

GEORGIA: REPORT ON PUBLIC INPUT SESSIONS ON POWER SYSTEM REFORM

SUMMARY

The following report contains background information, a program description, and results of the public input sessions on power system reform that were initiated and coordinated by NDI Georgia in September 2002. The program was very inexpensive, relatively easy to organize, and very popular with both the participants and the power structures involved.

After massive public protests in November 2001, the government convened a commission to make recommendations on reform of the internal power ministries, particularly the Interior Ministry and the Procuracy Office which are correctly perceived to be very corrupt. The commission, headed by the Chair of the Supreme Court, elicited opinions from a small group of experts in relative isolation. After discussions with NDI Georgia relatively late in the process, it was decided that NDI would assist the commission in holding public input sessions and speaking with over one hundred people in eight towns and cities outside of Tbilisi in regard to power system reform.

There were several important, and some unexpected, results of this project:

- It was inexpensive and could conceivably be executed by other state bodies with their own funds.
- The commission was pleasantly surprised by the utility and sophistication of recommendations made by mid-level regional security personnel and NGO representatives, and in the end they incorporated several of their recommendations into the draft.
- Particularly important and surprising for the commission was the frequent agreement between security personnel and NGO representatives.
- The participants each received a copy of the final draft proposal and a letter from the Commission Chair. Indications are that this group has done a great deal to “sell” the process to the public outside of the capital since many now feel invested in it.
- The Chair has mentioned the public input sessions frequently in the press, etc. and there is interest among other executive bodies, mainly ad hoc commissions and ministries, in holding similar activities.

BACKGROUND

At the beginning of December 2001 President Shevardnadze issued a decree establishing a state commission to formulate a concept paper for reform of the Georgian power system. The decree was necessitated after the President sacked a number of high-ranking government officials, including Interior Minister Kakha Targamadze, in November and public confidence in the power ministries sank to an extreme low.

The objective of the concept paper was to revise the power system in a way that increases its efficiency and transparency and promotes public confidence in the Interior Ministry, the Ministry of State Security, and the Procuracy Office.

Initially the draft deadline was set for 15 April, but it was reset to 30 September after the commission submitted an extension request to the President. The concept paper draft was submitted on time at the end of September.

NDI'S PUBLIC INPUT SESSION PROGRAM

At the beginning of September NDI Georgia met with Lado Chanturia, Chief of the Supreme Court and Head of the State Commission on Power Reform. At that meeting an idea was proposed for a relatively simple program that would involve citizens in the drafting process at a modest cost. It was hoped that involving the public in the reform process from the very beginning would help to ensure citizen support for this effort in the long term. Chanturia was grateful for our proposal and very enthusiastic.

Within ten days of this meeting, NDI Georgia organized eight regional sessions on power reform (in Gori, Telavi, Mtskheta, Akhaltsikhe, Kutaisi, Ozurgeti, Zugdidi and Tsageri) in cooperation with the International Society for Fair Elections and Democracy (ISFED.) Local ISFED coordinators assisted in the selection and invitation of participants and in scheduling the sessions. Participants included representatives of local NGOs, local council members, independent specialists in the field, law enforcement officials and journalists.

Those in attendance provided commentary and suggestions on thirteen specific issues that had been targeted by the commission. ISFED moderated the sessions, and one commission member attended each session to provide background information on the concept paper and to elaborate on some of the ideas raised. Moderators recorded the sessions and wrote transcripts that were later forwarded to Chanturia and distributed to all commission members. The transcripts were included in the package with the concept paper that was submitted to the President.

The regional public input sessions were enormously successful. Commission representatives were able to learn a great deal from speaking first hand with citizens of diverse opinions, and participants were grateful for the opportunity to become involved in the work of the reform commission. Many expressed an interest in receiving a copy of the draft concept paper and offered to submit written comments to the commission, the President and Parliament. Chanturia sent response letters and drafts to all regional participants soliciting their future input, and drafts were also distributed to all ISFED district offices. Many of the reforms recommended during the sessions were incorporated into the draft concept paper.

Total expenses for administering this program amounted to 1,200 GEL (approximately 600 USD.)

RESULTS

1. MAIN PROBLEMS

- Insufficient Material-Technical Base

It is vitally important to increase the budgets of law enforcement bodies, to supply them with modern equipment and technology, and to furnish them with computer systems that will increase the rate at which information can be obtained.

- Low Police Salaries

Police officers receive extremely low salaries and salary arrears, thus bribery has become a fact of the system. Every police officer should be guaranteed a salary of at least 300-400 GEL so that he is positively motivated about his work and fears losing it.

- Frequent Legislative Changes

Legislative regulation of law enforcement bodies changes constantly, and it is nearly impossible to keep track of legislation at any given time. As a result, laws are broken not only with personal gain in mind, but also due to ignorance of current legislation.

Legislation must be more consistent, and those employed by the relevant structures should be involved in drafting revised laws. The knowledge they have gleaned from work experience will ensure that potential obstacles in the implementation of changes are taken into account and that the need for future amendments is minimized. In addition, an office should be established to arrange and conduct periodic seminars for employees of law enforcement bodies to ensure that they are kept up-to-date with legislative revisions.

- Police Discrediting

The police are some of the least respected individuals in Georgia. The following factors were identified as the main causes of police distrust:

- a. Media focus on negative developments only
- b. NGO focus on surface appearances of, rather than genuine investigation into, the police crisis
- c. Nonchalant attitude of the state towards the appalling reputation of police
- d. Interference of governmental officials in the work of policemen (nepotism, orders to release friends, etc.)
- e. Mediocre personnel

The following are the corresponding recommendations suggested to address these problems:

- a. Work with media to report more specifically and genuinely on police activity
 - b. Encourage a loyal relationship between police and NGOs
 - c. Publicize police conduct via media and other means
 - d. Limit officials' influence over police officers and administration
 - e. Establish strict codes for employing and discharging policemen and conduct periodic psychological examinations and drug tests
- Lack of Professionalism among Law Enforcement Employees

As long as police offices are discredited and police officers are underpaid, professionals will not show any interest in joining the police service. The vast majority of policemen have no juridical education, and many graduates of the Police Academy received their diploma without ever attending lectures or candidly passing exams. The reform of law enforcement bodies demands the educational reform of the Police Academy.

- Other Issues Complicating Reform
 - a. Currently police are required to provide two witnesses before they can detain a suspect or begin an investigation. It was suggested that this requirement either be eliminated or fixed conditionally, since it is often impossible to find witnesses for a rape or a crime committed in the middle of the night.
 - b. Due to language barriers police officers are often incapable of communicating with foreigners who have violated the law or perhaps have been injured. Police should have the opportunity to hire interpreters when needed. Alternatively, or in addition, basic English courses could be provided for members of the police force.
 - c. Currently 48 hours are allotted to obtain proof of the guilt of a detained person, but very little information can realistically be gathered in this time. A centralized electronic database (similar to the FBI database of previously imprisoned and wanted individuals) should be developed, and a police chief should have the right to extend this period, within a maximum time limit, as necessary. Police officers should be held personally accountable for the decision to extend a deadline for proof of guilt. It was also suggested that police be required to investigate and prove the guilt of a suspect first, and detain him/her only afterwards.
 - d. The 12-hour period a suspect must wait before requesting a lawyer should begin from the moment he/she is detained rather than when he/she is registered at the police station. Police often detain a suspect for several days before taking him/her to the station for registration. Ideally, the detainee should have the right to request a lawyer as soon as he/she is detained, not after waiting 12 hours.
 - e. The difference between the minimum and maximum possible length of a sentence is too large. Current legislation sets sentence lengths between 3-7, 9-15, etc.

years. The significant difference in length between the minimum and maximum sentences leaves much space for bargaining and corruption. This difference should be minimized.

2. TRANSPARENCY

Law enforcement representatives and public organizations have different opinions about the current level of transparency in the power system.

Those responsible for law enforcement claim that the police, the Procuracy Office and other law enforcement bodies are already too transparent. This is the result of the overwhelming attention the media and NGOs pay to these offices. Law enforcement officials believe police work and investigation must be kept confidential since an investigation becomes meaningless if information is publicized during its course.

Public organizations disagree, and have recommended the following measures be taken to increase transparency in the power system:

- a. Law enforcement bodies should establish internal press centers to hold regular press conferences, issue press releases, and correspond with the media. Journalists employed by these press centers should have a juridical education.
- b. Civic control over the activity of law enforcement bodies should be maintained by monitoring groups comprised of NGO and media representatives and other interested individuals. The monitoring groups should be permitted to visit prisons, meet with prisoners, monitor the work of police departments, etc.
- c. Police should develop relations with the public. For example, once a month an officer could spend a day speaking with children in a kindergarten class.
- d. Police chiefs should be elected.

3. JURY SYSTEM

Opinions also differed in regard to a Georgian jury system. Those who asserted that Georgia is not prepared for a jury system presented the following arguments:

- a. The Georgian mindset cannot be adapted to this system.
- b. A jury system will not be very effective in a country of less than 5 million people.
- c. In Georgia everyone seems to know everyone else, thus corruption is likely.
- d. Citizens will not be sufficiently qualified or educated to serve competently on a jury.

Arguments in favor of a jury system were as follows:

- a. The verdict will not be decided by a single individual.

- b. It is easier to bribe one person than several.
- c. A jury system will link the public more intimately to the court system.
- d. Proper jury selection and briefings will resolve the problem of incompetence.

4. EVALUATION

Most participants agreed that a system of police evaluation is necessary, and they identified a few preliminary steps that should be taken before such a system is implemented:

- a. Legislative consistency must be secured to ensure that new examinations need not be administered every month
- b. Police officers must attend courses to become familiar with the relevant legislation

It was also suggested that police officers be required to pass qualifying courses and examinations in order to increase the professionalism of the police force.

5. STRUCTURE OF LAW ENFORCEMENT BODIES

Some expressed the opinion that the current structure is sufficient but will function more effectively with more funding.

Others underlined the need for extensive structural reforms. For example, the roles and responsibilities of each law enforcement body could be more clearly specified. Currently the Security Ministry is overstepping the bounds of state security and the Interior Ministry has so many responsibilities that it is unable to maintain the public order. It was suggested that the Security Ministry be reduced to a department and the Interior Ministry be divided into municipal offices and receive funding from local budgets.

In addition, several of the current functions of the Interior Ministry could be redistributed as follows:

- 1. Passport delivery -- Ministry of Justice
- 2. Internal troops -- Ministry of Defense
- 3. Traffic -- Ministry of Transport
- 4. Issuance of permits -- functional permit offices

6. SUGGESTIONS FOR THE REFORM COMMISSION

- Increase the rate of reform.
- Ensure that employees of law enforcement bodies are included in the process of reform development.
- Target the reforms toward restoring trust between the public and the police and other law enforcement bodies.

- Establish compulsory ethical norms for all police officers. It may also prove beneficial to recognize the best police officers periodically.
- Reduce the amount of vertical subordination. Currently a single individual may report to seven or eight superiors.