

EU – GEORGIA PARLIAMENTARY COOPERATION COMMITTEE

FOURTEENTH MEETING

2-3 May 2012

TBILISI

Co-Chairs: Mr David DARCHIASHVILI and Mr Milan CABRNOCH

Final Statement and Recommendations pursuant to Article 89 of the Partnership and Cooperation Agreement

Under the co-chairmanship of Mr David DARCHIASHVILI and Mr Milan CABRNOCH, the fourteenth meeting of the EU-Georgia Parliamentary Cooperation Committee was held in Tbilisi on 2-3 May 2012. The Committee exchanged views with representatives of the Government of Georgia, and H.E. Mr Philip DIMITROV, Head of the EU Delegation to Georgia, representing the European Union.

The Parliamentary Cooperation Committee (PCC)

Relations between the European Union and Georgia

1. recognises Georgia as an European state and Georgian aspirations founded on article 49 of the Treaty on European Union ; welcomes the progress made in the negotiations on the Association Agreement (AA) between the EU and Georgia, and the launch of negotiations on a Deep and Comprehensive Free Trade Area (DCFTA) as an integral part of the future AA; welcomes the overall satisfactory and effective implementation by Georgia of both the Visa Facilitation and Readmission Agreements and the intentions to open a visa dialogue between the EU and Georgia before the summer;
2. acknowledges the European aspirations and choice of Georgia and its commitment to build a deep and sustainable democracy; welcomes Georgia's efforts in modernising and reforming its society, institutions and fighting against corruption;
3. expresses its readiness to promote mobility of Georgian citizens and to take gradual steps, including establishing a two-phased Visa Liberalization Action Plan, towards a visa-free regime in a secure and well managed environment in due course;

4. stresses that the active engagement of Georgia and its commitment to shared values and principles, including democracy, the rule of law and respect for human rights and good governance, are essential to make the negotiations and the implementation of the AA a success;
5. underlines the utmost importance of ensuring that the parliamentary elections of October 2012 and the presidential elections of 2013 meet the internationally recognised democratic standards; acknowledges initiatives launched to safeguard free and fair elections such as adoption of new election code, invitation of observer missions well in advance the elections, stresses the need for further strengthening democracy in Georgia, including the democratic institutions, allowing for genuine political pluralism and freedom of assembly, free and equal access to the media;
6. welcomes the Joint Communication "*A New Response to a Changing Neighbourhood*" of High Representative-Vice President of the European Commission and the Commissioner responsible for Enlargement and European Neighbourhood Policy adopted in May 2011, meant to put the EU's relations with its neighbours on a different footing, in which the EU will be much more responsive to the efforts of the partners to build and develop sustainable democratic societies; the "more for more" approach should apply essentially to the incentives proposed by the EU;
7. welcomes the contribution of the Delegation of the Parliament of Georgia to the establishment and work of the Plenary Sessions of the EURONEST Parliamentary Assembly;

Modernisation and sustainable democratic reforms in Georgia

8. calls on the Georgian authorities to ensure the right to peaceful assembly and of association; in this context, while being aware of the violations of law by organizers of 26 May 2011 protests in Tbilisi, draws the attention of the Georgian authorities on the use of administrative detentions and sentences of up to 90 days without adequate procedural safeguards, in particular for dealing with protesters;
9. acknowledges that the work on new Code of Administrative Offences is ongoing, it recommends to the Government of Georgia to ensure full due process protection for those charged with an offence where they may face a custodial sentence or a significant fine, access to a lawyer, and take immediate steps to ensure that all existing temporary isolation units meet the requirements of the European prison Rules;
10. welcomes the efforts made in 2011 by the Georgian political parties and representatives of the civil society to contribute to improving the electoral system in the country, which is meant to improve the internal coherence of the electoral legislation leading potentially to a more pluralistic and balanced composition of the parliament after the 2012 elections; takes note of the adoption of the amendments to the "*Law on Political Unions of Citizens*" in December 2011; also takes note of the complaints of various stakeholders against the provisions of the law concerning the financing of political parties and the role of the Georgian Chamber of Control in monitoring the financial activities of the political parties meant to ensure transparency

in this respect; welcomes the recent initiative of the Georgian government in cooperation with civil society to prepare amendments to the law, which should strengthen the necessary conditions for an equal political playing field and allow for a fair political competition in future elections;

11. highlights the importance of a proper electoral process and, in this regard, calls on the Georgian government to continue with its efforts to ensure the accuracy of the voters lists and asks the EU Delegation in Tbilisi to include this in the focus of its work in the next year;
12. stresses the importance of an equal level of transparency and accountability in the different regions of Georgia and calls for particular attention to ensure that the electoral process in areas compactly inhabited by minority groups is equal to that of Tbilisi and other areas;
13. notes the welcoming by the Georgian government of comprehensive domestic and international monitoring of the elections; asks the Georgian government and the election authorities - at national and constituency level - to extend full cooperation to election monitors and not to hinder their activity;
14. emphasizes that Georgia should continue to advance sectoral reform and regulatory approximation in trade and trade-related areas, building on the achievements of the preparatory process for the DCFTA and that the EU stands ready to provide continued support in this regard based on jointly identified needs of Georgia;
15. welcomes Georgia's achievements in its fight against corruption, and in particular the elaboration of the *Monitoring Tool* for the implementation of the National Anti-Corruption Action Plan adopted in September 2010; highlights the role of the Anti-Corruption Council in this regard;
16. notes the concerns raised by a number of NGOs with regard to the access to public information. The Government of Georgia should ensure the implementation of the principles of Freedom of information and transparency of public funds, including presidential one; notes that, as a beneficiary of financial support from the European Union, Georgia should ensure the proper and accountable disbursement of all public funds;
17. notes that there are allegations on property rights violations being raised by political parties and some NGOs calls on the Government of Georgia for more transparency on this issue; appeals to the authorities that while progress remains highly recommended for the country this should not come at the expense of the individuals;
18. calls on the Georgian authorities to ensure that human rights and freedoms are observed in the country at all times; recalls that all instances or allegations of excessive use of force by police officers and other law enforcement agents must be properly investigated by the competent authorities and the perpetrators brought to justice;

19. welcomes the implementation of amendments to the legislation ensuring transparency of media ownership, which is essential for providing a level playing field for all political parties in the run up to the forthcoming and future elections;
20. while acknowledging the progress made in the reform of the judiciary, points out to the remaining shortcomings in the administration of justice, particularly with regard to the high rate of convictions and the right to a fair trial; urges the Georgian authorities to take all necessary steps to address these shortcomings; welcomes the recent initiatives strengthening the independence of the judiciary; recognises, however, the need for further efforts to create adequate working conditions for the lawyers, in particular regarding their access to defendants detained in penitentiaries;
21. welcomes the *National Healthcare Strategy* of Georgia for 2011-2015 aiming at providing access to affordable quality healthcare to all Georgian citizens in accordance with the new demographic challenges and is designed to ensure that the rights of the patients are protected during the provision of medical care; also welcomes the legal provisions that are meant to upgrading the medical infrastructure of the penitentiary system;
22. welcomes recent new infrastructural initiative of the government of Georgia aimed at modernization of agricultural and energy sectors in Georgia and thus providing opportunities for new job creation and development of national economy.

The current situation of the refugees and Internally Displaced People (IDPs) in Georgia

23. calls on the Russian Federation to reverse the results of ethnic cleansing and to allow the safe and dignified return of IDP to the occupied territories of Abkhazia, Georgia and Tkhinvali region, Georgia;
24. stress the need for the safe and dignified return of all internally-displaced persons and refugees to their places of permanent residence and the unacceptability of the forced demographic changes;
25. acknowledges the efforts and the progress made so far by the Georgian authorities in implementing the strategy for IDPs, particularly in building and refurbishing houses and setting standards to guide the implementation process with the international community;
26. deplores the fact that, despite the efforts to implement the government strategy, the IDPs continue to be seriously affected by long-term unemployment, which hampers their integration into the rest of the Georgian society and their access to medical care and education; stresses, however, the need for the authorities to inform the people concerned about the steps that are to be envisaged with regard to their housing and to the measures that are to be taken by the government for livelihoods and jobs in order to avoid obstructing their self-reliance;

27. expresses deep concern about the insufficient level of security of those who have spontaneously returned, since sporadic incidents along the Administrative Border Line with Tskhinvali region and in the Gali region of Abkhazia are reported, in particular those linked to the existence of landmines, abductions, frequent gunfire or agricultural and livestock looting;
28. acknowledges that Georgia remains heavily dependent on external funding for improving the situation of refugees and IDPs; calls on Georgia to continue to improve the living conditions and enhance efforts to provide livelihood options to all IDPs; calls on the European Commission and other international organisations to remain actively engaged in providing the Georgian authorities and IDPs with assistance;

The peaceful settlement of the conflict in Georgia

29. reiterates its firm support for the independence, sovereignty and territorial integrity of Georgia, within its internationally recognised borders and reiterates its concern about the continuing Russian military occupation and infrastructure reinforcements in Abkhazia and Tskhinvali region;
30. calls on the Russian Federation to fulfil its obligations under the Ceasefire Agreement of 1 August 2008 and the Implementing Measures of 8 September 2008, including by providing access to the EUMM to the two occupied regions; calls on the EU to continue seeking the full implementation of the agreements of 12 August and 8 September 2008;
31. calls on the Georgian government to continue adopting a pragmatic and positive approach in implementing the new "Modalities for Engagement of Organisations Conducting Activities in the Occupied Territories of Georgia", under the "Law on Occupied Territories" in a way that would foster engagement with communities living in the breakaway regions; moreover, calls on the EU to promote projects of freedom of movement alongside the administrative border lines and contacts between the affected populations in coordination with Georgian authorities;
32. welcomes the recent rounds of talks within the International Geneva Discussions, which focused on the concrete ways to reach an agreement on the Non-Use of Force and the International Security Arrangements; strongly supports the call of the Co-Chairs of the Geneva Discussions on the Russian Federation to pledge the Non-Use of Force against Georgia, as Georgia did unilaterally in 2010;
33. also takes note of Georgia's reiterated request to discuss the establishment of international security arrangements inside Abkhazia and Tskhinvali region; this would represent the best guarantee for peace and non-resumption of the hostilities;
34. takes into consideration Georgia's concerns about the cases of the violations of freedom of movement in the vicinity of the Administrative Boundary Line and regarding the continuous arbitrary detentions of the local populations by the Russian FSB border guards and the de facto authorities in Abkhazia and Tskhinvali region;

35. welcomes the strong commitment of the EU to remain engaged and involved in the stabilisation and conflict resolution efforts in Georgia, including by continuing its office as co-chair in the Geneva Discussions, the efforts of the EUSR for South Caucasus and the crisis in Georgia and the continued presence of the EU Monitoring Mission;
36. welcomes Georgia's work performed within the framework of the *Incident Prevention and Response Mechanisms*, and the readiness to continue deploying efforts for guaranteeing the security of the population on the ground in good faith; however, regrets the fact that Russia and the de facto authorities in Abkhazia and Tskhinvali region; still refuse to discuss humanitarian issues related to the safe, dignified and voluntary return of the Internally Displaced People to the places of their original residence;
37. expresses satisfaction with the outcome of the recent rounds of talks assessing the current security situation on the ground as stable and with the appeal of the OSCE Chairmanship to the participants in the Geneva Discussions to urgently address the problems faced by refugees and the Internally Displaced People in Georgia.

Unanimously adopted