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## Georgia: Towards Visa-free Regime (Nº 1)

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Since April 2014 Moldovans have been allowed to travel to the EU without needing a visa. The precedent this decision has set and the efforts made by Georgia to achieve the reforms required by the EU has fuelled the discussion about Georgia possibly achieving a visa-free regime during the Eastern Partnership Summit in Riga (21<sup>st</sup>-22<sup>nd</sup> May). Each month the Stefan Batory Foundation will be presenting a short summary about the efforts made by Georgia to achieving visa-free movement.

Before the Riga Summit, the possibility of visa-free movement for Georgia was announced by the Georgian Prime Minister Irakli Garibashvili ("Georgia has to achieve concrete results at the Riga summit of the Eastern Partnership"<sup>1</sup>), the Georgian State Minister for Integration into European and Euro-Atlantic structures Alexi Petriashvili and the Latvian Minister of Foreign Affairs Edgars Rinkēvičs.

The European Union launched visa dialogue with Georgia in February 2011 with the final goal of achieving a visa-free regime for Georgians. The main instrument of visa dialogue between the EU and Georgia is the Visa Liberalization Action Plan (VLAP) consisting of two phases: legislation and implementation. The VLAP covers around 60 reforms divided into 4 blocks:

1. Security of documents (including biometrics)
2. Illegal migration (border and migration management, asylum policy)
3. Public security and order (fighting organised crime, terrorism and corruption, judicial & law enforcement co-operation, data protection)
4. External relations and fundamental rights.

The technical progress is monitored by the European Commission, which periodically evaluates Georgia's progress. Once Georgia fulfils the second phase of the VLAP this will allow EU to take a decision about granting visa-free movement to Georgia.

In 2014 the Georgian authorities and administration put extraordinary efforts into realising the first phase of the VLAP. Contrary to Ukraine, the process of issuing biometric passports started much earlier, in April 2010. The system for recording biometric data has been developed and put into operation across all the territorial services of the Public Service Development Agency. The Public Service Development Agency of the Ministry of Justice is working on a clear timeframe for rolling out these documents. The cost of a biometric passport is 50 GEL (22 EUR). The issuing of a biometric passport is a condition *sine qua non* for permitting visa-free regime. since only biometric passports

<sup>1</sup> <http://www.unian.info/world/1030684-georgia-hopes-for-deal-on-visa-free-regime-with-eu-at-riga-summit.html>



holders are allowed to cross the EU border without a visa. Georgians with old documents still need to have a visa.

Significant changes to the anti-corruption policy have also been noticed. Amongst other things, in April 2014 amendments to the law on the Conflicts of Interest and Corruption in Public Service came into force, which provided special conditions and protection for so called whistleblowers, i.e. public officials who report suspicions of corruption in good faith. Moreover, in the same month, the Anti-Corruption Interagency Coordination Council created a working group responsible for implementing the recommendations of the Group of States against Corruption (GRECO) and United Nations Convention against Corruption (UNCAC), which concerned the issue of funding political parties. At the moment the recommendations are being analysed by the Ministry of Justice.

One of the biggest achievements of the Georgian political elite, which was also very difficult, was the adoption of the law on the “Elimination of All Forms of Discrimination”, on 2<sup>nd</sup> May in the Parliament by 115 votes to 0. The law envisages the introduction of mechanisms against discrimination on the grounds of race, colour, language, gender, age, citizenship, native identity, birth, place of residence, property, social status, religion, ethnic affiliation, profession, family status, health condition, disability, expression, political or other beliefs, sexual orientation, gender identity and “other grounds”. The law was passed despite the very negative attitude of Georgian society and the Orthodox Church. On 28<sup>th</sup> April, the Patriarchate called on the Parliament not to adopt of the anti-discrimination<sup>2</sup>. Once the law was passed, the Patriarchate explicitly declared its opposition to it<sup>3</sup>.

With the assistance of representatives of the EU, the United Nations Development Programme and the UN Refugee Agency, the Georgian government prepared a new National Human Rights Strategy for 2014–2020 and an accompanying Action Plan. Both documents were approved by the Georgian Parliament, in April and July 2014 respectively. The strategy and plan focus on physical and personal freedom, political and socio-economic rights and list 23 strategic areas of intervention.

In June 2014, the President of Georgia, Giorgi Margvelashvili, issued a decree entitled “On the rules regulating the granting of asylum to foreigners in Georgia”. Additional amendments to the decree that entered into force on 20<sup>th</sup> September allowed asylum seekers to be issued with a temporary identity card.

In August 2014, the Georgian Parliament adopted a number of important amendments to the Law on Personal Data Protection and several other laws, thereby extending the mandate of the Personal Data Protection Inspector regarding data processing by the police, monitoring the private sector and strengthening PDPI independence. It has also received its own part of the state budget. However, the challenge for the future will be allocating additional personal and financial resources.

This rapid progress (just one year after receiving the VLAP) caused the European Commission to state on 29<sup>th</sup> October 2014, that in the case of Georgia the “first-phase benchmarks have been addressed and the [EC] recommends starting the assessment of the second-phase benchmarks”<sup>4</sup> namely implementation.

At the same time, reforms concerning data protection have also been implemented. Since October 2014 the Stolen and Lost Travel Documents database has been integrated into the MOIA IT system and is accessible from border checkpoints. At the moment, the integrity and security of the process of the personalization and distribution of personal data is high, and no cases of corruption have been noticed, moreover this is because reports about lost and stolen passports are regularly sent by Georgia to Interpol via the Lost and Stolen Passports Database.

One of the important things, which is also connected to situation in Eastern Ukraine, is the future of the border between Georgia and Abkhazia and South Ossetia, and the movement of people between these areas. We are going to publish a brief about this issue in March.

<sup>2</sup> <http://humanrightshouse.org/Articles/20133.html>.

<sup>3</sup> Ibidem.

<sup>4</sup> Second Progress Report on the implementation by Georgia of the Action Plan on Visa Liberalisation, Brussels, 29.10.2014 COM (2014) 681 final.