



Final Report on Georgia Rule of Law Project

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**Institutional Reform and the Informal Sector
at the University of Maryland**

Table of Contents

I. Background	1
II. Summary of Project	2
Public Awareness	2
Providing Legal Services	3
Implementation of the Administrative Code.....	4
Legislative Drafting	4
Providing Training & Information.....	5
III. Comments and Recommendations for Future Activities	5
Annex I: Activity Charts.....	7
Annex II: List of Counterparts.....	10

In 2001, the United States Agency for International Development (“USAID”) contracted the Center for Institutional Reform and the Informal Sector to carry out a four-year program to strengthen the rule of law in Georgia. Newly independent and just emerged from civil war, Georgia was struggling with the enormous changes needed to transition from a Soviet region to a sovereign free market democracy under an old Soviet-era leadership. By the end of the project, Georgia would undergo the Rose Revolution, peacefully but firmly insisting on a change of leadership and a reaffirmation of democracy. But this new era too holds special challenges as a government eager to make change pushes aside legal procedures even as it finds itself hostage to many of the social constraints that had encouraged corruption in the previous administration.

The Rule of Law project was an ambitious undertaking. Its major goals were to i) increase the percentage of targeted groups of citizens aware of select laws; ii) strengthen organizations that provide legal services; iii) increase transparency and fairness in the government through implementation of the Administrative Code (including the progressive Freedom of Information Chapter); iv) help the government write better laws with legislative drafting assistance, and v) prepare and distribute legal information and literature. (Limited activities in Enforcement of Judgments and Anti-Trafficking in Persons were additional components at various times throughout the life of the project.) To achieve these goals, IRIS recruited a team of talented young Georgian lawyers, several of whom would go on to leading positions in the new government. Some components were remarkably successful, such as promotion of the new rights of access to government information, which Georgians have exercised in ever-greater numbers. A public relations campaign designed to promote knowledge of basic legal rights won an international award and the slogan, “Know the law and be protected” entered Georgian pop culture and earned a prestigious international award.

I. Background

Georgia is a country of 5.6 million people located on the Black Sea. It was once one of the Soviet Union's most prosperous provinces. With its fertile soil, it was the breadbasket of the Soviet Union and famous for its wine and vacation resorts. With the break-up of the Soviet Union, Georgia plunged into a civil war and began a perilous downward economic spiral.

The civil war ended in 1995 when a new constitution was adopted. In subsequent elections, Eduard Shevardnadze was elected president and his party, Citizens Union of Georgia (CUG), held a majority of seats in Parliament. The transformation of Georgia into an independent democratic sovereign nation involves an ongoing task of institutional reform, of which the adoption of a new constitution was only the first step. With donor support, Georgia also developed civil, administrative, and tax codes, and commercial legislation.

One of the many urgent tasks that confronted Georgia was the reform of the justice system. Accordingly, with USAID and other donor assistance, in 1999 the judiciary was restructured. An appellate court system was created. Using a newly incorporated bench exam, Georgia replaced 184 judges with a new group that was universally thought to be more able and better qualified. The massive appointment of judges based solely on merit was believed to break up existing hierarchies of corruption in the judiciary, by which lower court judges shared payments with higher court judges.

By 2001, donors saw political will for reform fading. Rampant corruption was fueling public cynicism. More specifically, after a brilliant start, judicial reform was imperiled. Due to a budget crisis, judges were not being paid regularly, with the expected impact on morale and motivation, and opening a door for the re-establishment of systemic corruption. Driven in part by the tremendous flurry of legislative activity, there was also a growing gap between law and implementation. Ignorance of the laws contributed to this implementation gap. Legal professionals could not get copies of relevant laws. A generation of Georgians accustomed to accepting authority passively had yet to learn their new rights and their new role in holding the government accountable.

In the meantime, it appeared that the Schevardnaze regime was well entrenched, and that after the initial shake-up coalitions were quickly rearranging themselves to profit from the new situation and to block reform. By late 2003 there were growing concerns in Georgia regarding the upcoming presidential elections and USAID dropped Rule of Law as a stand alone Strategic Objective. Rule of Law was placed under “More Effective, Responsive and Accountable Local Government.”

The Rose Revolution resulted in a peaceful transition of power to the opposition reformers in November of 2003. The new government was anxious to show itself as a force for reform. In its eagerness to pursue corrupt officials and pass new laws, however, the government pushed aside legal procedures in its desire to fulfill expectations for change.

II. Summary of Project

Public Awareness

Georgia had a progressive constitution and a growing body of reformed laws when the Rule of Law project started. These all served to provide and guarantee the rights of citizens of Georgia, but far too few people knew about their legal rights. A major part of the project involved using public relations and social marketing techniques to inform and educate people about their legal rights under both Georgian law and international agreements.

Several local NGOs were instrumental in implementing our public awareness activities, including the Georgian Young Lawyers Association (GYLA), the Liberty Institute, and Internews. They used newsletters, pamphlets, newspaper inserts, town meetings, radio shows, billboards, and public service announcements (PSAs) to communicate their messages.

Working with Internews the project produced 19 documentaries and 22 PSAs aimed at promoting human rights, transparency and decreasing corruption. In 2003 the American Advertising Federation and the International Advertising Federation gave the gold ADDY award — for best public service campaign worldwide — to “Know the Law and Be Protected.” The slogan became a widely recognized motto known throughout the country and identified with the IRIS Rule of Law Project.

Our other major partner, GYLA, opened regional offices in Gori, Rustavi, Kutaisi, Ozurgeti, Telavi, Dusheti and Batumi where town hall meetings, roundtable discussions, seminars and workshops were used to disseminate information to citizens, regional NGOs and the local governments. Additionally, bus tours were organized to cover even the most remote regions throughout the country. During these tours documentaries were shown, legal literature was distributed and consultations were given not only to the Georgian speaking population, but also to minority populations.

Liberty Institute, another major partner, opened offices in Kutaisi, Gori, Telavi, Akhaltsikhe, Poti, Rustavi, and Batumi to better reach citizens outside the capital. Liberty focused on human rights and implementation of the Freedom of Information Chapter of the Administrative Code in their public awareness campaign. Publications were distributed throughout the country including a manual on Human Rights reporting, which provided practical information and advice to local human rights activists. An education course on freedom of religion was designed, which included development of the curriculum, training for teachers and preparation and publication of a manual. Before the end of the project the course had been implemented in 20 different schools from a variety of religious communities.

Due to these and other efforts, Georgians are more aware of their legal rights. IRIS’s monitoring and evaluation data shows that citizen knowledge of their rights increased during the past 4 years. Based on a series of 12 questions, the mean legal knowledge score rose from 7.09 in 2002 to 8.36 in 2004 (the last year the household survey was implemented). This result is statistically significant.

Providing Legal Services

Being aware of your rights does not help if you cannot secure or defend those rights. Another major task of the project was to provide legal services and human rights specialists in order to help citizens use the government and legal system to secure their rights. Again, through grants to GYLA, the Liberty Institute, and Article 42, IRIS provided legal advice and assistance. IRIS supported the creation of an advanced computer database system to facilitate case management for both the public attorney service and NGOs. The final achievement of this component was the joint effort — by

the Ministry of Justice, IRIS, Open Society Institute Georgia Foundation (OSIGF), and GYLA — to create the Public Attorney Service. Before the project, there was virtually no free state-funded legal aid. At the conclusion, two pilot bureaus had opened and the Ministry of Justice intended to increase the number of bureaus.

IRIS's monitoring and evaluation data revealed a surge of increased confidence in the justice system. In 2003, when asked "Do you think that the law and legal system in Georgia function very effectively, somewhat effectively, somewhat ineffectively, or very ineffectively?" **28%** of survey participants responded that the legal system functions somewhat or very effectively. The following year, in 2004, this number had increased to **66%**.

Implementation of the Administrative Code

The project was active in reforming administrative law — the rules that dictate how government offices should be run and how they should treat citizens. Georgia's progressive administrative codes require government actions to be public, government information to be freely available, and give citizens the rights to fair treatment by these offices. A large part of the project focused on helping government officials understand their role under the new laws, and making certain that the internal rules of their offices were consistent with the new laws. We worked with individual offices, as well as the legal staff within the ministries and other agencies, to evaluate their procedures and help make needed reforms. We also helped NGOs understand the new laws so that they could ensure that government meetings are open, and that information is readily available. Our partners included the United Nations Association of Georgia (UNAG) working primarily on Freedom of Information Implementation, and the Association of Young Economists focusing on Licensing and Permits. Model freedom of information offices were opened in various bodies including the Rustavi Mayor's office, Ministry of Finance, and the Ministry of Justice (MOJ). The office within the MOJ was staffed with an IRIS attorney that provided ongoing information and training to government agencies on Administrative Law. A variety of publications, checklists and manuals were produced to supplement trainings that occurred throughout the project.

Legislative Drafting

The project worked with the Parliament, various ministries, other USAID contractors, and local NGOs to facilitate the adoption of good laws to promote the rule of law and an open, market-based economy. We focused on laws that promote open government and the accountability of officials for their actions. This component was conducted almost exclusively by IRIS staff and experts and provided critical expertise to the government, which has been hindered by a lack of human and material resources. IRIS has worked extensively on Constitutional reform and provided commentary by both local and foreign experts during the process. Additional areas where IRIS has been actively engaged include: Legislation on Parliamentary Immunity, State of Emergency, improving the Administrative Procedures Code, the law on Freedom of Press and Speech, laws on protection of Personal Data and State Secrets and laws aimed at preventing corruption.

Providing Training & Information

The project worked to increase knowledge about legal reforms and the rule of law. Activities related to this included funding legal information centers in courts and libraries around the country, and arranging for government information and laws to be available over the Internet. Publishing commentaries on newly enacted laws, holding conferences to discuss developments in the law, and making experts available to talk with different groups and organizations were also part of this component. Literally thousands of books, journals and leaflets were produced during the life of the project.

An additional activity that was added to IRIS's activities under Task 5 during the last year was combating trafficking in persons (TIP). During this period IRIS ensured close cooperation and coordination with the government and the NGO sector in developing and implementing a common anti-trafficking strategy, facilitated revision of the action plan of the government, assisted relevant governmental agencies in strengthening their institutional capacity, lobbied TIP related packages of legislation and organized public education campaigns.

More detailed information on each component can be found in Annex I.

The uncertain political environment during the four years of the project proved to be both the biggest challenge and opportunity. Working closely with USAID, IRIS was often able to adjust its activities to take advantage of changing political circumstances. A cadre of legal experts were developed and encouraged as a direct result of the project activities. Many of these individuals have moved into prominent government positions with a strong desire to strengthen the rule of law. Additionally, many NGOs were given the opportunity to develop and become active participants in a stronger civil society.

Unfortunately, internal financial management and long-term planning for sustainability remains a problem for most Georgian NGOs. Activities geared toward developing internal management were limited due to funding and a change in direction by USAID in the last year of the project.

III. Comments and Recommendations for Future Activities

The immediate post-revolutionary period has clearly indicated the overwhelming difficulties and raised expectations faced by the government create a dangerous climate. Fundamental civil rights have been ignored by the government and justified as necessary to deal with the legitimate crisis that exists in various fields of governance. Based on experience gleaned over the past four years we believe the following areas to be the most important for continued support and involvement by USAID and other donors:

1. Continued support for monitoring of Constitutional developments and protection of basic human rights including freedom of speech and press.
2. Institutional strengthening of NGOs across the political spectrum. Despite numerous successes, the internal management and long-term sustainability of

many Georgian NGOs, even the largest and most influential, remains suspect. Activities designed to strengthen internal financial management and long-term planning leading to less reliance on donor funding is particularly important.

3. Continued support for public awareness activities remains extremely important with the recent decline in media independence and the overwhelming majority held by the ruling party.
4. Despite government support for many reforms, a shortage of financial and human resources continues to be a major obstacle. Continued training and technical support to the central government is vital. One area of concern is legislative drafting. Although IRIS staff worked closely with our Georgian partners in other areas, support for legislative drafting was done almost exclusively by IRIS staff and experts. With the absolute majority of the ruling party in Parliament it is likely that less constructive criticism will exist during the legislative process. This lack of expertise and criticism can result in inferior legislation with negative long-term implications for the country.

For additional information regarding this project and its outputs, please go to <http://www.irisprojects.umd.edu/georgia/index.htm>.

Annex I: Activity Charts

Task 1: Public Awareness
IRIS
1. Development of survey to measure public awareness of legal rights.
2. Survey conducted annually until discontinued in 2004 per USAID instructions.
3. Outdoor poster campaign conducted to reinforce PSAs including stickers in subway cars.
4. Small grants program emphasizing that human rights are part of traditional Georgian culture developed. Grants given to small NGOs located in Tbilisi and the regions.
GYLA
1. Roundtables and workshops conducted on human rights, administrative law, anti-corruption and anti-trafficking in persons initiatives.
2. Newspaper inserts on critical legal issues with focus on human rights produced including rapid response inserts.
3. Publications: <i>Almanakhi</i> published quarterly.
4. Series of handbooks on freedom of religion, criminal procedure and other issues produced.
5. Establishment of regional offices in Gori, Rustavi, Kutaisi, Ozurgeti, Telavi, Dusheti and Batumi to conduct workshops, roundtables and other public awareness activities in addition to legal services.
Liberty
1. Monthly newsletter <i>Liberty</i> on human rights and anti-corruption issues conducted throughout the contract.
2. Press Club Sessions held to respond to most pressing legal issues.
3. Manual on Freedom of Religion produced.
4. Educational course on Freedom of Religion developed.
5. Workshops on human rights including freedom of speech and freedom of religion issues conducted throughout life of project.
6. Establishment of regional offices in Kutaisi, Gori, Telavi, Akhaltsikhe, Poti, Rustavi and Batumi to conduct roundtables and monitor human rights violations.
Internews Georgia
1. Produced and broadcast 19 documentaries, 22 TV PSAs and radio PSAs on Rule of Law and anti-corruption issues.
Small grants program grantees:
Ozurgeti Young Teachers Union
1. Publications: Children's newspaper <i>Eight + 1</i> , booklets and postcards on children's rights.
2. Debate tournaments, photo exhibitions and dramatic performances on children's rights conducted.
3. Documentaries on children's rights produced.
4. Roundtables and seminars conducted.
International Center for Civil Culture (ICCC)
1. Radio performances (12) exploring the human rights aspects of Guram Dochanashvili's novel <i>Samoseli Pirveli</i> performed on Radio 1 & 2. Radio clips were broadcast following the performances. Active listener participation was encouraged and followed each program.
Alfami
1. Public performances and exhibitions using painters, photographers and other artist vision of universally recognized civil rights against the background of Georgian culture were held.
2. Brochures, films and post cards were produced and distributed exploring human rights within Georgian culture.
Association and Radio Green Wave
1. Radio Programs were produced and broadcast via six regional stations. Active listener participation was encouraged.
Development and Co-operation Center – Pluralism Center
1. <i>Human Rights and Georgian Culture</i> published.
2. Films produced based on topics presented in the book <i>Human Rights and Georgian Culture</i> .

Task 2: Support for Legal Services and Human Rights Organizations
GYLA
1. Legal aid on human rights issues conducted throughout the country: Tbilisi, Kutaisi, Gori, Batumi, Rustavi, Telavi, Ozurgeti and Dusheti.
2. Roundtables and workshops conducted.
3. Private consultations, postal consultations and hotline (telephone) network operated.
4. Representation before court administrative bodies.
5. Mobile Legal Service Center provided legal services in remote areas of the country.
6. Concept paper was drafted on establishment of legal aid system.
Article 42 of the Constitution
1. Provided legal services in second instance (Appellate) court in Tbilisi.
2. Prepared a brochure for appellants explaining basic procedural rights and produced monthly newsletters.
Liberty
1. On-line legal aid and strategic litigation provided.
2. Monitored and referred serious human rights abuses to GYLA or Article 42 for assistance.
IRIS
1. Research conducted on status of legal aid.
2. US expert conducted 2-month assessment and training to improve legal aid centers internal and case management systems.
3. Participated in legal aid coordination council established by MOJ.
4. Legal Aid Case Management System (LACMUS) developed.
5. Technical and material assistance provided for establishment of two pilot bureaus of Public Attorney Service in collaboration with the Ministry of Justice, GYLA and Open Society Institute Georgia Foundation.

Task 3: More Open and Transparent Government
Implementation of General Administrative Code and Administrative Procedures Code
Facilitate implementation of the Code in operations and practice
1. Workshops, trainings and consultations conducted including review of internal regulations.
2. Provided on-going technical assistance as needed on implementation of code including training of employees of the General Procurator's Office during the last months of the project.
3. Distribution of drafting guides, checklists and materials including Freedom of Information guide.
4. Assisted in the preparation of rules and procedures to formalize the appeals process at the State Chancellery.
5. Increased awareness of Administrative Code among NGOs and the donor community with technical assistance, distribution of materials and workshops. Produced a guide for drafters in both English and Georgian to facilitate drafting in compliance with provisions of the code.
Implementation of Freedom of Information (FOI) Chapter
1. Published and revised Freedom of Information Manual, which was widely distributed at trainings and via NGOs.
2. Conducted conferences and workshops to promote understanding of FOI Chapter. Distributed relevant material.
3. Under grant to UNAG expanded implementation of FOI with monitoring and assessment of institutions.
4. Seminars conducted with heads of institutions and responsible FOI officers. Publication of leaflets, desk calendars, and posters promoting administrative law. (UNAG)
5. Developed and lobbied model documents and amendments. (UNAG).
6. Monitored areas of expenditures of public funds on central and regional level using FOI provisions. (GYLA)
Implementation of New Licensing Law (AYEG)
1. Conducted comprehensive analysis of regulations, procedures, and practices of selected agencies receiving citizens' applications for licenses.
2. Assisted agencies to develop new draft licensing procedures.
3. Prepared and published guides on how to get a license.
4. Prepared new draft regulations implementing changes to licensing/permit process under the new laws.
5. Conducted workshops/trainings for agency staff preparing new regulations.
6. Established a hotline to provide recommendations and instructions to interested callers from the business community.

Task 4: Support for Legislative Drafting
Constitutional Reform
1. Provided analyses and recommendations of pending constitutional amendments throughout project. Used both Georgian and respected foreign experts to provide commentary. Workshops and conferences were organized when needed.
2. Provided access to relevant research materials and other resources to key officials and experts.
Monitoring and Technical Assistance
1. Monitored legislative activity and provided technical assistance in selected areas of criminal and criminal procedure law directly impacting citizens' rights. See examples below.
Administrative Procedures Code
1. Participation in working group to prepare a draft law on amending the Administrative Procedures Code. In 2005 the draft law was adopted by Parliament.
Law on Freedom of Press and Speech
1. Provided commentary on draft law and assisted in revision of draft to incorporate most of the suggested changes.
2. Participated in committee hearings and workshops. Law adopted in June 2004.
Criminal Procedures Code
1. Participated in working group established by MOJ to prepare draft improvements to Code. Amendments to the code were adopted in March 2005.
Anti-Corruption Laws
1. At the request of MOJ assisted in conducting a workshop on a package of anti-corruption laws including topics such as plea-bargaining and confiscation of unlawfully obtained property. Participants included members of the government and NGO community. The package of laws was subsequently adopted by Parliament.

Task 5: Information and Training
Publications
1. Published rapid response commentaries (explanatory notes) on critical pieces of legislation.
2. Translated and published key western legal literature including books by Andras Sajo and Herman Schwartz.
3. Published commentaries on the constitution. (Additionally, translated and published Wolfgang Gaul's book on the Georgian constitutional process between 1993-1995.)
Development of Legal Libraries
1. Strengthened GYLA central office library.
2. Strengthened the law library of the Supreme Court and Constitutional Court.
3. Assisted the Institute of Law in improving work conditions in its law library.
4. Provided copies of IRIS-published books to wide variety of libraries throughout the country.
Electronic Information Dissemination
1. Created and maintained web site providing translations and other material created during the project.
2. Produced CD and web site providing overview of project, selected publications and contact information for counterparts.
Anti-Trafficking in Persons Activities
1. Public Awareness campaign including brochures and posters conducted.
2. Seminars and trainings conducted for media, teachers, police and prosecutorial bodies.
3. Legal Aid provided for victims.

Annex II: List of Counterparts

Abt Associates Inc.
Alfami
Analysis & Consulting Team (ACT)
Article 42 of the Constitution
Association and Radio Green Wave
Association of Young Economists of Georgia (AYEG)
Cezanne
Court Management Associates
Development and Co-operation Center - Pluralism Center
Georgian Audit and Consulting Company
Georgian Young Lawyers Association
Horizonti, The Third Sector Foundation
IBERTHED Press Publisher
Institute for Polling and Marketing
The Institute of State and Law of the Academy of Sciences of Georgia
International Center of Civil Culture
Internews
Internews Georgia
Judicial Training Center
Joint Stock Company "Kegel"
Liberty Institute
Open Society Institute Georgia Foundation (OSIGF)
Magi Style Ltd.
Ozurgeti Young Teachers Union
United Nations Association of Georgia (UNAG)