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One Year After Anti-Government Demonstrations, Georgia Assesses Democratic Progress & Advances New Wave of Reforms

President acknowledges mistakes, underscores lessons learned; reforms in media, judiciary take precedence as Government reaches out to opposition

NOTE: ANNEX INCLUDES FULL LIST OF COMPLETED & PLANNED REFORMS

One year after demonstrations triggered early presidential and Parliamentary elections, President Saakashvili says his Government has learned from its mistakes and is determined to move even more quickly with his democratic reform agenda.

"Our duty is to remember the November 7 and to understand what happened in order to prevent its reoccurrence," he said. "We have all learned big lessons, we have seen mistakes made by the Georgian authorities—those events demonstrate how important it is for the government and the president to listen to the people and to maintain dialogue even with minor groups."

Last November, police broke up demonstrations in front of Parliament that had blocked Tbilisi's central avenue for days and had led to unrest; although no one was killed, several dozen people were injured. The police also shut down the private television broadcaster Imedi, after it aired reports that were deemed to be inciting protesters to overthrow the government. The closure of Imedi sparked international protests and led to a year-long effort to reform media laws. Saakashvili resigned on November 8, called for snap election and won in a contest that has been dubbed "the most competitive election in Georgia's history".

In his remarks, Saakashvili acknowledged that the Government's forceful response to the demonstrations had been wrong. "November 7 has also taught us that unity is needed if we want to have a democratic society. It has taught us that confrontation is not the way to resolve differences; it is a dead end. It has taught us that the unity is the most important value. Were it not for these lessons, we would have failed to show such incredible unity in August during Russia's invasion."

The President said the Government would continue implementing a sweeping reform agenda. "Many things have changed in Georgia since November 7 and we have progressed since then," he said. "We have launched many democratic reforms and we are undertaking measures for the parliament to be stronger, for more public control, for the opposition to be more involved in the state affairs, for setting up proper rules of the game between the authorities and opposition."

The reforms include measures to give greater power to the opposition, strengthen Parliament, foster media freedom, grant greater independence to the judiciary, and improve the electoral process; a full list of completed and planned reforms is below. Among these are:

- Greater opposition representation in Parliamentary committees and organs;
- Creation of the "Anti-Crisis Council" with strong opposition representation to oversee Georgia's reform drive;
- Opposition representation on board of Public Broadcaster and legislation to ensure regular broadcasting of political talk-shows with equal participation of all major political parties;
- Introduction of jury trials and lifetime appointment of judges;
- A new election code in line with the recommendations of the international organizations that monitored Georgia's recent elections.

The accelerated democratic reform effort also is driven by Russia's invasion of Georgia. In his address to the UN General Assembly earlier this autumn, Saakashvili noted that it was Georgia's democratic credentials that helped rally the world to its side.

"Georgia was attacked because it is a successful democracy in our part of the world," he said. "Our response is to make our democracy an even more robust one." He went on to underscore the "resiliency" and "irreversibility" of the country's democratic commitment.

"We will, in short, fight the specter of aggression and authoritarianism with the most potent weapons in our arsenal," he added. "Namely our commitment to ever-expanding freedoms within our own borders, a stronger democracy, broader rights of free expression, a fiercely independent judiciary, and more robust checks and balances among our democratic institutions."

PACKAGE OF RECENTLY IMPLEMENTED & PLANNED DEMOCRATIC REFORMS (JUNE-DECEMBER 2008)

Strengthening Institutional Guarantees for Opposition; Participation in State Governance

1. Strengthening the Role of Opposition in the Process of Parliamentary Governance and Decision Making:

- Opposition factions are granted the right to nominate candidates for up to three vice chairmanships of the Parliament (*expected timeline: already accomplished*);
- The minority is granted the right to nominate one candidate for deputy chairmanship of each parliamentary committee (*expected timeline: already accomplished*);
- Both a faction and parliamentary opposition are granted the right to nominate the chair of *ad hoc* investigative commission (*expected timeline: already accomplished*).
- The procedures for setting up a faction are simplified. While previously the agreement of ten Members of Parliament was required to establish a faction, now this number is to be decreased to six. In the current situation this amendment allows the opposition to set up more than one faction in the Parliament, which will increase the quality of their participation in the process of debates, discussions and decision-making (*expected timeline: already accomplished*).

2. Increasing Participation of the Opposition in the Process of Adoption of Constitutional Amendments:

- The legislation of Georgia sets the period of one month for public debates about proposed constitutional amendments. This process is conducted and supervised by the organizational commission. According to new amendments, Members of Parliament from the opposition represent majority in the commission (*expected timeline: already accomplished*).

3. Inclusion of the Opposition in the High Council of Justice

- One member of the High Council of Justice (which manages judiciary system and makes all key decisions; Judges elected by judicial conference represent the majority in the Council) will be elected from the ranks of opposition lawmakers. This will allow the parliamentary minority to take part in the oversight of judiciary system, as well as in the process of reforms carried out in the High Council of Justice (*expected timeline: already accomplished*).

4. Increasing Participation of the Opposition in the Process of Civilian Control on the Defense and Security Sphere:

- New amendments to the legislation increased the number of opposition representatives in the Trust Group. This group has an access to any information in the sphere of defense, including classified documents, spending of state funds, etc *(expected timeline: already accomplished)*.

5. Drafting and Adopting New Law on the Chamber of Control:

- The new law on the Chamber of Control will be drafted and adopted with an objective to strengthen public oversight on budgetary expenses, to increase transparency of Government's activities, and to establish new institutional mechanisms enabling opposition to have more control on the work of the Chamber of Control *(expected timeline: end of December)*.

6. Parliamentary Delegations and "Groups of Friendship":

- In addition to being represented in all permanent parliamentary delegations, opposition factions received additional quotas in every parliamentary "Group of Friendship", enabling full-scale participation in inter-parliamentary relations. Opposition was granted a right to nominate chairmen of "Groups of Friendship" with Canada, Portugal and Switzerland *(expected timeline: already accomplished)*.

Joint Initiatives

1. Anti-Crisis Council:

- The Anti-Crisis Council was created at the initiative of the President of Georgia. It comprises representatives of the Government of Georgia, the ruling party, members of parliamentary and extra parliamentary opposition. The aim of the Council is to discuss the agenda for further democratic reforms, strengthen role of opposition in an ongoing political life, facilitate exchange of views between the Government and opposition, monitor the distribution of humanitarian aid to victims of the Russian aggression and to guide/oversee the post-aggression reconstruction process. The Council is chaired by an opposition MP *(expected timeline: already established)*.

2. Parliamentary Temporary Commission on Military Aggression and Other Acts of Russia Against the Territorial Integrity of Georgia:

- A parliamentary commission was set up at the joint initiative of the parliamentary majority and the parliamentary minority. The commission studies in detail the conditions of the aggression carried out by Russia and provide the public with complete and objective information. According to the regulations of the parliament and the political agreement reached between the majority and opposition, Commission has a right to call any government official as a witness and ask for a public testimony. For the sake of transparency, meetings of the Commission will be open for a media and general public. It is noteworthy that the commission comprises of the equal number of parliamentary majority and minority representatives. At the same time, an opposition faction member was elected the commission chairman *(expected timeline: already established)*.

3. Inter-Faction Group to Monitor Adjara Elections:

- At the initiative of the Chairman of Parliament, an inter-faction group was established to monitor Adjara regional elections on November 3, 2008. The Group monitored the election campaign, voting day procedures and vote counting

process. The Group will respond to reports about alleged violations of the election law and other problems during the election process. The Inter-Faction Group detected several irregularities and recommended to the Supreme Election Commission to annul the results in Khelvachauri district and several precincts in Shuakhevi. The recommendation has been taken into consideration (expected timeline: already established). *(expected timeline: already established)*.

New Wave of Democratic Reforms

1. Institutional strengthening of Parliament:

- Requirement to seek vote of confidence from the newly elected Parliament for the cabinet of ministers *(expected timeline: mid- November)*;
- Simplification of the procedure of parliamentary no-confidence motion against the cabinet *(expected timeline: end of November)*;
- Limiting the right of the President to call for the new parliamentary elections *(expected timeline: end of November)*.

2. Strengthening judicial independence:

- Introduction of jury trials. New CPC will be adopted in second and third hearing. New legislation also includes: continuation of the speedy trial reform, strengthening adversarial process, exclusionary rules on illegally obtained evidence, finalizing of the principle of inadmissibility of out of court statements. *(expected timeline: end of December)*;
- Lifetime appointment of judges. *(expected timeline: end of December)*.

3. Facilitating media pluralism:

- Appointment of an opposition representative in the Georgian National Communications Commission so that the opposition becomes directly involved in the process of decision-making *(expected timeline: mid-December)*;
- Introducing relevant legislative guarantees regarding the public broadcaster in order to ensure regular broadcasting of political talk-shows with equal participation of all major political parties, as it already is the case with political debates during the election period *(expected timeline: already accomplished)*.

4. Encouraging development of party institutions:

- State financing of all qualified political parties and the civil society. Basic financing of parties will increase (this includes the resumption of the funding for those parties who lost their funding due to the refusal to take the seats in the Parliament) and additionally special foundation will be set up, which will finance research activities of political parties and non-governmental organizations *(expected timeline: end of November)*.

5. Improving the Election Code:

- Establishment of a special working group with participation of the ruling party, opposition parties, relevant international organizations and NGOs. Objective of this group will be drafting of a new election code in line with the recommendations of the relevant international organizations, taking into account an experience of the recent elections *(expected timeline: will be established by the end of November)*.

ADDITIONAL INFORMATION

President Saakashvili Lessons Learned from November 7, 2007, Demonstrations

<http://www.president.gov.ge/?l=E&m=0&sm=3&st=0&id=2761>

President Saakashvili: 2008 United Nations General Assembly Address

<http://www.president.gov.ge/?l=E&m=0&sm=3&st=0&id=2746>