



Georgia

The Second Wave of Democratic Reforms

2009





The Second Wave of Democratic Reforms

State Constitutional Commission





The Second Wave of Democratic Reforms

State Constitutional Commission (Will Be Completed by September, 2010)

Commission formed to Draft a New Constitution Based Upon the Principles of the Rule of Law, Protection of Fundamental Rights and Freedoms, Economic and Social Justice, Clear Separation of Powers and System of Checks and Balances.

Ensuring

- ✓ Strong Parliament
- ✓ Effective President and Government
- ✓ Independent Court System
- ✓ Human Rights' Protection

New Draft Constitution is to be Finalized by January 1, 2010





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State Constitutional Commission

70 Members of the Commission

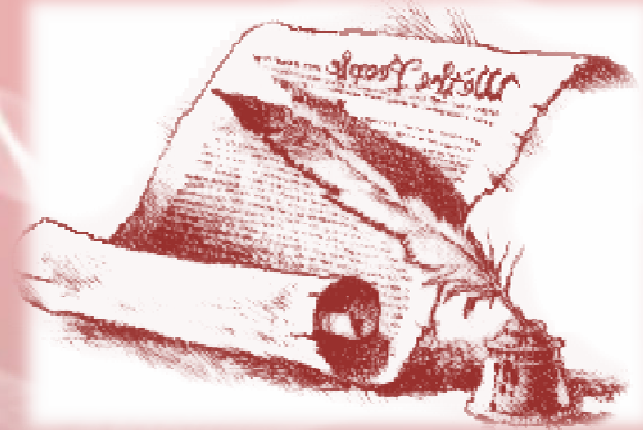
✓ Representatives of:

- Political Parties
- Parliament
- President
- Government
- Supreme Court
- NGOs
- Autonomous Republics of Adjara and Abkhazia
- Administration of South Ossetia

✓ Experts

Ruling Party and Government hold less than 1/3 of the State Constitutional Commission

All Decisions are Made by 2/3 majority





The Second Wave of Democratic Reforms

Strengthening Independent Judiciary





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Strengthening Independent Judiciary

- ✓ President Does Not Appoint Judges Any More **(Done)**
- ✓ President is No Longer a Chairman/Member of the High Council of Justice **(Done)**
- ✓ Opposition has a Seat in the High Council of Justice, that Allows Parliamentary Minority to Take Part in the Oversight of the Judiciary System and Reforms Carried Out in the High Council of Justice **(Done)**
- ✓ Judges Hold a Majority in the High Council of Justice **(Done)**
- ✓ Lifetime Appointment of Judges **(Done)**
- ✓ New Criminal Procedure Code **(Done)**





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Strengthening Independent Judiciary

The Georgian CPC is a Democratic System of Criminal Justice Based on the Tenets of Independence of Judiciary, Adversariality, Equality of Arms and Guarantee of Equal Treatment/Access under the Law.

The Georgian CPC Draft proposes:

- ✓ Introduction of Jury Trial
- ✓ Full Application of Adversarial Proceedings and Speedy Trial
- ✓ Transfer of Operational Activities to the Domain of Pre-Trial Investigation and Its Placement under Strict Control of Judge to Guarantee the Rights of the Defendant
- ✓ Prohibition of Ex Parte Communication
- ✓ Strict Time Limit of 60 Days for the Investigation
- ✓ Maximum Restriction of Pre-Trial Detention by Emphasizing non Custodial, Alternative Measures, as well as Reduction of Pre-Trial Detention Terms
- ✓ Making Testimony of Witnesses Voluntary in the Pre-Trial Stage of Investigation
- ✓ Making Pre-Trial Hearing a Separate Stage of the Case Proceedings;
- ✓ The Construction of Judicial Investigation on the Principle of Direct Examination of the Evidence and Principle of Orality



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Election Reform





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Election Reform (Done)

Working Group on Election Code is Established and Based on the Following Working Principles:

- ✓ Constructive Cooperation
- ✓ Consensus Based Decision
- ✓ No Preconditions Prior to Discussions

Working Group is Composed of

- ✓ Ruling Party
- ✓ Parliamentary and Non-Parliamentary Opposition Parties
- ✓ Relevant International Organizations and NGOs

Election Code will be in line with International Recommendations

Central Election Commission's Chairperson Appointed on the Basis of Consultations between Political Parties

Introduction of Direct Election System of Tbilisi Mayor

Elections of Self-Governments Called on Spring, 2010





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Encouraging Development of Party
Institutions





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Encouraging Development of Party Institutions (Done)

- ✓ Parliament Adopted Amendments to the Law on Political Organizations Improving the Financial Sustainability of All Qualified Political Parties. The Basic Financing of Parties has been Increased while the Budgetary Funding for the Ruling United National Movement has been Decreased
- ✓ A Foundation has been Set Up to Finance Research and Development Activities of Political Parties and Non-Governmental Organizations



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Correctional Reform

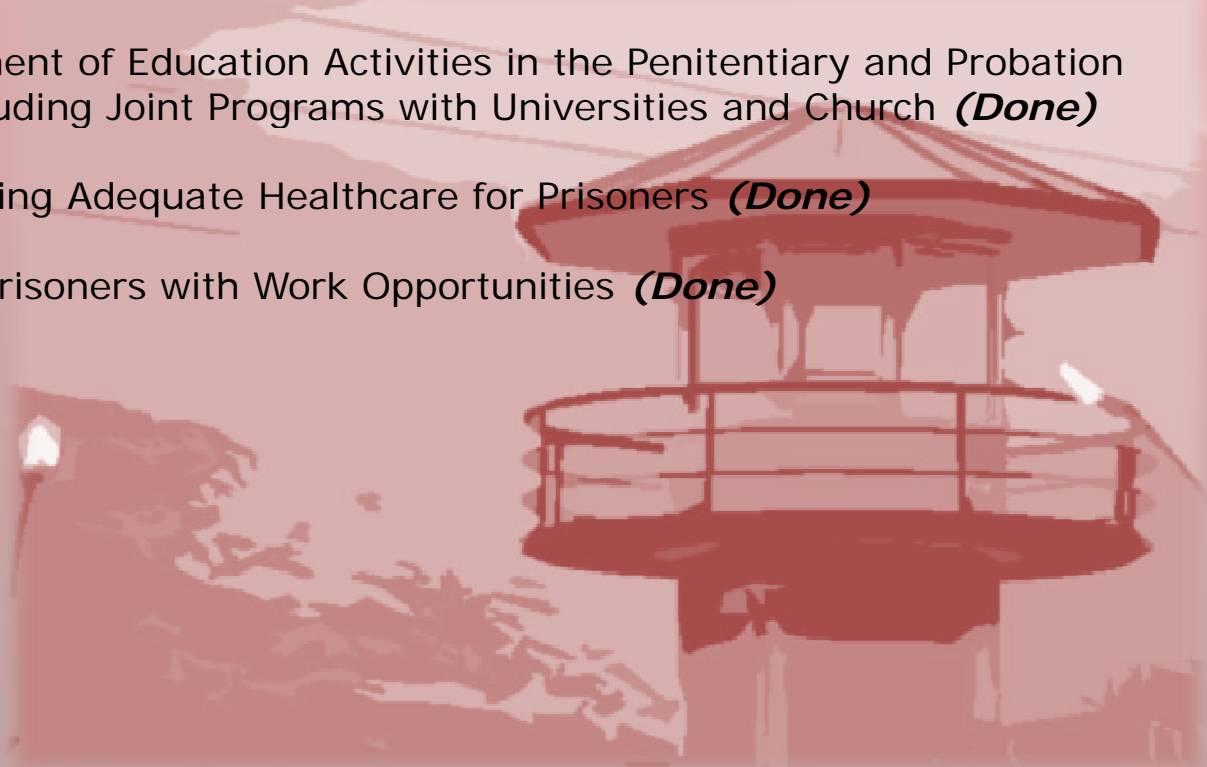




The Second Wave of Democratic Reforms

Correctional Reform

- ✓ New Imprisonment Code Focused on Rehabilitation and Re-entry, including Development of Probation System **(Done)**
- ✓ National Preventive Mechanism Established under the Public Defender's Office to Prevent Torture **(Done)**
- ✓ Rehabilitation and Re-entry Programs **(Done)**
- ✓ Establishment of Education Activities in the Penitentiary and Probation System, including Joint Programs with Universities and Church **(Done)**
- ✓ Guaranteeing Adequate Healthcare for Prisoners **(Done)**
- ✓ Providing Prisoners with Work Opportunities **(Done)**





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New Law on Chamber of Control





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New Law on Chamber of Control (Done)

- ✓ Increasing Independence of the Chamber of Control
- ✓ Strengthening Public Oversight over Budgetary Expenses
- ✓ Bringing Existing Regulation in Line with EU Standards
- ✓ Increasing Transparency of Government Activities





The Second Wave of Democratic Reforms

Strengthening Institutional Guarantees
for Opposition Participation in Governance





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Strengthening Institutional Guarantees for Opposition Participation in Governance

- ✓ Increasing Opposition Participation in the Civilian Control of Defense and Security **(Done)**
- ✓ Involving Opposition Leaders in the Work of State Security Council **(Done)**
- ✓ Strengthening Opposition Role in Parliamentary Governance and Decision-Making **(Done)**
- ✓ Offering Deputy Ministers' Positions to Opposition **(Done)**





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Other Joint Initiatives to Strengthen the
Role of the Opposition





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Other Joint Initiatives to Strengthen the Role of the Opposition (Done)

- ✓ Anti-Crisis Council
- ✓ Temporary Parliamentary Commission on Military Aggression and Other Acts of Russia Against the Territorial Integrity of Georgia and Government Response





The Second Wave of Democratic Reforms

Facilitating Media Pluralism





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Facilitating Media Pluralism

- ✓ Legal Amendments Adopted, Enabling an Appointment of an Opposition Representative to the Georgian National Communications Commission **(Done)**
- ✓ Adoption of Legislative Guarantees Regarding the Georgian Public Broadcaster, in order to Ensure Regular Broadcasting of Live Political Talk-Shows with Equal Participation of All Major Political Parties **(Done)**
- ✓ Reforming the Board of the Public Broadcasting, by Giving Equal Quotas to Opposition and Ruling Party and Involving One Society Representative; Increasing the Rights of Board of the Public Broadcasting **(Done)**
- ✓ Creation of Special Political Television Channel Modeled after C-SPAN and/or BBC Parliament **(Done)**
- ✓ Granting the Right to Satellite Broadcasting to All TV Channels **(Done)**
- ✓ Political Leadership Continue to Call on Major Commercial TV Channels to Air More Live Political Talk-Shows. Currently 23 Political Talk Shows are Broadcasted per Week **(Done)**

