



Opinion 209 (1999)¹

Georgia's application for membership of the Council of Europe

Parliamentary Assembly

1. Georgia applied to join the Council of Europe on 14 July 1996. By Resolution (96) 33 of 11 September 1996, the Committee of Ministers invited the Parliamentary Assembly to give an opinion on this application, in accordance with Statutory [Resolution 51 \(30A\)](#).
2. The Parliament of Georgia applied for Special Guest status with the Parliamentary Assembly on 4 March 1993 and obtained it on 28 May 1996. Examination of this application was linked to the adoption of [Recommendation 1247 \(1994\)](#) on the enlargement of the Council of Europe, in which the Assembly stated that "in view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly indicated their will to be considered as part of Europe".
3. An ad hoc committee of the Assembly observed the parliamentary elections held in Georgia on 5 November 1995 and noted that, in spite of what they considered to be some minor irregularities, "the election had proceeded calmly and apparently in acceptably normal and lawful conditions".
4. Since 1996, Georgia has been participating in various Council of Europe activities under the intergovernmental co-operation and assistance programmes, and in the work of the Parliamentary Assembly and its committees through its delegation of Special Guests.
5. Georgia has ratified the European Cultural Convention and the Convention on the Transfer of Sentenced Persons, and signed the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.
6. The Assembly considers that Georgia is a pluralist democratic society, respectful of human rights and the rule of law, and is able and willing, in the sense of Article 4 of the Statute, to continue the democratic reforms in progress in order to bring all the country's legislation and practice into line with the principles and standards of the Council of Europe.
7. Georgia has experienced two armed conflicts, in Abkhazia (1992-94) and in South Ossetia (1990-93). The Assembly believes that the country has demonstrated its resolve to settle conflicts by peaceful means, as is well illustrated by the substantial improvement in relations with South Ossetia.
8. The Assembly considers that the adoption of a declaration of friendship with the Abkhaz and Ossetian peoples, as well as increased contact at every level, would help to establish and consolidate a climate of confidence in relations with Abkhazia and South Ossetia.
9. The Assembly calls on Georgian and Abkhaz leaders to accelerate talks on the status of Abkhazia within the internationally recognised borders of Georgia and on the return of all displaced persons to Abkhazia.

1. Assembly debate on 27 January 1999 (4th Sitting) (see [Doc. 8275](#), report of the Political Affairs Committee, rapporteur: Mr Davis; and [Doc. 8296](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Kelemen) adopted by the Assembly on 27 January 1999 (4th Sitting)



10. The Parliamentary Assembly expects Georgia to undertake:

10.1. with regard to conventions

- a. to sign the European Convention on Human Rights (ECHR), as amended by its Protocols Nos. 2 and 11, at the time of accession;
- b. to ratify the ECHR and Protocols Nos. 1, 4, 6 and 7 thereto within a year after its accession;
- c. to sign and ratify, within a year after its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols;
- d. to sign and ratify, within a year after its accession, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;
- e. to sign and ratify, within three years after its accession, the European Charter of Local Self-Government, the European Outline Convention on Transfrontier Co-operation and its additional protocols and the Council of Europe conventions on extradition, on mutual assistance in criminal matters, and on laundering, search, seizure and confiscation of the proceeds from crime, and in the meantime to apply the fundamental principles of these instruments;
- f. to sign and ratify the Council of Europe's Social Charter within three years after its accession and, in the meantime, to endeavour to implement a policy in accordance with the principles it contains;
- g. to sign and ratify the General Agreement on Privileges and Immunities of the Council of Europe and the protocols thereto within a year after its accession;
- h. to sign and ratify the Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto within two years after its accession;

10.2. with regard to domestic legislation

- a. to create, within four years after its accession, the legal framework for the establishment of a second parliamentary chamber, in conformity with the constitutional requirements;
- b. to enact, within two years after its accession, a legal framework determining the status of the autonomous territories and guaranteeing them broad autonomy, the exact terms of which are to be negotiated with the representatives of the territories concerned;
- c. to adopt a law on the electronic media within a year after its accession;
- d. to adopt a law on attorneys within a year after its accession;
- e. to adopt, within two years after its accession, a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime, to consult the Council of Europe about this legal framework before its adoption, to begin the process of repatriation and integration within three years after its accession and complete the process of repatriation of the Meskhetian population within twelve years after its accession;
- f. to amend the law on the Ombudsman within six months after its accession, so that a report on the Ombudsman's activities shall be presented to Parliament and made public every six months;
- g. to take the necessary legislative measures within two years after its accession and administrative measures within three years after its accession in order to permit the restitution of ownership and tenancy rights or the payment of compensation for the property lost by people forced to abandon their homes during the 1990-94 conflicts;
- h. to amend, within three years after its accession, the law on autonomy and local government to enable all the heads of councils to be elected instead of being appointed;
- i. to adopt, within two years after its accession, a law on minorities based on the principles of Assembly [Recommendation 1201 \(1993\)](#);

10.3. with regard to the implementation of reforms

- a. to maintain and continue the reforms of the judicial system, the public prosecutor's office and the police force;
- b. to continue and reinforce the fight against corruption in the judiciary, the public prosecutor's office and the police force;

- c. to adopt the law concerning the transfer of responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice within three months after its accession and to ensure the effective implementation of this law within six months after it has been adopted;
- d. to review the scale of sanctions with a view to the reduction of the length of detention and to foresee alternative sentences to prison sentences;

10.4. with regard to human rights

- a. to ensure strict observance of the human rights of detainees, to abolish within six months after its accession the existing prison system, which puts prisoners with prior political activities in the same cells as other prisoners, and to continue to improve conditions of detention in prisons and pre-trial detention centres;
- b. to give human rights training to prison staff and to the police, with the assistance of the Council of Europe;
- c. to respect the maximum length of preventive detention;
- d. to implement within six months after its accession the right of a detainee to choose his (own) lawyer;
- e. to review the cases of persons convicted or detained for their part in the political upheavals of 1991-92 within two years after its accession;
- f. to prosecute resolutely and impartially the perpetrators of war crimes committed during the conflicts in Abkhazia and South Ossetia, even within its own armed forces;

10.5. with regard to the conflict in Abkhazia

- a. to continue the efforts to settle the conflict by peaceful means and do everything in its power to put a stop to the activities of all irregular armed groups in the conflict zone and to guarantee the safety of the collective peace-keeping forces of the Commonwealth of Independent States (CIS), the United Nations Observer Mission (UNOMIG) and representatives of all international organisations involved;
- b. to facilitate the delivery of humanitarian aid to the most vulnerable groups of the population affected by the consequences of the conflict;

10.6. with regard to the monitoring of commitments to co-operate fully with the implementation of the Assembly's [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee), as well as with the monitoring process set up under the Declaration of the Committee of Ministers dated 10 November 1994 (95th session).

11. On the basis of these commitments the Assembly believes that Georgia is able and willing, in accordance with Article 4 of the Statute of the Council of Europe, to fulfil the conditions of membership of the Council of Europe as set forth in Article 3 of the Statute in the following terms: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council (of Europe)".

12. With a view to ensuring compliance with these commitments, the Assembly decides, pursuant to [Resolution 1115 \(1997\)](#), to monitor the situation in Georgia closely as from the country's accession.

13. On the basis of the commitments set out above, the Assembly recommends that the Committee of Ministers:

- 13.1. invite Georgia to become a member of the Council of Europe;
- 13.2. allocate five seats to Georgia in the Parliamentary Assembly.