



Recommendation 1643 (2004)¹

Functioning of democratic institutions in Georgia

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1363 \(2004\)](#) on the functioning of democratic institutions in Georgia, in which it states that it expects the Georgian authorities, inter alia:
 - a. to actively provide evidence of their interest in anchoring their country resolutely within the Council of Europe and to strengthen their co-operation and re-engage in a genuine and constructive dialogue with the Council of Europe and its Parliamentary Assembly;
 - b. to put a stop to the excesses which for years accompanied the autocratic exercise of power in Georgia, and to demonstrate their willingness to ensure institutional functioning which complies with democratic standards and with the principles and values of the Council of Europe;
 - c. to speed up reforms in accordance with the obligations and commitments entered into by Georgia when it joined the Organisation;
 - d. to demonstrate their capacity to respect the principles of pluralist democracy; to organise parliamentary elections on 28 March 2004 which are truly democratic, free, fair, transparent and competitive; and to remedy without delay the shortcomings noted at the time of the election of 4 January 2004.
2. The Assembly recommends that the Committee of Ministers strengthen the Organisation's co-operation with the Georgian authorities, and invites it to rapidly carry out a comprehensive and precise evaluation of needs and, on this basis, to reorient its programme of co-operation and assistance towards consolidation of the rule of law, the creation of truly democratic institutions in Georgia and the effective implementation of legislation in conformity with the Council of Europe's standards. In order to gauge over the medium term the effectiveness and true impact of the activities to be carried out, the Assembly also recommends that the Committee of Ministers adopt a proper evaluation mechanism for its programme of assistance.
3. The Assembly more particularly recommends that the Committee of Ministers:
 - a. where respect for pluralist democracy is concerned, help the Georgian authorities to revise the Electoral Code and the electoral legislation and regulations which will have to be implemented in the context of the partial parliamentary elections of 28 March 2004, particularly in relation to changes in the composition of the election commissions, the simplification of voting procedures, respect for the secrecy of the vote and the impartiality of the electoral authorities vis-à-vis governmental structures;
 - b. where the functioning of institutions is concerned, help the Georgian authorities in their plans for constitutional and parliamentary reform and ask them to send as speedily as possible any draft amendments to the constitution, before these are even finalised, to the European Commission for Democracy through Law (Venice Commission);
 - c. where respect for the rule of law and the functioning of the law enforcement agencies are concerned, provide legal expert opinions on several elements of draft legislation under preparation, particularly the new draft law on the police and the draft law amending the Law on the Public Prosecutor's Office and continue to provide expert opinions on the Code of Criminal Procedure.

1. Assembly debate on 28 January 2004 (5th Sitting) (see [Doc. 10049](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Eörsi and Mr Kirilov). Text adopted by the Assembly on 28 January 2004 (5th Sitting).

