



INSIDE IRIS GEORGIA

For more information about IRIS Georgia activities, please contact us at:

7 Radiani Street
Tbilisi 0179, Georgia
Tel/Fax: (995 32)
913378, 913379, 224020
E-mail: office@iris.ge
Web: www.iris.ge

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Young Economists Discuss Draft Law on Licensing



On June 13th, IRIS grantee Association of Young Economists of Georgia (AYEG) hosted a conference in Tbilisi to discuss the new draft law on licensing and permits. State Minister Kakha Bendukidze spoke at the event, which was attended by various MPs, as well as representatives of license-issuing agencies and ministries, NGOs and the media.

Minister Bendukidze, who is the author of the draft law, discussed its major innovations. These include the conditions for license usage, post-licensing control procedures and the “one window” principle for issuing licenses and permits.

The “one window” principle allows for license and permit seekers to complete the process in one specialized place thus expediting the process. During the meeting participants had an opportunity to ask questions of Minister Bendukidze about the draft law. AYEG representatives also presented their recommendations on the draft law, many of which Minister Bendukidze shared.

The draft law is currently a topic of much discussion, because it will have a substantial impact on the Georgian business environment. It will also have a positive impact on corruption as it will remove many superfluous requirements that served as prime opportunities for extortion. Parliament is expected to adopt the new law in the near future.

Ozurgeti Teachers Continue Children's Rights Campaign

On June 10th, IRIS grantee Ozurgeti Young Teachers Union held a discussion on the integration of disabled children into society. Media and local government representatives attended the event. The organizers presented the documentary, *A Place in the Sun*, which was filmed largely by teenagers. It portrays the lives of disabled children and calls for greater social awareness of their plight. Over the last 18 months,



Ozurgeti teachers and schoolchildren have campaigned for children's rights through theater, film and debates, prompting action from the local government to improve school conditions.

GYLA Discusses Policies Towards the Disabled & the Administrative Code



On June 21st, IRIS grantee the Georgian Young Lawyers Association (GYLA) held a roundtable in Tbilisi to discuss the rights of people with disabilities and measures to facilitate their integration into society. The meeting included participants from the Georgian Coalition of Invalids and Veterans, the Ombudsman's office, state agencies and other NGOs.

One of the goals of the roundtable was to identify cases of discrimination against disabled persons. Participants also identified other issues both directly and indirectly linked to the violation of the rights of people with disabilities.

One case that was discussed was that of the Khidashlebi Restaurant in which disabled children have not been allowed. Upon learning about this case, GYLA and the Ombudsman's office decided to take immediate action. The following day they issued public televised statements about the rights violations as well as what they thought the government's reaction should be. Their public statements emphasized that businesses and organizations of all types should respect the rights of all citizens. On June 23rd GYLA filed a criminal case against the restaurant.



On June 13th, GYLA's Kutaisi office held a training on administrative proceedings for 20 employees of the Samtredia *gamgeoba* (local government). The training covered the types of administrative proceedings in the General Administrative Code of Georgia, possible forms of citizen participation in administrative proceedings and the rights and obligations of public servants. The principles of transparency and rights and obligations elicited particular interest from the participants. On July 9-10, GYLA held a training with judges on changes to the Administrative Procedures Code.

GYLA Legal Aid Extends to the Regions

GYLA's Telavi office recently completed a legal aid case regarding a dispute between spouses involving client ID. With GYLA's assistance, ID, who is a wife and mother, was initially awarded child support only. Later, with GYLA's continued representation, the Telavi regional court decided to award ownership of three-quarters of the apartment to ID and her children.

GYLA provides legal aid to citizens who cannot afford lawyers themselves, in Tbilisi and regional offices in Gori, Telavi, Rustavi, Dusheti, Kutaisi and Ozurgeti.

In addition to office-based assistance, GYLA conducts regional "mobile" tours to communicate legislative developments to people in rural areas. In June GYLA conducted a three-day tour

through the Imereti region, meeting with people in Kutaisi, Samtredia, Terjola and Zestaponi. In late July, GYLA traveled through the Samegrelo region, holding discussions regarding Trafficking in Persons (TIP) issues.



UNAG Conducts Administrative Code Training in Gudauri



On May 27–29, the United Nations Association of Georgia (UNAG) held a three-day seminar in Gudauri for public officers (state agency and ministry personnel) on General Administrative Code procedures.

The seminar was organized as part of UNAG's IRIS-funded *Implementation of General Administrative Code Procedures* project, which is aimed at improving awareness of

the Administrative Code among participants.

In attendance at the three-day seminar were 14 representatives of public institutions, including ministries, the Office of the Prosecutor General and the Presidential Administration, as well as the heads of the state agencies that prepare and issue administrative acts.



Leading specialists in the field of administrative law commented on different aspects of the General Administrative Code. The specialists included Paata Turava of the Institute of Government and Law and Lali Lazarashvili, a Justice of the Supreme Court of Georgia. UNAG lawyers also led discussions on related issues. Seminar participants first were given a theoretical course and then they joined in practical exercises and role-playing to demonstrate what they had learned.

UNAG held another Administrative Code training in late July with state agencies and the Adjara local government.

Liberty Institute Improves Access to Public Information

In June, after several months of discussion, IRIS grantee Liberty Institute and the Imereti (West Georgia) Governor's Office agreed upon standardized procedures for access to public information. The published procedures are known generally as the Code of Conduct, and they detail the process of handling citizen requests and releasing public information in accordance with the General Administrative Code of Georgia.

Local administrations in all 11 Imereti districts and its center, the city of Kutaisi, adopted the Code.

Giga Shushania, Deputy Governor of Imereti, observed, "the document simplifies and strictly defines the process of public information retrieval." The Code requires that public officials release public information no later than one day after receiving an inquiry, resolving any debate over the concept of 'immediate release' established under the Administrative Code. Also defined is the cost of photocopying per page, which is five tetri - half the cost that it was before the Code.

Additionally, the Code requires that public institutions adopt a separate document developed by

Liberty Institute - the Citizens' Charter, which is aimed at improving transparency and accessibility to public services.

According to Mr. Shushania, since the Code's adoption, six districts in the Imereti Region have each created a position for handling public information requests. There are also plans for citizen reception halls to open in the near future.



Article 42 Reflects on Successful Legal Assistance



In June 2005, IRIS Georgia and its partner Article 42 of the Constitution concluded a series of grant collaborations, over three years, that made strides in providing free legal assistance to people in need. Since its inception in May 2002, the project was primarily carried out with the Tbilisi District Court, providing free-of-charge legal assistance for indigent individuals.

Ketevan Kamashidze, Executive Director of Article 42, and six lawyers implemented the project. At the outset lawyers were selected by open competition, through the criteria of court representation, professional ethics, and knowledge of international human rights law. Cases argued over the course of the project, primarily those of defense in criminal matters, have amply demonstrated these skills.

Legal services were advertised through word of mouth at the court but also through public advertisement, such as on the street and via public transportation. Though charged with a highly altruistic mission, project staff

had to overcome barriers both procedural and human. For example:

- Courts customarily do not react to procedural violations regarding evidence. Evidence cannot be used to argue the case and arrive at a decision, which judges ignore.
- Because Article 42 provided clients with qualified assistance, judges sometimes made deals with defendants, reducing punishment if they refused Article 42's assistance; and then not keeping the agreement. There were also, however, instances of judges referring clients to Article 42.

The involvement of project lawyers in given cases generally resulted in a higher legal standard. Prosecutors began asking the court for postponements to better prepare.

During the project, lawyers prepared and published four brochures, entitled "Your Rights in Appeal Court," "Strategy of Defense," "Procedural Agreement," and "Procedures of Forgiveness."

Since March 2004, Article 42 published 16 monthly newsletters, with articles written by project lawyers, on such topics as controversial laws, exceptional cases, and consultations. Brochures and newsletters have been distributed in court buildings, jails, and among clients and the public

during regional consultations.

Some related statistics: Over the entire three-year period 221 cases were opened, of which 190 were completed, and 165 of those completed successfully. Other than statistical evidence of success, a positive indicator is that people assisted by Article 42 referred new clients to the group.

As part of IRIS Georgia's rule of law program, this court work has played a fundamental role in reform of the legal system. In addition to being involved in preparation and discussion of different bills, project lawyers were ready to speak publicly about problems and offenses in the court system. Another aspect of the project included working on legal innovations with the Legal Committee of Parliament, and analyzing draft legislation.

Public defense needs remain substantial. Though collaboration has ended, Article 42 continues to work toward the future development and strength of the rule of law in Georgia.

