

**100 DAYS IN POWER:
RULE OF LAW AND HUMAN RIGHTS**

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**PART I: THE NEW GOVERNMENT CHALLENGES
IN THE TRANSITION PERIOD**

Transitional and Restorative Justice

Kakha Kozhoridze, *Georgian Young Lawyers' Association*

Important issues:

- Release of citizens who were subject to administrative arrest during the pre-election period;
- Amnesty and recognition of the political prisoner status;
- Cases in Court;
- Investigation and trial of former officials;
- Investigation of cases particularly interesting to the public;
- Investigation of cases with possible crime characteristics in post-election period;
- The ad-hoc state commission for studying failures in the justice system.

The New Government and Human Rights: Challenges and Priorities

Giorgi Gogia, *Human Rights Watch*

A difficult inheritance:

- Restoration of justice is one of the key public demands.

It is essential to:

- Eliminate the practice of torture and inhuman treatment in prisons;
- Carry out the immediate reform of the administrative code;
- Address the existing shortcomings of the justice system.

Personnel Changes in Public Service after Elections

Levan Natroshvili, *Transparency International Georgia*

Tendencies:

- Great number of employees at public institutions turn in resignation letters;
- Failure to establish certification commissions in the regions or, if they are established, they fail to act impartial;
- Hiring new personal without official position announcements

We think, it is essential that:

- Hiring of new personnel happen through contest and certification;
- Appropriate measures are taken on illegal dismissals of public officials;
- Monitoring group be established within Prime Minister's Administration.

Events Which Unfolded in Local Governments in the Aftermath of the Parliamentary Elections

Nino Lomjaria, *International Society for Fair Elections and Democracy*

Amidst protests, replacement of senior officials in the local governments began to take place after elections:

- So far 46 governors and 24 city council chairmen have vacated office;
- Protest rallies have been held in 28 municipalities:
 - escalating into illegal actions in 24 cases;
- Massive staff changes have been observed in 21 municipalities :
 - Employees generally gave notices of resignation.

Judicial Reform

Kakha Kozhoridze, *Georgian Young Lawyers' Association*

Draft amendments to the *Law of Georgia on Common Courts*:

- The role of individual judges will be strengthened;
- Journalists will have the right to broadcast trials live on air;
- The rules for staffing the High Council of Justice (HCoJ) will be improved;
- The degree of self-government of judges will be expanded.

Recommendation:

- the authority of members elected by the Conference of Judges should not be suspended.

Media Environment in Georgia

Mamuka Andghuladze, *Transparency International Georgia*

Positive trends:

- Since the elections, the extent of partisan bias decreased;
- There have been no reported incidences of journalists and media workers being beaten, detained, threatened and intimidated;
- Access to public records has significantly improved.

Challenges:

- Internet is free of government censorship, however privacy is not respected and authorities apparently continue to have direct access to the infrastructure allowing for systematic, unchecked surveillance;
- Government should dedicate more attention to the digital switchover process;
- The draft law introduced in Parliament should be subject to a broad and inclusive discussion;
- Political independence of the GPB board members must be ensured.

Legal Regulation of Media: Imminence of the Reform

Lasha Tughushi, *Rezonansi*

The Coalition for Media Advocacy has prepared complex package of legislative changes which aims to solve short-term and long-term problems in a new way:

1. Must-carry;
2. Transparency in financing of TV companies;
3. Raising effectiveness in the public broadcaster's managing structures;
4. Defining the status of the TV-Radio department in the Autonomous Republic of Ajara.

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**PART II: CURRENT AND FUTURE REFORM
INITIATIVES**

Tolerance: Minority Rights and Challenges

Sopio Benashvili, *Public Defender's Office*

The state has an obligation to develop a culture of tolerance and protect minority rights:

- Human rights were violated every day in almost every aspect of life;
- In the post-election period, religious confrontations took place in Nigvziani and Tsintskaro;
- The society has a clearly negative attitude towards sexual minorities.

Government should carry out effective policies to:

- Prevent any violation of minority rights;
- Continue moving forward with the process of developing a wider culture of tolerance.

Main Areas of Electoral Reform

Nino Lomjaria, *International Society for Fair Elections and Democracy*

Following steps must be taken:

- Current electoral system should be reviewed;
- Election administration should be free from political influence;
- Election law should prohibit using administrative resources for the purposes of political parties;
- Efforts to improve the voters list should be continued;
- Law on financing political parties should be amended;
- Specific procedures of voting have to be reviewed;
- Better awareness of the election-related issues must be achieved among ethnic minorities;
- Persons entitled to vote in special electoral districts have to be limited.

Competition Policy in Georgia

Erekle Urushadze, *Transparency International Georgia*

Under the negotiations on the Deep and Comprehensive Free Trade Agreement :

1. Competition and State Procurement Agency was established ;

2. The *Law on Free Trade and Competition* was adopted by Parliament:

- A step forward, includes essential basic regulations;
- Some gaps:
 - Independence and powers of the Agency;
 - Threshold for de minimis agreements;
 - Insufficient preventive mechanisms for anticompetitive actions.

Reforms in the Area of Competition

Ketevan Lapachi, *Georgian Development Research Institute*

Law adopted in 2012 is a step forward after the 2005 law, however:

- Fails to ensure a competitive environment;
- So far the Agency maintains only formal powers.

Reforming the Competition Law is one of the main priorities of the Institute:

- In December 2012 the public was introduced to a new draft law on competition, along with a concept of the regulatory agency.

Cooperation with Georgian Parliament and Government:

- The draft law was submitted to the Parliament as a legislative proposal. Following the Institute's initiative, the Ministry of Economy is working on improvements in competition policies.

Labor Legislation Reform

Levan Natroshvili, *Transparency International Georgia*

The presented draft law solves a number of problems:

- Protection of an employee is strengthened considerably;
- Period of maternity leave is increasing;
- It is becoming impossible to dismiss someone without a legally determined basis;
- Minimal pay for overtime work is defined, and so on.

We think several issues should be better scrutinized:

- The new procedure pertaining to the advance notice of dismissal that must be provided to employees;
- In the case of collective labor, the right to strike is unjustifiably restricted;
- the section on collective dismissals not only contains vague elements;
- Minimal pay for overtime work is regulated overly strictly.