# TRIP REPORT AND FOLLOW UP

## EP DIRECTOR’S REPORT

To EP staff, Leonard Benardo, Keti Khutsishvili

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Re Trip to Georgia (23-26 May, 2014)

### Key developments in Georgia:

The country is preparing to elect councils of local government (*sakrebulos*) and 12 mayors on 15 June. Tbilisi was the only city to have a directly elected mayor (since 2010), this is the first time that mayors will be elected in the other 11 cities.

These elections come after the passage in February of a new self-governance bill which OSGF and its partners in the Local Governance Group advocated for and helped the Ministry of Regional Development draft.

On 2 May Georgia passed its anti-discrimination (ADL) bill which was strongly advocated for by the OSGF supported “Anti-Discrimination Group.” While the Group worked closely with the Ministry of Justice, it was later watered down by the government and Parliament. It stills bans discrimination based on sexual orientation and gender identity among other issues.

Georgia will sign the EU Association Agreement on 27 June. It does not expect an immediate reaction by Russia but is concerned that wine, fruits, and vegetable may once again be sanctioned. Governmental interlocutors consider that Russia is now playing the “long game”, employing “soft power” (financing local NGOs for example) and will wait until public disappointment with the EU grows before reacting strongly.

After discovery of the extent of ongoing surveillance by the previous and current authorities, NGOs assembled in the “It affects you too” campaign are pushing for passage of a new law envisaging additional oversight mechanisms. The speaker of the Parliament is confident that it will pass in a first reading on 29 May, and come into law by summer recess.

Under the new government, civil society is playing an ever influential role in policy formulation and reform. However this has caused some backlash by the government and the Georgian Orthodox Church. PM Garibashvili accused NGOs involved in the anti-surveillance campaign of undermining the state (1 May). The Georgian Church mobilized its resources to water down the ADL and announced 17 May to be a Family Day, apparently in reaction to IDAHO.

**National Foundation activities:**

OSGF is supporting several NGO/CSO coalitions to push for policy change, including: the “It affects you Too” advocacy campaign, the Local Governance Group, the Media Advocacy Coalition, the Anti-Discrimination Group and EU Association Agenda monitoring group. In some instances the coalitions have amassed a series of experiences and lessons that they could share with counterparts in the EP region. In others they could improve or scale up their work through cross regional collaboration. These campaigns tend to fit within the EP’s own priorities:

***Supporting independent media and information exchange***

Weekly the OSGF convenes the Coalition for Media Advocacy which was created in 2011 to advocate for better media laws and regulations. It has worked on issues including: monitoring of the state media regulatory mechanism, legal change to insure transparency in media ownership, putting an end to off-shore media ownership, creating with the government an action plan for open governance, improving the public broadcaster and the law on broadcasting.

Due to the highly partisan media space in Georgia, the coalition, working closely with international partners, was able to lobby the Parliament to pass in June 2012 a “must carry, must offer” law obligating cable providers to transmit all requesting television channels during the elections period. Further advocacy led to the principle being extended to non-election periods. At the Coalition’s urging, in March 2013 the Parliament began discussing legal changes on broadcasting to, amongst other things, reform the composition of public TV’s board of trustees. On May 2 a new amendment on the public broadcasters’ board was passed.

IDFI, a member of the Coalition, is also assisting the government prepare a strategy for switchover to digital in 2015. The Coalition meanwhile advocated for regional broadcasters to get their own frequencies.

OSGF has assisted regional broadcasters and the Georgian Association of Regional Broadcasters in conducting annual advertising fairs and with some programming content. Here there may be some interesting experiences to be shared with the Moldova NF which has been working for several years with regional broadcasters and set up a coalition with them to share content and manage a common studio in Chisinau.

Another problem in Georgia is access to high quality Russian language TV. In Azerbaijan and Armenian minority areas citizens tend not to watch Georgian TV. The previous government supported PIK in Russian for dissemination mainly to South Ossetia and the northern Caucasus. But its resources have been significantly cut. Without access to Russian language content minorities especially are dependent on Russian (and Turkish) satellite TV.

***Facilitating global and regional dialogue:***

OSFG is not significantly involved in this area even though Tbilisi often hosts regional conferences, especially between Azerbaijan and Armenia, with civic activists, youth, women, and think tank experts.

***Engaging regional organizations through advocacy:***

Georgia will sign the Association Agreement (AA) on 27 June and, though civil society in Georgia has been monitoring and organizing EU related issues for several years, the new government seems poorly prepared to deal with any negative backlash from DCFTA implementation. It is now asking for about 75 mil USD (140m GEL) from the EU for SME development to help minimize the negative effects of the DCFTA on its economy. The Minister for European and Euro-Atlantic Integration realizes that some issues linked to AA implementation, such as mandatory car inspections, could bring large numbers into to the street in protest. Support for the EU has recently dropped from 85 to 78% (CRRC data).

OSGF assisted the government prepare an information campaign on the AA but it’s implementation seems haphazard and not a significant government priority. Yet ahead of Ukraine and Moldova, Georgia has its own State Ministry on European and Euro-Atlantic Integration (since 2004) which not only negotiates with Brussels but also coordinates Georgian ministries on EU issues (EU Cabinet meetings are held at least 1 x month). It also has an EU Integration Information Center.

OSGF is interested in monitoring with its NGO coalition implementation of the political part of the Association Agenda (2014-2016): elections, media, corruption, local governance, CFSP, courts and judicial reform.

OSFG has cooperated in the past with the Armenian NF on monitoring the Eastern partnership roadmap; providing support to the EaP civil society platforms and drafting an EaP index.

***Promoting human rights protection:***

The OSGF sponsored Anti-Discrimination Group successfully obtained passage of an ADL. It does not go as far as the activists would have liked. They worked very closely with the Ministry of Justice on the initial draft which was watered down when it went to the government and to the parliament. The independent inspectorate on anti-discrimination was taken out of the bill, the issue will be dealt with the (weak) ombudsperson. But the burden of proof is no longer on the victim. The Coalition now plans to focus on awareness raising, training for lawyers and judges and may continue to fight for amendments to the law.

The Justice Initiative has set up a legal aid reform regional network (Zaza), some of this experience has already been shared with Kyrgyzstan and could be further. There have also been contacts between Georgia and Kyrgyzstan with regards to anti-torture. By August OSGF plans to publish a report on the use of torture in Georgia in the justice system (done by the International Center for Prison Studies) with recommendations to government and international organization (who for 10yrs financed massive legal and penitentiary reform projects). Some 10 NGOs are already prepared to advocate for the establishment of an independent investigative body on torture (like in Northern Ireland)

OSFG will sponsor a high level conference on freedom of information in June and hope to help prepare a draft law by September.

Currently police can in practice carry out surveillance without a court order due to their direct access through Georgia’s main mobile phone operators. New legislation should change this and make it obligatory to notify of tapping. The Coalition “It affects you too” (which started in 2012 campaigning on another issue which has since been resolved – political party/NGO financing) have been working on a draft law on surveillance since 2013. It cooperated with one of the main mobile telephone operators in the effort. The PM and Ministry of Interior have expressed strong resistance to the new legislation but the Chair of the Parliament is confident that it will pass soon. The law may not put an end to the MIA’s direct access to the mobile data which is one of the biggest problems with current surveillance practices. The Coalition is also involved in educating people on what personal information is.

Several persons spoke negatively of the influence of the Church. It does not pay taxes, owns significant property and get 25 mil GEL from the state budget yearly. But root causes behind their influence include the weak economy, poor education, lack of national ideology and an overall crisis of secularism in state institutions.

The education program has set up a Caucasus Network (including the north Caucasus) for parents of children with disabilities (w/Olena Sydorenko)

***Promoting anti-corruption and good governance:***

The Local Governance Group supported by OSGF works closely with the Ministry of Regional Development (the minister and deputy are former NGO activists). While the self-governance bill was passed much work remains to be done to ensure local self-governance at the village level, territorial-administrative reform (along the Polish-German model), implementation of fiscal decentralization… The Group plans to continue to work with the government to push it to make more promised changes and complete an Action Plan on decentralization (2014-2017), with bodies of local self-government who need capacity strengthening, and local communities (CBOs) to explain their rights and responsibilities. People are interesting in getting better access to services at the local level (ex: kindergartens). Partners also seek a Law on Civil Partiticipation in local decision making processes.

One partner NGO “Civitas” has set up a rural parliament to increase community participation.

The Ministry of Education will carry out attestation of 12,000 local government officials.

After over a decade of money being spent on reform, the judiciary is still not fully independent or competent. According to David Usupashivili (Parliament Chair) “we cannot find 250 heroes.” He also complained about lack of sufficient human resources, capacity and salaries in the Parliament. Civil administration reform has not been undertaken.

**Follow up ideas for EP and NFs**

Some ideas for consideration in EP 2015 planning (based on our identified strategic directions) include:

***Supporting independent media and information exchange:***organizing a regional conference on public broadcasting, broadcasting reform, and digital switch-over challenges between the Coalition for Media Advocacy and other similar groups working in the EP area (especially with Moldvoa and Ukraine).

Holding a training on public broadcaster governance (Ukraine, Moldova, Ukraine, CA?).

Identify a way to increase Russian language content in Georgia

Increasing the capacities of regional broadcasters – possibly using the experience of the Moldova Foundation.

Increasing cooperation with Eurasianet

***Engaging regional organizations through advocacy:*** As Georgia, Moldova and Ukraine will also sign the Association Agreement on 27 June, they could cooperate on a project to monitor implementation after defining a few areas of common interest. Local partners will need new capacities. OSGF is already planning a visual mapping of Georgia obligations and deadlines vis a vis the EU which it could share as a model with Moldova and Ukraine.

As OSGF and the Armenian Foundation already have good experience cooperating on Eastern Partnership issues there is room to continue and possibly expand this work.

ADL is one topic that all three are already working on together. OSGF would also like to monitor EU budget support which is likely to be a similar area of concern in Moldova, Ukraine.

Moldova may also share information and materials from its EU information campaign with Georgia (and Ukraine). Community based organizations and media from the three countries share the same need for better knowledge of the AA, DCFTA and Association Agenda and could possibly meet to begin filling this gap.

***Facilitating global and regional dialogue:***more could be done to take advantage of Georgia’s strategic location between Azerbaijan and Armenia and Turkey and Russia to encourage regional dialogue.

OSGF has not supported Georgia-Russia dialogue for some time yet this remains important as relations between the two countries remain tense and there is no progress in implementing the 2008 August ceasefire commitments.

A couple of years ago OSGF supported the Caucasian House’s organization of a series of meetings in Istanbul between Georgian, Ossetian and Abkhazian youth. This is still much needed to build contacts between the groups and ensure that the Abkhaz and Ossetians have an alternative to the Russian intellectual and social space. Irakli Alasania is also preparing a “wounded soldier” project with the Abkhaz worth following up on.

Georgian think tanks (and institutes in universities) are relatively well developed and already take part in global debates and exchanges of ideas. They could provide a platform for Central Asia analysts seeking better access and research skills development (CRRC could especially provide quantitative research and polling skills development) as well as Russians who want better access to empirical data from the Caucasus.

Vano Chkhikvadze also requested more CSO cooperation between Turkey and Georgia (especially in the Black Sea region).

***Promoting human rights protection:***

OSGF plans to monitor implementation of the new ADL, increase public awareness and the Ombudspersons capacity to carry out the new responsibilities it was given by this law. Guarantee of personal data protection is another problem in Georgia and will be an EU visa liberalization requirement.

The large scale report on torture to be published in August should be distributed widely in the EP network. Georgian NGOs may join others in the region working on developing effective monitoring and investigative mechanisms to end torture.

OSGF and its partners are keen on a study being carried out on the role and influence of the Georgian Orthodox Church.

***Promoting anti-corruption and good governance:***

OSFG has a partner the Institute for the Development of Freedom of Information (IDFI -- <https://idfi.ge/en> and opendata.ge) which works on promoting the transparency of government by collecting and publishing public information, and monitoring the transparency of public institutions. The organization appears quite professional and could perhaps train others in the region interested in working on similar issues. It has also worked with the government on e-governance promotion, creating an action plan on open government, and helped archive 20th Century documents.

Georgia seems only slightly ahead of Moldova and Ukraine on decentralization, local self-governance, territorial administrative reform and empowerment of local communities. I don’t know where the CA countries are on these issues but there could be room for exchange and common strategizing among NGOs/CSOs on local participation in decision making, budget monitoring, etc.