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ANNEX

Committee on Legal Affairs

23.09.2016

MISSION REPORT

following the delegation of the Committee on Legal Affairs to Tbilisi, Georgia, on
30-31 March 2016

Committee on Legal Affairs

Members of the mission:

Pavel Svoboda

Heidi HAUTALA

(EPP) (Leader of the mission)

(Greens/ALE)

Introduction

A delegation of the Committee on Legal Affairs (JURI) visited Tbilisi, Georgia on 30-31 March 2016. With a view to preparing for future rapprochement of Georgia to the EU, the main purpose of the delegation was to examine how Parliament could assist the local judicial authorities - and businesses and citizens - to create better links and relations in view of JURI's responsibility for **judicial cooperation** in civil matters and the Hague Conference.

Lead by the JURI Chairman, Pavel Svoboda (EPP, CZ) the delegation also included Heidi Hautala (Greens, FI), Francesca Beltrame from the Green Group Secretariat and Magnus Nordanskog and Francisco Ruiz-Risueno from the JURI Secretariat.

Summary of meetings

Wednesday, 30 March 2016

(1) Debriefing by the **EU delegation**, H.E. Janos HERMAN, Ambassador of the European Union and Ms Irakli KOBALIA, Political Officer

- There are three main priorities in Georgia: Judicial reform, reform of the public administration and restructuring of the agricultural sector.
- Georgia today is democratic, stable and overwhelmingly pro-EU.
- There are reliable and independent courts; the problem is that the judges are not independent.
- The political parties are not driving change. In recent opinion polls, 60% were undecided.
- A couple of weeks prior to the delegation visit there was a prevailing feeling of crisis in Tbilisi with the emergence of the sex videos scandal, the shooting of opposition politician Aleksi Petriashvili and radical student uprising.

(2) Meeting with the **European Union Monitoring Mission (EUMM)**, H.E. Kestutis JANKAUSKAS, head of EUMM, Mr Erik HOEEG, Deputy Head of EUMM and Mr Kaupo KÄND, Head of Analytical Reporting and Outreach Department

- The EUMM is the only international presence on the ground in Georgia today and it is considered by the Georgians as ensuring security.
- Russia is engaging in "soft borderisation".

- There is an ongoing International Criminal Court (ICC) investigation into the destruction of a residential area in South Ossetia.
- Visa facilitation by the Russian Federation is an echo of the EU Visa Liberalisation Action Plan.

(3) Meeting with **H.E. David USUPASHVILI**, Chairman of the Parliament of Georgia

- Closer contacts are being made at all levels, between Georgia and the EU in general and between the Georgian Parliament and the European Parliament in particular. There is cross-party enthusiasm for establishing contacts.
- The third wave of reform of the judiciary (distribution of cases and appointment of chairs) cannot be distinguished from the prosecution and the bar association.
- The President of the Council of Justice has previously had too much power in the Selection of judges. The Council had been made more democratic, flexible and less influenced from the outside.
- A major problem relates to lifetime appointments of judges: what are the applicable criteria, how should one evaluate the performance of existing judges and how long should the probationary period be?
- Whereas petty corruption in the judiciary has been eliminated, the political influence is still huge.
- Legislation is not enough to make progress, action is needed at all levels, including civil society.
- The official reason for the Georgian Parliament to meet outside of Tbilisi is to decentralise power, but in reality it was done in order to strengthen the power of the Prime Minister by decreasing the effectiveness of the Parliament. This is however likely to change in the next legislature.

(4) Working lunch with **Mr David MAGRADZE**, Head of the Cabinet of the President of the Parliament

(5) Meeting with Mr Ucha NANUASHVILI, Public Defender/Ombudsman of Georgia

- A culture of impunity and violence by the police have previously prevailed in Georgia.
- Safety at work is a very timely issue in Georgia since there is no procedure for labour inspection in place.
- It is essential that the Council of Prosecutors becomes depoliticised.
- The office has dealt with more than 100 cases since the anti-discrimination law was adopted recently.

(6) Roundtable with civil society, Mr Lasha TUGHUSHI (Georgian National Platform), Ms Ana NATSVLISHVILI (Georgian Young Lawyers Association), Mr Kakha GOGOLASHVILI (Georgian Foundation for Strategic and International Studies), Transparency International and Liberal Academy NGO

- How is it possible that so many lawyers publically claim to see no problems in the judiciary? There is a small but important group of people who want to retain power.

(7) Working dinner with Mr Victor DOLIDZE, Co-Chair of the EuroNest parliamentary Assembly

Thursday, 31 March 2016

(8) Meeting with Mr David BAKRADZE, Leader of the Parliamentary minority, United National Movement and Mr Giorgi KANDELAKI, Deputy Chairman of the European Integration Committee of the Georgian Parliament

(9) Meeting with Ms Nino GVENETADZE, Chairperson of the Supreme Court of Georgia

- Presentation of the work and functioning of the Supreme Court

(10) Meeting with **Mr George PAPUASHVILI**, President of the Constitutional Court of Georgia

- There has recently been several attempts at intimidation of Constitutional Court judges, including personal attacks. Follow-up action by the international community is needed.
- The procedure for appointing the President of the Constitutional Court has traditionally been very political. Since this was criticized by the Venice Commission, the procedure is becoming more open.

(11) Working lunch with **Mr Gigi GIGIADZE**, Deputy Minister of Foreign Affairs of Georgia and **Mr Irakli GIVIASHVILI**, Ambassador at Large on Human Rights

(12) Meeting with **Mr Giorgi KVIRIKASHVILI**, Prime Minister of Georgia

- There are deficiencies in the reform process, and concern should be raised about the campaigns of anti-EU movements in Georgia. The sooner international parties come to inspect the election preparations the better.
- There are serious challenges in the justice sector, with some judges having very low credibility. The third wave of reform of the judiciary is the most important so far, with a very inclusive process, which includes the opposition.
- The World Bank indicators over the last three years point to the absence of violence, stability and overall quality of legislation. The opinion from the Venice Commission on the Constitutional Court is eagerly awaited.
- All possible measures are taken, including international assistance, to bring those responsible for the video scandal to justice.

(13) Meeting with **Ms Tea TSULUKIANI**, Minister for Justice of Georgia

- The reform of the judiciary in the early 2000s, which consisted of the dismissal of all judges appointed by the previous government, is not being repeated by the current government.

- Constitutional changes which provide for lifetime appointment of judges are crucial. It is also important that the chairing judge is no longer in charge of the allocation of cases, which now takes place electronically.
- The appointment of the President of the Constitutional Court was previously a very political process, but has now been amended allowing any judge to stand as a candidate.
- On visa liberalisation, structured cooperation is in place with France and Germany, and recent arrests by those countries of Georgians suspected of falsifying passports is good news since it means that the cooperation is working.

(14) Working dinner with **Mr David BAKRADZE**, State Minister of Georgia on European and Euro-Atlantic Integration

Conclusions

The Members of the delegation had very fruitful discussions with a wide array of Georgian stakeholders, with a strong focus on the ongoing reform of the judiciary.

As follow-up to this visit, Members have proposed to take two different actions:

- (1) Make visits to neighbourhood countries in a similar situation, such as Moldova.
- (2) To arrange possibly an event in Brussels in cooperation with EUMM, DG Justice and relevant services in the European Parliament with the participation of Georgian stakeholders focusing on the reform of justice in Georgia, including provision of best practices on legislation.



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

**Committee on Legal Affairs
Mission to Tbilisi, Georgia
30-31 March 2016**

Programme

Wednesday, 30 March

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| 09:00 | Departure for the Delegation of the EU |
| 09:15 – 09:50 | Meeting with H.E. Janos HERMAN , Ambassador of the European Union |
| | <i>(EU Del, 38 Nino Chkheidze str.)</i> |
| 10:00 | Departure for the EUMM HQs |
| 10:30-11:30 | Meeting with H.E. Kestutis JANKAUSKAS , Head of EUMM Georgia and Mr. Erik HOEEG , Deputy Head of EUMM Georgia |
| | <i>(EUMM HQs, 49 Krtsanisi Street)</i> |
| 11:45 | Departure for the Parliament of Georgia |
| 12:00-12:45 | Meeting with H.E. David USUPASHVILI , Chairman of the Parliament of Georgia |
| 12:45 | Departure for the restaurant "Old Metekhi" |
| 13:00-14:45 | Lunch hosted by Mr David MAGRADZE , Head of the Cabinet of the President of the Parliament |
| 14:45 | Departure for the hotel
Time at disposal |
| 15:45 | Departure for the Public Defender's Office |
| 16:00-16:45 | Meeting with Mr. Ucha NANUASHVILI , Public Defender of Georgia |
| 16:45 | Departure for the Delegation of the EU |
| 17:00-18:15 | Round table with Civil Society |
| | <ul style="list-style-type: none">• Georgian Young Lawyers Association• Eastern Partnership - Georgian National Platform• Transparency International• Liberal Academy NGO |

18:45 Departure for the restaurant "Bread House"
19:00 Dinner hosted by **Mr. Victor DOLIDZE**, Co-President of the EuroNest Parliamentary Assembly

Thursday, 31 March

08:45 Departure for the UNM Office
09:00 – 10:00 Meeting with **Mr. David BAKRADZE**, Leader of the Parliamentary Minority, United National Movement

10:45 Departure for the Supreme Court of Georgia
11:00-11:45 Meeting with **Ms. Nino GVENETADZE**, Chairperson of the Supreme Court of Georgia

11:45 Departure for the hotel "Radisson Blu Iveria"
12:00-12:45 Meeting with **Mr. George PAPUASHVILI**, President of the Constitutional Court of Georgia

12:45 Departure for the restaurant "Kopala"
13:00-14:45 Working lunch with **Mr. Gigi GIGIADZE**, Deputy Minister of Foreign Affairs of Georgia

14:45 Departure for the Government's Administration
15:00-15:45 Meeting with **H.E. Giorgi KVIRIKASHVILI**, Prime-Minister of Georgia

15:45 Departure for the Ministry of Justice
16:00-16:45 Meeting with **Mrs. Tea TSULUKIANI**, Minister of Justice

16:45 Departure for the hotel
Time at disposal

18:45 Departure for the restaurant "Funicular"
19:00 Dinner Hosted by **Mr. David BAKRADZE**, State Minister of Georgia on European and Euro-Atlantic Integration