election issues”, Georgian Young Lawyers’ Association, 20 August 2022, available at: [https://gyla.ge/ge/post/mmartvelma-partiam-undauzrunvelyos-isfed-is-chartuloba-saarchevno-sakitkhebe-momushave-samushao-jgufshi?fbclid=IwAR1ACc5ezHOGszMTY5FqxkT8T5MfkQik-rkeYP\\_aXGqOOpeCMgULKSng0#sthash.1ssO4aOO.3TXJBY71.dpbs%20%20%20https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/oqmebi/samushao-jgufi/info.pdf](https://gyla.ge/ge/post/mmartvelma-partiam-undauzrunvelyos-isfed-is-chartuloba-saarchevno-sakitkhebe-momushave-samushao-jgufshi?fbclid=IwAR1ACc5ezHOGszMTY5FqxkT8T5MfkQik-rkeYP_aXGqOOpeCMgULKSng0#sthash.1ssO4aOO.3TXJBY71.dpbs%20%20%20https://web-api.parliament.ge/storage/files/shares/Komitetebi/saproceduro/oqmebi/samushao-jgufi/info.pdf), updated: 10.01.2023.

<sup>54</sup> Ibid.

<sup>55</sup> “GYLA presented opinions on improving the electoral legislation to the Parliament”, the website of the Georgian Young Lawyers’ Association, August 25, 2022, available at: <https://gyla.ge/ge/post/saiam-parlaments-saarchevno-kanonmdeblobis-gaumjobesebis-taobaze-mosazrebebi-tsarudgina>, updated: 10.01.2023.

<sup>56</sup> “The ruling party is criticized for refusing to include ISFED in the electoral system reform working group”, civil.ge.

### **Working Group on Judicial Reform**

This group was created by the Committee on Legal Issues on August 4.<sup>57</sup> The group included: the representatives of “Georgian Dream”, “Citizens”, “Girchi”, “European Socialists”, “For Georgia” party, as well as the Supreme Council of Justice of Georgia, the Supreme Court, the Ministry of Justice, the Prosecutor’s Office, the Association of Advocates, the Association of Mediators, the Business Association, the Legal assistance service and the public defender.<sup>58</sup> From the non-governmental sector, with the unanimous decision of the platform, GYLA and the Social Justice Center joined the work of the group.<sup>59</sup> Group meetings were held 5 times: on August 5 and 15, September 19 and 29, November 4. December 31 was set as the term of office of the working group, with the goal of preparing a judicial reform strategy and work plan, as well as amendments to the law in accordance with international standards. In the first session, members of the working group were given the opportunity to identify the issues they considered to be challenges to judiciary. Additionally, it was mentioned that it would be possible to add issues to the agenda for the next sessions. All interested persons were allowed to submit their views to the group in writing, and the possibility of their invitation was considered. According to the Social Justice Center, it would be better to create an ad hoc commission to conduct a more thorough study of justice issues. GYLA’s proposal was also to reform the Supreme Council of Justice and study the existing problems in the justice system. The opposition MPs put forward the initiative to create a working group on constitutional amendments; however, the chairman noted that they could not address this issue within the framework of the current group. The rejection of the constitutional amendments has led to arguments between the group members. According to the position of some participants, the Parliament should work on the necessary changes to implement judiciary reform, and the European Union should not impose a specific mechanism on the country to fulfill this recommendation.

### **Consideration of draft laws**

After the completion of the activities of the working groups, the parliamentary entities initiated legislative amendments.

At the meeting of the Committee on Procedural Issues and Rules on September 19, the issue of submitting a draft amendment to the Rules of Procedures of the Parliament in the form of a legislative initiative was discussed.<sup>60</sup> This draft was presented to the Parliament on September 20,<sup>61</sup> and to the Bureau of the Parliament on September 26.<sup>62</sup> On September 30, it was considered for

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<sup>57</sup> Minutes of the session No. 97 of the Legal Issues Committee of the Parliament of Georgia on August 4, 2022, the website of the Parliament of Georgia, available at: <https://web-api.parliament.ge/storage/files/shares/Komitetebi/iuridiliu/oqmebi/2022-1/97.pdf>, updated: 10.01.2023.

<sup>58</sup> “Judicial reform working group held its first session”, website of the Parliament of Georgia, August 5, 2022, available at: <https://parliament.ge/media/news/sasamartlo-reformis-samushao-jgufma-pirveli-skhdoma-gamarta>, updated: 10.01.2023.

<sup>59</sup> Minutes No. 2 of the August 15, 2022 meeting of the judicial reform working group under the Legal Issues Committee of the Parliament of Georgia, the website of the Parliament of Georgia, available at: [https://web-api.parliament.ge/storage/files/shares/Komitetebi/iuridiliu/samushao\\_jgufebi/oqmebi/sasamartlo-reforma-2-15.08.2022.pdf](https://web-api.parliament.ge/storage/files/shares/Komitetebi/iuridiliu/samushao_jgufebi/oqmebi/sasamartlo-reforma-2-15.08.2022.pdf), updated: 10.01.2023.

<sup>60</sup> Minutes of the session No. 79 of the Committee on Procedural Issues and Rules of the Parliament of Georgia on September 19, 2022, the website of the Parliament of Georgia, available at: <https://info.parliament.ge/file/1/BillReviewContent/308282>, updated: 10.01.2023.

<sup>61</sup> Draft Regulation of the Parliament of Georgia “On Amendments to the Regulations of the Parliament of Georgia”, legislative initiative of the Committee on Procedural Issues and Rules of the Parliament of Georgia, No. 07-3/239/10, 20.09.2022, the website of the Parliament of Georgia, available at: <https://info.parliament.ge/#law-drafting/24684>, updated: 10.01.2023.

<sup>62</sup> Ibid.

the first reading by the Procedural Issues and Rules Committee.<sup>63</sup> GYLA participated in this meeting and presented its opinions, and the organization published recommendations on some problematic issues.<sup>64</sup> The Parliament adopted the law with the final reading on November 2.<sup>65</sup> Most of the recommendations of the civil sector were not taken into account even at the stage of the working group's activities, and the Parliament, as a result of all three hearings, almost unchanged adopted the edition developed by this group.

As for the results of the work of the group working on electoral reform, on September 19, the Legal Issues Committee decided to submit amendments to the Election Code and the Organic Law "On Political Associations of Citizens" to the Parliament as a legislative initiative.<sup>66</sup> The draft laws that were initiated on September 21 were considered for the first reading by the Legal Issues Committee on October 3.<sup>67</sup> GYLA attended the committee meeting<sup>68</sup> and presented both oral and written comments.<sup>69</sup> On October 5, the amendments were adopted in the first reading at the plenary session.<sup>70</sup> On October 10, Shalva Papuashvili asked the Venice Commission and OSCE/ODIHR to prepare an opinion on the changes in the election code.<sup>71</sup> GYLA sent his views on this to the Venice Commission and OSCE/ODIHR on 11 November.

In the first week of November, the preliminary positions of the Venice Commission and ODIHR regarding the draft laws published. The Legal Issues Committee decided to continue considering the draft laws before reaching a final conclusion and held a committee session on December 8, preceded by a working group meeting a day earlier.<sup>72</sup> GYLA participated in the committee discussion, however, due to its format, it was not fully given the opportunity to present its views.

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<sup>63</sup> "The Committee on Procedural Issues and Rules supported the amendments to the Rules of Procedure of the Parliament in the first reading", website of the Parliament of Georgia, September 30, 2022, available at: <https://parliament.ge/media/news/saproseduro-sakitkhta-da-tsebis-komitetma-parlamentis-reglamentshi-shesatan-tsvilebebs-pirveli-mosmenit-mkhari-dauchira>, updated: 10.01.2023.

<sup>64</sup> GYLA's statement on the strengthening of parliamentary control mechanisms in connection with legislative changes, website of the Georgian Young Lawyers' Association, September 30, 2022, available at: <https://gyla.ge/ge/post/saias-ganckhadeba-saparlamento-kontrolis-meqanizmebis-gadzlierebis-taobaze-sakanonmdeblo-cvlilebebtan-dakavshirebit#sthash.k03bBwto.dpbs>, updated: 10.01.2023.

<sup>65</sup> "Parliament approved the amendments to the regulations regarding the increase of parliamentary control mechanisms in the third reading", website of the Parliament of Georgia, November 2, 2022, available at: <https://parliament.ge/media/news/parlamentma-reglamentshi-tsvilebebs-saparlamento-kontrolis-mekanizmebis-gazdastan-dakavshirebit-mesame-mosmenit-dauchira-mkhari>, updated: 10.01.2023.

<sup>66</sup> "On Amendments to the Organic Law of Georgia "Election Code of Georgia" and "On Amendments to the Organic Law of Georgia "On Political Associations of Citizens" Draft Organic Laws of Georgia (№07-3/241/10, 21/09/2022).

<sup>67</sup> The Committee on Legal Issues considered the amendments to the "Election Code" and the Law "On Political Associations of Citizens" in the first reading, the website of the Parliament of Georgia, October 3, 2022, <https://parliament.ge/media/news/iuridiul-sakitkhta-komitetma-saarchevno-kodeksa-da-mokalaketa-politikuri-gaertianebebis-shesakheb-kanonshi-tsvilebebi-pirveli-mosmenit-ganikhila>, updated: 10.01.2023.

<sup>68</sup> Ibid.

<sup>69</sup> "GYLA presented to the Parliament opinions on improving the electoral legislation", August 25, 2022.

<sup>70</sup> The Parliament adopted amendments to the "Election Code" and the Law "On Political Associations of Citizens" in the first reading, the website of the Parliament of Georgia, October 5, 2022, available at: <https://parliament.ge/media/news/parlamentma-saarchevno-kodeksa-da-mokalaketa-politikuri-gaertianebebis-shesakheb-kanonshi-tsvilebebi-pirveli-mosmenit-miigho>, updated: 10.01.2023.

<sup>71</sup> "Shalva Papuashvili asks the Venice Commission and OSCE/ODIHR to prepare an opinion on changes in the election code", [civil.ge](https://civil.ge), October 10, 2022, available at: <https://civil.ge/ka/archives/511177>, updated: 10.01.2023; Letter of the Speaker of the Parliament to the Venice Commission and OSCE/ODIHR, website of the Parliament of Georgia, October 10, 2022, available at: <https://parliament.ge/media/news/parlamentis-tavmjdomaris-tserili-venetsiis-komisiisa-da-euto-odirs>, updated: 10.01.2023.

<sup>72</sup> "Working group on the revision of the Election Code discussed the recommendations contained in the joint preliminary report of the Venice Commission and the OSCE/ODIHR", website of the Parliament of Georgia, December 7, 2022, available at: <https://parliament.ge/media/news/saarchevno-kodeksis-gadasinjvis-samushao-jgufma-venetsiis-komisiisa-da-euto-odih-is-ertobliv-tsinastsari-daskvnashi-asakhul-rekomendatsiebbe-imsjela>, updated: 10.01.2023.

The parliament adopted the draft laws with the final version on December 22.<sup>73</sup> In January 2023, GYLA, together with “Transparency International Georgia” and ISFED, published an assessment<sup>74</sup> regarding the changes to the Election Code, in which the organizations reviewed the compliance of the provisions of the law with the joint conclusion of the Venice Commission and the OSCE/ODIHR, as well as other unforeseen initiatives.<sup>75</sup> According to the organizations, the Parliament did not work on the electoral reform perfectly.

An amendment to the Law on General Courts, developed by the Justice Reform Group, was initiated on November 9.<sup>76</sup> On November 18 GYLA presented its views on this project to the committee.<sup>77</sup> On November 22, the Parliament sent the draft law to the Venice Commission and the OSCE/ODIHR.<sup>78</sup> After receiving the conclusion, as of April 15, 2023, its discussion in the Parliament has not started.

## 5. EVALUATION OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EUROPEAN COMMISSION

Since July 2022 GYLA has started monitoring the implementation of recommendations. Initially, GYLA, along with partner organizations, participated in the development and presentation of the action plan. Subsequently, the organization became involved in the work of parliamentary groups.

The process of implementing the recommendations, which began in the legislative body, experienced some gaps. Firstly, it should be noted that the Legal Issues Committee significantly limited the participation of the civil sector in the working groups by allocating only 2 quotas for them. Additionally, the organization ISFED was not allowed to join the working group responsible for electoral reform. This fact had a negative impact on the inclusiveness of the process as a whole, leading to the suspension of activities by several other non-governmental organizations in the working groups. Moreover, the MPs did not take into account a significant portion of the recommendations presented by non-governmental organizations during the participation stage.

In this report, GYLA evaluated not only the parliamentary processes but also the content of the legislative amendments developed and their compliance with the recommendations of the European Commission. The organization focused on three key issues: parliamentary control, electoral reform, and judicial reform. A special methodology and criteria were developed to objectively

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<sup>73</sup> “Parliament adopted amendments to the “Electoral Code of Georgia” and the organic laws “On political associations of citizens”. website of the Parliament of Georgia, December 22, 2022, available at: <https://parliament.ge/media/news/sakartvelos-saarchevno-kodeksshi-da-mokalaketa-politikuri-gaertianebebis-shesakheb-organul-kanonebshi-shesatanitsvilebebi-miigho>, updated: 10.01.2023.

<sup>74</sup> “Evaluation of the Amendments to the Electoral Legislation in December 2022”, January 2023, ISFED, Georgian Young Lawyers’ Association, Transparency International Georgia, available at: <https://goo.su/ML9L>, updated: 23.02.2023.

<sup>75</sup> Ibid.

<sup>76</sup> “On Amendments to the Organic Law of Georgia “On General Courts” and related draft laws, legislative initiative of the Legal Issues Committee of the Parliament of Georgia No. 07-3/265/10, 09.11.2022, the website of the Parliament of Georgia, available at: <https://info.parliament.ge/#law-drafting/25094>, updated: 10.01.2023.

<sup>77</sup> “GYLA’s opinion on the draft law - “On general Courts” regarding making changes to the Organic Law of Georgia”, Georgian Young Lawyers’ Association, November 18, 2022, available at: <https://gyla.ge/ge/post/saias-mosazreba-kanonproeqtze-saerto-sasamartloebis-shesakheb-saqartvelos-organul-kanonshi-cvlilebis-shetanis-taobaze?fbclid=IwAR3rH1WDTjcVyPXHRYMyR1uGc7uRY686H6YqyrLCO80lhR7BRUtQSHHAL0#sthash.pkSMYSI2.jqtOkSgl.dpbs>, updated: 16.01.2023.

<sup>78</sup> “Parliament sent draft laws prepared within the framework of justice reform to the Venice Commission and the OSCE Office of Democratic Institutions and Human Rights for a joint legal opinion”, website of the Parliament of Georgia, November 22, 2022, available at: <https://parliament.ge/media/news/parlamentma-venetsiis-komisiasa-da-eutos-demokratiuli-institutebisa-da-adamianis-uflebebis-ofisshi-ertoblivi-samartlebrivi-mosazrebitvis-martlmsajulebis-reformis-farglebshi>, updated: 10.01.2023.

evaluate each issue and identify the actual implementation of the recommendations. The organization utilized recommendations and conclusions issued by the Venice Commission, OSCE/ODIHR, as well as other international partners and local non-governmental organizations working in the respective field over the years. These sources formed the basis of the evaluation scope. In addition, GYLA actively sought and incorporated the opinions of these organizations directly on the legislative changes being prepared during the process of implementing the recommendations of the European Commission. Ultimately, the organization assessed the current situation regarding the implementation of each recommendation using a qualitative method, as of April 15, 2023.

While the amendments prepared by the Committee on Procedural Issues and Rules to the Rules of Procedure of the Parliament aim to enhance the legislative framework for improved parliamentary oversight, there are still weaknesses in the normative regulation pertaining to the accountability of individual government members and the oversight of the security and financial sectors. During the amendment of the regulations, the Parliament did not address these specific issues. GYLA expresses the hope that the legislative body will resume its activities in the future and take substantial measures to improve the normative framework of parliamentary oversight.

In connection with the electoral reform, the working group established in the Legal Issues committee incorporated several significant regulations into the electoral code, taking into account the recommendations of the Venice Commission during parliamentary discussions. However, these changes did not adequately address fundamental challenges such as the abuse of administrative resources, voter intimidation and bribery, and the issue of effective enforcement of legislation during the pre-election period and on elections day. Neglecting these issues fades the positive changes made in the electoral legislation. Therefore, it is crucial for the Parliament to resume deliberations and prioritize addressing these underlying challenges within the system.

The organization assesses the proposed changes by the parliament in the realm of justice with a critical lens. It is important to note that the analysis conducted by GYLA in this document focuses solely on the initiated version of the relevant bill, as it is still being discussed. According to the organization, the draft laws formulated by the Committee on Legal Issues do not effectively tackle the fundamental issues within the judicial system. These proposed changes fail to guarantee genuine independence and impartiality of the courts. Furthermore, the risks associated with corporatism and decision-making influenced by powerful groups, particularly within the Supreme Council of Justice, continue to pose a challenge. Additionally, the presented changes do not encompass a comprehensive reform of this body either. Despite several months of discussions, the Parliament was unable to appoint non-judicial members to the Supreme Council of Justice. It is worth noting that after receiving the conclusion of the Venice Commission, as of April 15, 2023, the legislative body did not continue to deliberate on these changes or revise them. GYLA expresses its hope that the parliament will consider the recommendations put forth by local and international stakeholders regarding judiciary. The organization emphasizes the need for relevant legal regulations to address the core challenges within the system, rather than implementing fragmented or superficial changes.

The Georgian Young Lawyers' Association is actively supporting Georgia's accession process to the European Union and will continue to advocate for the necessary measures to help the country obtain candidate status in the future.