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The influence of the Council of Europe on the legal and constitutional transformations in the Republic of Georgia

(Abstract of doctoral dissertation)

On 27 April 1999, the Republic of Georgia joined the Council of Europe. This not only signified recognition of its sovereignty and European aspirations but also entailed a commitment to uphold the fundamental values espoused by the Member States and reflected in the standards of the Council of Europe. As part of this process, Georgia undertook to reform its legal and constitutional framework to align with European standards, particularly the European Convention on Human Rights and the case law of the European Court of Human Rights. These reforms aimed not only to adapt legislation to the Council of Europe's requirements but also to strengthen the foundations of a democratic state governed by the rule of law.

The aim of this doctoral dissertation is to identify the mechanisms through which the Council of Europe influenced systemic changes and legal reforms in the Republic of Georgia. The choice of this topic is justified by the fact that each new country's accession to the Council of Europe offers an opportunity to trace the path of reforms and assess the impact of membership on that country's political and legal system. This analysis raises questions regarding the extent to which Council of Europe standards have been implemented and the degree to which obligations arising from membership in this international organization have been fulfilled.

In seeking to answer the core question of this dissertation, the lack of a monographic study on this significant issue becomes apparent. This dissertation is therefore an attempt to fill this research gap, which has so far remained largely unexplored. Existing analyses in this area have mostly been fragmentary and scattered, appearing only in general studies on Georgia's constitutional and, more broadly, political system.

Due to the absence of a comprehensive analysis of this issue, this dissertation undertakes an in-depth study of the Republic of Georgia. It provides a basis for important considerations regarding both the mechanisms through which the Council of Europe has influenced legal and systemic reforms in Georgia—during both the accession and monitoring processes—and an assessment of the effectiveness of this influence.

The dissertation consists of an introduction, keywords, four chapters, conclusions, and a final summary.

Chapter 1 presents a general overview of the Council of Europe and the mechanisms through which it influences the legal and constitutional systems of its member states. It outlines the origins of the Council of Europe and analyzes its structure and the principles governing accession to this international organization. It also discusses the Council's approach to the legal and constitutional domain within its axiological framework, including both legally binding standards and those of a so-called *soft law* nature. Furthermore, it describes the Council of Europe institutions that influence member states' legal and constitutional systems (the Committee of Ministers and intergovernmental cooperation bodies; the Parliamentary Assembly; the Congress of Local and Regional Authorities of Europe; the Commissioner for Human Rights; the European Court of Human Rights; and the European Commission for Democracy through Law—Venice Commission). Additionally, it presents mechanisms for enforcing legal and constitutional standards within the Council of Europe's value system (accession procedure and monitoring procedure).

Chapter 2 explores the influence of the Council of Europe on Georgia's legal and constitutional transformation during the accession process. It examines the following elements: Georgia's application for Council of Europe membership; Georgia's attainment of "special guest" status; the course of the accession procedure; legal and constitutional reforms carried out during the accession process; and the final decision to admit Georgia to the Council of Europe.

Chapter 3 focuses on the Council of Europe's impact on Georgia's legal and political transformations during the monitoring procedure. It analyzes: the initiation of the monitoring procedure for Georgia; its course; and the reforms carried out during this period in the following areas: democracy and political pluralism; the rule of law; judicial independence; equality and non-discrimination; prohibition of torture; protection of social rights; minority rights; combating human trafficking; and anti-corruption efforts.

Chapter 4 assesses the effectiveness of the Council of Europe's and other international organizations' influence on Georgia's legal and political reforms. It includes an analysis of the Council of Europe's cooperation with other international bodies (such as the European Union and the Organization for Security and Co-operation in Europe) in shaping legal and political transformation in Georgia. It also offers an evaluation of the effectiveness of these efforts and presents current trends in Georgia's legal and political development.