

12 steps towards EU candidacy

#	EU recommendations	What should be done	Timeline and procedure
1	<p>Address the issue of political polarization, through ensuring cooperation across political parties in the spirit of the April 19 agreement.</p>	<p>Power sharing in the parliament according to the April 19 political agreement was suggesting the following:</p> <ul style="list-style-type: none"> i) a member of the parliamentary opposition shall hold the position of the chairman of the 5 committees of the parliament. Among these 5 the two mandatory committees are the Finance and Budget Committee and the Committee on Human Rights and Civil Integration. The other three committees, chaired by a representative of the opposition, will be determined by agreement between the opposition and the parliamentary majority. ii) the chairperson of one of the permanent parliamentary delegations will also be a member of the parliamentary opposition. <p>The parliament should adopt the amendments to the Rules of Procedures of the parliament.</p> <p>note: CSOs drafted a legislative initiative and it can be submitted to the Parliament as soon as possible.</p>	<p>Initiation: an MP, a committee, or a faction can initiate draft amendments to the Rules of Procedure.</p> <p>Support needed: simple majority (76 votes) of the full composition (150) of the Parliament. The Georgian Dream has 81 MPs.</p> <p>Timeline: a draft law should be adopted in 3 readings: through an ordinary procedure in 6 weeks and an accelerated procedure - in 1 week.</p>
2	<p>Guarantee the full functioning of all state institutions, strengthening their independent and effective accountability as well as their democratic oversight functions; further improve the electoral framework, addressing all shortcomings identified by OSCE/ODIHR and the Council of Europe/Venice Commission in</p>	<p>1. Adopt constitutional amendments on the electoral system</p> <ul style="list-style-type: none"> - these amendments have already been adopted by the Parliament in the first reading. Two more readings are required. 	<p>1. Remaining two readings through the ordinary procedures will need four weeks (two committee readings and two plenary session readings) however if holding extraordinary sessions readings can take</p>

<p>these processes.</p>	<p>2. Adopt amendments to the Election Code according to the April 19 political agreement:</p> <ul style="list-style-type: none"> i) CEC Chairperson and professional members shall be elected by two-thirds majority of the Members of Parliament. An “anti-deadlock” mechanism for the election of the Chairperson and/or of the professional members of the Central Election Commission shall be established as follows: <ul style="list-style-type: none"> 1) The first two attempts shall require a two-thirds majority. The third attempt shall require a three-fifths majority. Subsequent attempt shall require a simple majority. 2) Votes shall take place no earlier than 4 weeks after the previous vote. 3) Any appointment pursuant to this anti-deadlock procedure (lower than a two-thirds majority) shall be temporary, with a term limited to six months, during which the standard appointment procedure shall be re-launched. ii) After the expiration of the office term of the CEC chairperson and professional members, they will not maintain the acting positions until the appointment of new members and leave the office. <p>note: CSOs drafted a legislative initiative and it can be submitted to the Parliament as soon as possible.</p> <p>3. The parliamentary majority should commit that the next CEC chairperson and professional members will be appointed by two thirds of the parliament to ensure political depolarization and trust in the electoral processes.</p>	<p>2 weeks.</p> <p>Support needed: 3/4 (113 votes) of the full composition (150) of the parliament</p> <p>2. Initiation: an MP, a committee, a faction, the Government of Georgia or 25,000 voters can initiate draft amendments to the election code.</p> <p>Support needed: simple majority (76 votes) of the full composition (150) of the Parliament.</p> <p>Timeline: a draft law can be adopted in 3 readings: through an ordinary procedure in 6 weeks and an accelerated procedure in 1 week.</p>
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<p>3</p>	<p>Adopt and implement a transparent and effective judicial reform strategy and action plan post-2021 based on a broad, inclusive and cross-party consultation process; ensure a judiciary that is fully and truly independent, accountable and impartial along the entire judicial institutional chain, also to safeguard the separation of powers; notably ensure the proper functioning and integrity of all judicial and prosecutorial institutions, in particular the Supreme Court and address any shortcomings identified including the nomination of judges at all levels and of the Prosecutor-General; undertake a thorough reform of the High Council of Justice and appoint the High Council's remaining members. All these measures need to be fully in line with European standards and the recommendations of the Venice Commission.</p>	<p>1. Adopt and implement new judicial reform strategy and action plan - action plan must be drafted by the working group established on an inclusive and cross-party basis. The representatives of the Civil Society and the Public Defender must be included. The judicial reform strategy must be approved by broad support from all actors including the public defender.</p> <p>2. Undertake a thorough reform of the High Council of Justice</p> <p>i) The decisions on selection and appointment of judges must be made based on the double 2/3rd vote (according to this principle, a decision will require the consent of 2/3 of the judge and 2/3 of the non-judge members).</p> <p>ii) The logic of a consensus should also be strengthened at the stage of the appointment of Supreme Court judges by Parliament. The principle of bilateral appointments should be introduced or alternatively the high quorum minimum of 3/5 of full composition should be established. This precludes the formation of the Supreme Court without the consent of</p>	<p>1. Can be fully enacted in a month. This process does not require official procedures. The political decision has to be made by GD and a special inclusive working group should be created. Public Defender and NGOs must also be invited.</p> <p>2. Initiation: The Government, Member of Parliament, Parliamentary committee, Parliamentary faction or 25,000 voters can initiate the draft law.</p> <p>Support needed: majority (76 votes) of the full composition (150) of Parliament. GD has 81 members in the parliament.</p> <p>Timeline: Draft law will need 3 hearings, the ordinary procedure will require 6 weeks and accelerated procedure - 1 week.</p>

the opposition.

Note: The reform needs an amendment to the Law on Common Courts.

3. Appoint the High Council's remaining non-judge members

- At the current session, the Parliament should elect five non-judge members. Candidates should be impartial, conscientious, and competent. Citizens enjoying high public trust and a broad consensus between the political parties should be appointed. This will significantly change the balance of power in the Council, creating a new center of gravity with five independent members.

4. Re-evaluate and assess all recent appointments to the Supreme Court and if necessary revise respective decisions on the appointments

i) a cross-party parliamentary commission should be set up for the assessment of the informal governance ("clan rule"), on the basis of which Parliament will adopt a resolution on the problems in the judiciary.

ii) After the assessment of the informal governance by the Parliament, a systemic renewal of the Judiciary, including re-evaluation of the qualification compliance of the justices might be necessary.

3. The Parliament elects 5 members of the High Council of Justice on the basis of competition, by secret ballot, with a majority of not less than 3/5 of the full composition of the Parliament (90 votes). The candidates are nominated by the academic institutions, Georgian Bar and NGOs. Can be fully enacted in 1 month.

4. The chairperson of the Parliament, a parliamentary committee, a faction, or at least 1/5 (30 votes) of the full composition of the Parliament has the right to initiate establishment of a temporary commission. The Parliament at the plenary session takes the final decision on the creation of a temporary commission, with the majority of the votes of those MPs present at the plenary session, but not less than 1/4 of the full composition of the

		<p>5. Amend Appointment Rules of the Prosecutor-General - The rule must be changed as per the April 19 agreement. The Prosecutor-General must be appointed by the parliament based on $\frac{3}{5}$ majority vote.</p> <p>Note: The draft amendments have already been initiated at the parliament. The parliament failed to support it.</p> <p>6. Adopt the legislation implementing the judgment of the Constitutional Court of Georgia from June 2019.</p> <p>Note: respective draft of the amendments to the organic law on the Common Courts of Georgia has already been initiated however, consideration of the draft law is suspended.</p>	<p>Parliament (37 votes out of 150).</p> <p>5. This requires amendments to the constitution</p> <p>Initiation: More than half of the total number of the Members of Parliament, or no less than 200 000 voters.</p> <p>Support needed: $\frac{3}{4}$ (113 votes) of the full composition (150) of the parliament</p> <p>Timeline: 10 weeks - nation-wide public discussions and 3 hearings.</p> <p>6. Initiation : The draft law is already initiated in Parliament.</p> <p>Support needed: majority (76 votes) of the full composition (150) of Parliament. GD has 81 members in the parliament.</p> <p>Timeline: Draft law will need 3 hearings, the ordinary</p>
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			procedure - 6 weeks, an accelerated procedure - in 1 week.
4	Strengthen the independence of its Anti-Corruption Agency bringing together all key anti-corruption functions, in particular to rigorously address high-level corruption cases; equip the new Special Investigative Service and Personal Data Protection Service with resources commensurate to their mandates and ensure their institutional independence.	<ol style="list-style-type: none"> 1. Anti-Corruption Agency - Adopt the draft law on National Anti-Corruption Agency, which has already been initiated in the Parliament. The draft law brings together three anti-corruption departments currently scattered among various institutions (Anti-Corruption Agency - a department of the State Security Service; Political Party Finance Monitoring Department of the State Audit Office; and Asset Declaration Monitoring Department of the Civil Service Bureau) and sets up an independent institution tasked specifically with combating corruption, including high-level corruption. 2. Strengthening Special Investigative Service and Personal Data Protection Service – the rules of appointment of the head of the Special Investigative Service and head of the Personal Data Protection Service should be amended. Appointment of candidates should be made by the parliament based on political consensus (possibly by the 3/5rd majority of the parliament). 	<ol style="list-style-type: none"> 1. Initiator: The draft law is already initiated in Parliament. <p>Support needed: majority (76 votes) of the full composition (150) of Parliament. GD has 81 members in the parliament.</p> <p>Timeline: Draft law will need 3 hearings, the ordinary procedure - 6 weeks.</p>
5	Implement the commitment to “de-oligarchization” by eliminating the excessive influence of vested interests in economic, political, and public life.	Fulfillment of all other priorities in this 12 point list should automatically lead to the reduction of oligarchic influence on democratic institutions. Especially important in this regard is the adoption of the new rules for appointing the chief prosecutor, supreme court judges and the chair of CEC with the involvement of the opposition as well as the separation of the Anti-Corruption Agency from the State Security Service and making it an independent institution.	
6	Strengthen the fight against organized crime based on detailed threat assessments, notably by ensuring	Law enforcement agencies have full capacity and resources, as well as legislative basis, to effectively combat organized crime. These conditions require improvement of practices.	Can be fulfilled immediately.

	rigorous investigations, prosecutions and a credible track record of prosecutions and convictions; guarantee accountability and oversight of law enforcement agencies.		
7	Undertake stronger efforts to guarantee a free, professional, pluralistic and independent media environment, notably by ensuring that criminal procedures brought against media owners fulfill the highest legal standards, and by launching impartial, effective and timely investigations in cases of threats against safety of journalists and other media professionals.	<ol style="list-style-type: none"> 1. The authorities should stop ongoing investigations and trials against critical media outlets defined as politically motivated cases by the civil society organizations and the ombudsman's office. Demonstration of the government's political will could be the release from prison of Nika Gvaramia, Director and founder of TV channel "Mtavari Arkhi" . There are several legal options to undertake the effort including the presidential pardon. 2. The Prosecutor's Office should relaunch impartial, effective and timely investigations against organizers and perpetrators of violence against media workers on July 5-6, 2021, taking into account multiple evidence collected by the media, civil society and the Ombudsman's Office. The government should launch investigations into the cases of massive surveillance targeting media professionals. 3. The Parliament should ensure the harmonization of Georgian media laws with the EU Directive on Audiovisual Media Services based on the wide consensus, particularly in the context of efficient co-regulation system, suggested by CSOs and journalistic unions, which asserts that ethical disputes should be resolved by a special professional council, rather than the Georgian National Communications Commission, the role of which should not exceed its current legal mandate. 	<ol style="list-style-type: none"> 1. President of Georgia can pardon Nika Gvaramia any time; Politically motivated investigations can be stopped in a month 2. can be fulfilled in 3 month 3. can be fulfilled in 2 month
8	Move swiftly to strengthen the protection of human rights of vulnerable groups,	<ol style="list-style-type: none"> 1. Fully investigate crimes and bring to justice organizers of the gross human rights violations, the recent most notable case 	<ol style="list-style-type: none"> 1. Can be done immediately

	including by bringing perpetrators and instigators of violence to justice more effectively.	<p>of discrimination-based violence on July 5, 2021</p> <ol style="list-style-type: none"> 2. Adopt the National Human Rights strategy and relevant action plan, which will include elaboration of the effective policy for the countering the violent extremism and, among them, conduct informative and educational campaign aimed at reducing homophobia and xenophobia in society; Also, establishment of special mechanisms that will increase the political representation and participation of ethnic minorities, inter alia, the creation of democratic, inclusive and regular consultative mechanisms with the Government and Parliament of Georgia, which will involve independent civil activists and organizations from ethnic minority communities in the decision-making process. 	<ol style="list-style-type: none"> 2. Can be done within two months
9	Notably consolidate efforts to enhance gender equality and fight violence against women.	<ol style="list-style-type: none"> 1. Improve legislation on sex crimes, including rape, in line with Istanbul Convention; 2. Adopt new action plan on gender-based violence and domestic violence; 3. Abolish requirement of 'status of victim' for access to services in cases of violence; 	Can be fulfilled within three months
10	Ensure the involvement of civil society in decision-making processes at all levels.	<ol style="list-style-type: none"> 1. Make the Open Government Partnership format more effective. More specifically, the Administration of the Government should commit to at least 2 star commitments proposed by civil society members during the Open Government Council vote. 2. The Administration of the Government should ensure the involvement of civil society organizations in the process of developing national level policy/strategy documents (including National Human Rights Strategy) and their action 	<ol style="list-style-type: none"> 1. Can be done any time. 2. Can be done in one month.

		plans.	
11	Adopt legislation so that Georgian courts proactively take into account European Court of Human Rights judgments in their deliberations.	Adoption of guidelines for Georgian Common Courts that would require proactive application of ECHR practice. This should be done by the decision of the HCoJ.	Can be fulfilled in a month or less
12	Ensure that an independent person is given preference in the process of nominating a new Public Defender (Ombudsperson) and that this process is conducted in a transparent manner; ensure the Office's effective institutional independence.	The candidate should be agreed through the cross-party consultations. The appointment should be conducted through bilateral (majority of the opposition should also support the appointment) support in the parliament.	