



PACE project in the framework of the Action Plan for Georgia (2016-2019)

“Strengthening democratic governance and human rights in Georgia: key role of Parliament”

RATIONALE

The Council of Europe Action Plan for Georgia was adopted by the Committee of Ministers, first for the period of 2013-2015 then for the period of 2016-2019 and recently, in November 2019, for the period of 2020-2023: <https://www.coe.int/en/web/programmes/-/launch-or-the-council-of-europe-s-action-plan-for-georgia-for-2020-2023>. It was developed taking in account decisions, recommendations, reports and opinions provided by the Council of Europe monitoring bodies regarding Georgia. The Action Plan aims to contribute to the overall stability and democracy in Georgia. It assists the country in fulfilling its obligations as a Council of Europe member State by bringing legislation, institutions and practice further in line with Council of Europe standards in the areas of human rights, the rule of law and democracy.

The Parliamentary Assembly of the Council of Europe (PACE) cooperated with the Parliament of Georgia, its main partner, for many years and more recently, between 2013 and 2017, in the framework of the PACE thematic project on the role of national parliaments in implementing ECHR standards and in the supervision of the ECtHR judgments (<http://www.assembly.coe.int/LifeRay/APCE/pdf/PPSD/2020/PPSD-2020-08-EN.pdf>) and of the Partnership for Good Governance (PGG 2015-2017), joint programme with the EU (<http://www.assembly.coe.int/LifeRay/APCE/pdf/PPSD/2017/ActivitiesPGG-PACE2015-17-EN.pdf>), in which the Parliament of Georgia was very much involved and obtained encouraging results.

In 2019, in order to pursue this cooperation, PACE proposed a one-year cooperation activities' project with the Georgian Parliament in the framework of the Council of Europe Action Plan for Georgia (2016-2019), to be implemented between 1st May 2019 and 30 April 2020. However, these activities could not be completed because of parliamentary crisis in Georgia in June-December 2019 and then COVID-19 crisis in March-May 2020. Therefore, PACE asked to integrate these activities and develop new activities in the framework of the next phase of the Action Plan 2020-2023. Its request is now under consideration and once it is accepted, this new project will be presented.

PACE PROJECT

The main objective of this one year PACE project for the Parliament of Georgia (May 2019-April 2020) was to raise awareness of Members of Parliament and of the staff members of the Parliament of Georgia of its role in implementing Council of Europe standards in national legislation and practice of the parliamentary work in order to reinforce Georgian parliamentary democratic system and to improve human rights situation in Georgia.

PACE activities were organised by the Parliamentary Project Support Division in co-operation with relevant PACE Committees and Divisions as well as other partners and focused on two main subjects:

- Democratic governance: improvement of democratic electoral system through avoiding the misuse of administrative resources during electoral processes to ensure the right to free and fair elections to all citizens and through parliamentary measures to ensure democratic dialogue between the majority and the opposition.
- Respect of human rights: strengthening of the role of the Parliament of Georgia in implementing standards of the European Convention on Human Rights (ECHR) in national legislation and in the supervision of the effective execution of judgments in respect of Georgia before the European Court of Human Rights (ECtHR).

IMPLEMENTATION AND ACHIEVEMENTS

This project could not be fully implemented due to exceptional circumstances.

First, the political and parliamentary crisis in Georgia, started in June 2019, which led to the resignation of the Chairman of the Parliament in July 2019 and to violent manifestations of the population in the streets, and resulted in the postponement of our first conference on electoral matters planned for 2-3 July 2019, just a few days before its opening. The situation even worsened when in November 2019, the Parliament of Georgia voted against the long-awaited reform of the electoral system for a fully proportional election, in view of the parliamentary elections in October 2020. Secondly, the COVID-19 crisis in March-May 2020 led, this time, to the cancellation of our second activity on human rights issues, planned for 7-8 April 2020 in Tbilisi.

However, we managed to obtain some results in the framework of this project.

As regards human rights issues, this project permitted us to finance the translation into Georgian language and edition of 300 copies of the PACE handbook for parliamentarians “National Parliaments as guarantors of human rights in Europe”. This handbook, published first in English and French in September 2018, is the result of the five years’ field work of the PACE aiming to better implement PACE Resolution 1823 (2011). The handbook became a very useful tool giving concrete examples of measures to be undertaken by national parliaments and of existing good practices in Europe to ensure human rights in each member State. For more information and access to the text of the handbook, now available in 12 languages, follow the link: <http://www.assembly.coe.int/nw/Page-EN.asp?LID=HandbookGarantors>).

On 19-20 November 2019 in Strasbourg, a *Capacity Building Seminar on the role of national parliaments in implementing the Convention and judgments of the European Court of Human Rights (ECtHR)* was organised for 20 staff members of national parliaments of Armenia and Georgia. During this seminar, participants from the two neighbouring countries exchanged their experience and good practice as regards their work on drafting legislation and regular control of compliance of national legislation with ECHR standards. They also had exchange of views with colleagues representing the Office of Government Agent and secretariats of national courts of Armenia and Georgia on possible future co-operation at national level as regards the execution of ECtHR judgments in respect of their country. The seminar also gave them the opportunity to meet lawyers from the Strasbourg Court and the Department of the Execution of the ECtHR judgments of the Council of Europe and update their knowledge on the current case-law in respect of their country as well as on HELP tool (Human Rights Education for Legal Professionals). Participants received copies of the handbook, mentioned before, and could discuss with colleagues from the PACE Committee on Legal Affairs and Human Rights useful instruments and concrete solutions for national parliaments to fulfil their obligations to guarantee human rights in their country.

On 2 and 3 December 2019 was held in Tbilisi a *Regional Parliamentary Conference on preventing and responding to the misuse of administrative resources during electoral processes: the role of national parliaments*. The conference was prepared in close co-operation with the Venice Commission and it gathered 14 MPs from parliamentary delegations of Georgia and Armenia and from PACE as well as 20 experts representing the Venice Commission, the European Court on Human Rights, NGOs and Central Electoral Committees from Armenia, Georgia, Republic of Moldova and Ukraine. The conference permitted the presentation of

existing principles and instruments, which national parliaments may put in place to avoid this recurrent procedural problem during elections, but above all it permitted interesting exchanges of good practices among parliamentarians from different countries and with experts and representatives of the civil society to better prepare free and fair elections in Georgia in October 2020.