



Inside IRIS Georgia

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Liberty Institute Wins Constitutional Court Case



On May 25th, the Constitutional Court of Georgia ruled in favor of a joint claim brought by Liberty Institute (LI), an IRIS grantee, and Nikolai Kulatski, the leader of the Pentecostal Congregation of Georgia. In the joint lawsuit, the claimants asked the court to revoke legislation that was serving as the legal basis for the violation of religious freedom in Georgia. As a result of this lawsuit, religious organizations can now register as legal entities under private law as private organizations.

Under the previous law, religious organizations were required to register as legal entities under public law. Registration could only be established by a law, a decree of the President of Georgia, an

administrative act of the government or in cases specifically stipulated by the law.

Until this ruling, religious organizations were unable to exercise their constitutional rights, due to this legislative deadlock—they were not able to register and at the same time penalties were imposed on them for not registering.

The court made the decision to amend the articles named in the lawsuit based on recent amendments to the Civil Code and the Administrative Code of Legal Violations. The court's decision will be published soon.

"Religious minorities can now enjoy the same rights as the Orthodox Church, which includes tax benefits and the right to educational activities," said Giorgi Meladze, the Rule of Law Program Director at LI.

IRIS Participates in Anti-trafficking Conference



On May 26th, IRIS Deputy Chief of Party, David Magradze, attended an international conference in Belgrade on Trafficking in Persons (TIP).

The conference was sponsored by the Organization for Security and Cooperation in Europe.

"The goal of the conference was to encourage cooperation between countries for improved identification of and assistance to TIP victims. IRIS will use materials and lessons learned from conference in its work on TIP issues in Georgia" said Mr. Magradze.

Young Economists Roundtable on State Licensing Reform



The government of Georgia has developed its chief tenets for reform of the state licensing system. The reform process has significantly decreased the types of licenses and permits that are required. Additionally, the procedures, deadlines and conditions for issuing licenses have been modified. The new draft licensing law has been prepared, and, if passed, will affect the entrepreneurial environment by establishing new rules for license administration.

The Association of Young Economists of Georgia (AYEG), an IRIS grantee, has been very involved in

licensing reform. AYEG experts participated in the drafting process of the new law by lending their expertise and providing advice on how to avoid the faults in the current system.

In May AYEG conducted two roundtables—one on proposed licensing requirements in the food-products manufacturing sector (May 21st) and the other in the healthcare sector (May 27th).

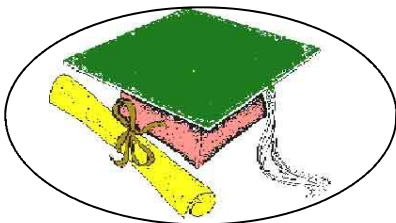
License-issuing state agency representatives and entrepreneurs participated in the discussions, which dealt with the new licensing law and existing problems in the system. The discussions revealed several problems in the system. The food manufacturing sector has just two remaining types of licenses – one for manufacturing food for children and the other for fish and seafood. However, in

Georgia the entrepreneurs who fit into these categories are few to none. On the other hand, the proposed licensing system does not include licensing of meat and dairy production, which is a significant component of the food manufacturing sector. Therefore, under the proposed system there is no means for maintaining the quality and safety of such products.

Additionally, “food for children” is not defined. Consequently, it’s not clear what kind of production is included under this type of license. The draft law also does not clarify license-issuing procedures and control systems.

AYEG’s roundtable resulted in constructive comments on and recommendations for the new draft Licensing Law, which AYEG will synthesize and publish soon.

GYLA Roundtable on Educational Reform



On May 24th, the Kutaisi office of IRIS grantee, the Georgian Young Lawyers Association (GYLA), held a roundtable to discuss the new law on Secondary Education. This event introduced the law and supported its implementation by

raising awareness of it among participants, which included journalists, students and local NGO representatives. Participants discussed various aspects of the new law, including definitions of terms under the law and the rights and obligations of students, teachers and parents. Funding for secondary education received particular attention, because the government will soon begin issuing edu-

cation vouchers for students to receive a free education.

“This summer the government will conduct its first standard national exam for entry into universities. GYLA lawyers will meet with prospective students to clarify entrance requirements and to provide legal aid when necessary,” explained Nodar Jikia, Director of GYLA’s Kutaisi Rule of Law program.

UNAG Continues Their Work on the General Administrative Code



On May 13th, the United Nations Association of Georgia (UNAG) organized a second experts' meeting on problematic elements of the General Administrative Code (GAC). During the meeting, UNAG project staff and invited experts discussed how to correct damage created by state servants in their inadequate application of the GAC and the Civil Code.

Article 208 of the GAC maintains that the state is liable for damage inflicted by a state administrative agency, its official or other public servant in the course of their execution of official duties. The problem generally occurs due to lack of follow-through on court decisions, because the state has limited funds and court decisions frequently don't make it beyond paper on which they are written.



During discussions, the experts reviewed possible approaches to resolving the issue. Some of the experts argued that state officials who caused the damage should be held accountable (under the Civil Code) while others argued that the state should be held completely liable for damage caused by its officials.

"UNAG is collecting expert opinions on various problematic issues in the Administrative Code and will incorporate them into a brochure that will be distributed to the legal and NGO communities," offered Zviad Devdariani, Director of UNAG's Rule of Law program.

Article 42 Defends Rights Through Legal Aid



NP entered a shop and asked the shop assistant to "lend" him a bottle of beer. After the assistant refused, NP opened the fridge and took the beer. Soon thereafter NP was caught by police and detained.

NP was accused of robbery, which is a serious crime in Georgia. According to the Criminal Code, robbery crimes earn sentences of 6 to 12 years of imprisonment (Article 78, #3).

Although the store was compensated for the beer, NP's case was brought to court, where the prosecutor asked for 11 years of imprisonment.

Archil Chopikashvili, a legal aid lawyer with IRIS grantee, Article 42 of the Constitution, argued that according to the Criminal Code, theft of a bottle of beer is not a crime, because the damage was insignificant (Article 7, #2). In spite of this, the prosecutor did not change his demand. The court decided to free NP from detainment after eight months of preliminary imprisonment.

The prosecutor recently appealed the regional court's decision to the district court, and court hearings for the appeal have been scheduled. The prosecutor is continuing to demand 11 years of imprisonment.

Mr. Chopikashvili remarked, "If the district court renders an objective decision, the court will put an end to the unprofessional activities of the prosecutor. The prosecutor should be more responsible when dealing with the fate of an individual." Article 42 lawyers will continue to defend NP throughout the appeal process.



Marina Topuria

Introducing IRIS grantee staff

Marina Topuria
Ozurgeti Young Teachers Union

Marina Topuria is a founding member and Director of the Ozurgeti Young Teachers Union an NGO that was created in 1996. In the past year she has also been in charge of the IRIS-funded program, *Protecting the Rights of Adolescents*.

Ms. Topuria holds a BA in Philosophy and Psychology from Tbilisi State University. She is founder of the regional pedagogical newsletter *Sapekhuri* (1997), the student newsletter *8 + 1* (1997) and the regional TV show *We Request the Word*.

Schedule of June events:

Date	Events
June 1	GYLA: roundtable in Gori for general public on children's rights; GYLA: mobile legal aid visit to village Algeti, Marneuli region;
June 2	GYLA: mobile legal aid visit to village Kardenakhi, Gurjaani region;
June 3	GYLA: mobile legal aid visit to village Geguti, Tskhaltubo region;
June 4	GYLA: mobile legal aid visit to an IDP community;
June 6	GYLA: mobile legal aid visit to village Nakhiduri, Bolnisi region; Liberty Institute: workshop in Batumi for journalists and legal professionals on freedom of expression;
June 7	GYLA: TIP mobile legal aid visit to Imereti region (through June 9); GYLA: mobile legal aid visit to village Debri, Kareli region;
June 8	GYLA: mobile legal aid visit to village Konechkati, Ozurgeti region;
June 10	GYLA: TIP related workshops for law enforcement officials (through June 30); GYLA: mobile legal aid visit to village Akhalkalaki, Kaspi region; GYLA: mobile legal aid visit to village Zemo Bodbe, Signagi region;
July 11	GYLA: mobile legal aid visit to an IDP community;
July 13	GYLA: mobile legal aid visit to village Talaveri, Bolnisi region;
July 14	GYLA: mobile legal aid visit to Lagodekhi region; GYLA: mobile legal aid visit to village Abano, Khashuri region; GYLA: workshop in Khashuri for administrative agencies on administrative proceedings; GYLA: mobile legal aid visit to village Mlashe, Dusheti region;
July 15	GYLA: mobile legal aid visit to village Konchkati, Ozurgeti region;
July 16	GYLA: mobile legal aid visit to village Boshuri, Gori region; GYLA: workshop in Kutaisi for mass media and NGO representatives on law on broadcasting; GYLA: mobile legal aid visit to village Bobbis Khevi, Signagi region;
July 18	GYLA: mobile legal aid visit to an IDP community;
July 20	GYLA: workshop in Akhagori for administrative agencies on administrative proceedings; GYLA: mobile legal aid visit to village Norio, Gardabani region; GYLA: mobile legal aid visit to village Khvavili, Dusheti region;
July 22	GYLA: mobile legal aid visit to village Silauri, Ozurgeti region;
July 24	GYLA: mobile legal aid visit to village Sakhulia, Tskaltubo region;
July 25	GYLA: mobile legal aid visit to an IDP community;
July 27	GYLA: mobile legal aid visit to village Tsintskharo, Tetrtskharo region; GYLA: mobile legal aid visit to village Jumati, Ozurgeti region; GYLA: roundtable in Kutaisi for local government and media on property of local self-government unit;
July 28	GYLA: TIP mobile legal aid visit to Guria region (through July 30);
July 29	GYLA: roundtable in Rustavi for secondary school teachers on the law on secondary education; GYLA: roundtable in Kutaisi for lawyers, NGO and civil society representatives on amendments introduced to criminal code; GYLA: mobile legal aid visit to village Chinti, Dusheti region.

Editorial Policy

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