

**WORK PLAN FOR YEAR THREE
IRIS/USAID
GEORGIA RULE OF LAW PROJECT**

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Final



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Institutional Reform and the Informal Sector
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(November 2003 – October 2004)

Table of Contents

| | |
|---|-----------|
| Task 1. Raising Public Awareness, Raising Public Confidence..... | 1 |
| Overview | 1 |
| Partners: | 2 |
| IRIS | 8 |
| | |
| Task 2. Support for Legal Services and Human Rights Organizations | 9 |
| Overview | 9 |
| Partners..... | 11 |
| | |
| Task 3. More Open and Transparent Government or Administrative Process . | 15 |
| Overview | 15 |
| Counterparts | 18 |
| Programs..... | 19 |
| | |
| Task 4. Support for Legislative Drafting | 22 |
| Overview | 22 |
| Partners..... | 24 |
| Counterparts | 24 |
| Programs..... | 24 |
| | |
| Task 5. Information and Training..... | 26 |
| Overview | 26 |
| Counterparts | 29 |
| Programs..... | 30 |
| | |
| Task 6: Enforcement of Judgments..... | 31 |
| Overview | 31 |
| Counterpart | 31 |
| Programs..... | 31 |
| Deliverables to USAID..... | 32 |

SPECIFIC TASKS

Task 1. Raising Public Awareness, Raising Public Confidence

The purpose of Task 1 is to communicate to the citizens of Georgia their rights under laws that have been reformed and to teach them how to exercise those rights and how to respond when established rights are violated by the government.

Overview

A state based upon the rule of law cannot exist without a society that is familiar with its rights and freedoms. Such a state needs citizens who can steadfastly counter any challenge from the government in order to safeguard democratic values. The existence of such citizens guarantees that the government will not dare to disrupt the democratic development of the country. In contrast, a weak society is fertile soil for a government's arbitrary actions, which can lead to a high degree of corruption. This is the type of society that currently prevails in Georgia. Therefore, in the coming year IRIS believes that it is important not only to continue, but also to shift more attention to activities under Task 1. This task will become one of the most important anticorruption components of our program. IRIS's activities will be expanded to include economic and social rights and will be part of IRIS's anticorruption effort. For this purpose, IRIS's contract will be amended and social economic rights will be included.

IRIS will implement this work plan with the assistance of both current and new partners. Although new partners were selected in a grant competition held in Year 2, the main components of their projects will be launched under the work plan for Year 3.

IRIS will use our survey results to fine-tune the allocation of resources to different regions and among different partners. For instance, this year the Georgian Young Lawyer's Association (GYLA) will develop a list of strategic topics for town hall meetings and roundtable discussions. Survey results will assist in determining not only the strategic issues to be discussed but also the regions to be targeted. For example, the survey revealed that Telavi consistently scored low on legal knowledge questions. Therefore, in this city and in the adjacent areas, GYLA, as well as other IRIS grantees, will modify and increase their activities.

IRIS will continue cooperation with its three primary partners: GYLA, the Liberty Institute and Internews Georgia. During the past year, these grantees distributed over 4,000 brochures and 22,600 newsletters in addition to various leaflets and books. They also produced five Public Service Announcements (PSAs) and 10 documentaries on sensitive human rights issues.

During Year 3, GYLA and the Liberty Institute will not establish new regional offices, but instead will work to strengthen their existing offices. In this manner, IRIS will not only achieve the goals identified under this task, but will also facilitate institutional development among grantees, especially in the regions.

Through IRIS's coordination, broad topics and themes will be discussed and allocated among partners to ensure comprehensive coverage and to avoid duplication and inconsistency of activities. As a result, activities related to freedom of information will become almost entirely a part of Task 3 and only a small portion of these activities will be included in the projects of GYLA and the Liberty Institute. Likewise, the topic of freedom of religion will primarily be addressed by projects undertaken by the Liberty Institute, rather than spread among tasks and partners. Additionally, once IRIS's contract has been amended, economic and social rights will be included and allocated among our partners.

Partners:

GYLA
Liberty Institute
Internews Georgia
Alfami
Center for Development and Cooperation/Center for Pluralism
International Center for Civic Culture
Association "Green Wave"
Ozurgeti Young Teachers Union
New grantees identified as needed

GYLA

In Year 3 roundtables and town-hall meetings held as part of GYLA's activities will be reorganized to target selected audiences. However, as in the past, all town-hall meetings and roundtables will include appropriate handouts and each topic will be carefully selected to fit within the broad framework of GYLA's assistance. Under Task 1, GYLA will organize its first public awareness bus tour; a new effort to combat corruption. The tour will start in Tbilisi and will cover eastern, western, southern and northern Georgia. The tour team will distribute publications, present documentaries and hold discussions on human rights and freedoms, emphasizing the issues of human rights versus government. IRIS encourages its grantees to be creative in generating new mechanisms for implementing the public awareness campaign while at the same time encouraging synergy between partners. For example, the documentaries that GYLA will present were produced by Internews Georgia during the past year.

Publications regarding legal issues will continue to be a significant component of GYLA's activities under Task 1. Through leaflets, posters and guides, GYLA has assisted in raising the legal awareness of the population and in analyzing the scale of corruption within governmental agencies. GYLA is one of the main providers of legal literature in the country. With IRIS funding, GYLA plans to release a minimum of 20 legal publications in the next year.¹ Approximately 70% of GYLA's efforts related to these information campaigns will be focused on economic and social rights, 10% of the messages will be geared towards freedom of religion, freedom of speech, freedom of the press, freedom of assembly and anti-discrimination, with the remaining efforts concentrated on criminal defense rights.

GYLA's activities (such as self-government and gender related issues) will also be coordinated with other USAID partners working in the field.

¹ This number excludes newspaper articles

In summary, based upon the experience gained from the past year's activities, GYLA will continue its cooperation with IRIS through the following activities:

1. Town hall meetings for the general public (and, as necessary, for self-government representatives as well.):

Topics for discussion:

- Human rights and freedoms, including the right to property; the right to an education; women's rights; children's rights; the right to social security and protection; issues related to anti-discrimination; the right to liberty and equality before the law; freedom of thought, conscience and religion; freedom of opinion and expression; freedom of assembly; and freedom of information (topics discussed will vary from one town hall meeting to another);
- The amended Constitutional system of Georgia;
- Available remedies in cases where human rights have been violated;
- The participation of the public in the local budgeting process as a way of eliminating local corruption; and
- Other topics to be identified based on the results of IRIS's 3rd annual household survey.

2. Town hall meetings for regional NGOs

Topics for discussion:

- Human rights protection;
- The amended Constitutional system of Georgia;
- Available remedies in cases where human rights have been violated;
- The rights of internally displaced persons (IDPs);
- Women's rights;
- National minority rights;
- The right to property; and
- The right to social security.

3. Bus tour to raise public awareness throughout Georgia

4. Roundtables and workshops:

- For NGOs and young lawyers on the ECHR;
- For NGOs and teachers on international legal standards and practices related to domestic violence as well as Georgian legislation on domestic violence;
- For NGOs and local government representatives on land law;
- For NGOs on the right to social security;
- For MPs, NGOs and national minorities on issues related to national and linguistic minorities and anti-discrimination;
- For MPs, NGOs, national minorities and various religious organizations on freedom of religion; and
- For MPs, NGOs, prosecutors, attorneys and judges on the rights of defendants and the rights of detainees.

5. Publications:

a) Leaflets on the following topics:

- Available remedies in cases where human rights have been violated;
- Legal aspects related to the status of an IDP;
- The rights of national minorities;
- The right to an education;
- State taxes for various services provided by the state; and
- The right to property.

Three additional leaflets will also be published by GYLA on topics identified and agreed upon with IRIS during the course of the year.

b) Posters on the following topics:

- Success stories involving actual cases of human rights violations, and
- “Miranda” rights for detained persons and juveniles.

c) Calendars on:

- Human rights;
- Topics particularly relevant to residents in rural areas; and
- “Miranda” rights for detainees and juveniles.

d) Major publications including:

- Essays related to: Article 3 of the ECHR (prohibition of torture), Article 11 of the ECHR (freedom of association and assembly), the first protocol of the Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocol No. 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms;
- A compilation of selected cases and/or articles on various constitutional courts or courts of similar jurisdiction;
- “Quarterly Almanakhi” on Administrative, Constitutional and International law; and
- Translation and publication of a book on human rights/anticorruption, which will be identified and agreed upon with IRIS.

e) Newspaper inserts

Liberty Institute

The Liberty Institute’s activities in Year 3 will be innovative, as the organization will completely rearrange its activities based on the previous year’s experience. Changes in activities will primarily affect press club sessions, which will not be held as regularly as last year. Instead the sessions will be organized only when required by the urgency of the topic. Based on experience, the Liberty Institute recognizes that if press club sessions are held on a monthly basis, they become less newsworthy and more commonplace, which could lessen the impact of the sessions on addressing human rights abuses. However, immediate response to events will continue to be an important element of the sessions. For example, when the Liberty Institute became aware of a recent attempt to pass amendments to the Criminal Code that would have curbed freedom of speech, they quickly convened a press club session, which swiftly mobilized public opinion. The session was followed by a meeting with the Chair of

the Parliament and the proposed amendments were eventually withdrawn by the person who had drafted them.

Another change in the operation of the Liberty Institute's project will involve a shift of attention from the Liberty Institute's central office in Tbilisi to the regional offices. Towards this end, they will organize five-day media workshops in the field on critical human rights and anti-corruption issues rather than one-day roundtable discussions, which have been held in the past. Roundtables on human rights and anti-corruption issues, organized by Liberty Institute's regional offices, will also continue. Liberty will keep its traditional focus on freedom of religion, speech and assembly, while also making sure activities are not duplicated with other USAID partners whenever possible. Approximately 70% of Liberty's efforts related to information campaigns will be focused on freedom of religion, speech, press, assembly and anti-discrimination. Through these activities Liberty will not only maintain, but also extend its active citizen's network.

The Liberty Institute also publishes a newsletter, which has been the only publication in Georgia regularly updating recipients about various aspects of human rights for over two years. The academic style and creative contents of the newsletter earned great respect in the past year. In fact, the number of people receiving the newsletter has increased considerably, and as such, the number of copies published in the coming year will be increased by almost 100%.

During the coming year, IRIS, through the Liberty Institute, will commence educational courses on religious freedom. Trained teachers will implement the courses, which will be designed in advance for 20 schools operating in various religious communities.² A manual on religious freedom will be developed under the project as well.

In summary, under its new program, the Liberty Institute will:

- Prepare a monthly newsletter entitled *Liberty*, which will focus on human rights and anti-corruption issues in Georgia. The newsletter will alert the public to both challenges and successes in achieving improved conditions for human rights and the elimination of corruption in Georgia;
- Distribute the newsletter through various networks to reach as many citizens as possible;
- Increase public awareness by providing information to the media through regional workshops and press club sessions;
- Organize roundtable discussions in the regions to discuss important anti-corruption and regional issues;
- Conduct a debate program aimed at promoting civil rights and raising awareness of individual human rights, particularly as related to human rights versus the government;
- Prepare and conduct an educational course on freedom of religion, consisting of: 1) development of the curriculum 2) training teachers 3) conducting courses at Sunday schools and 4) preparing and publishing a manual on religious freedom; and
- Prepare and disseminate a Citizen's Charter. The Citizen's Charter will be a guide designed to raise public awareness about the damages caused by corruption and how corruption should be defined.

² Currently there are 28 Christian, 60 Baptist, 2 Armenian and 8 Muslim Sunday schools.

Internews Georgia

As a contractor to IRIS, in Year 3 Internews Georgia will continue to produce Public Service Announcements (PSAs) and TV documentaries, the topics for which will be discussed and selected in consultation with IRIS and USAID.

The results of the survey and evaluation of PSAs conducted in the previous year, once again convinced IRIS that one of the most effective means of promoting human rights is through TV advertisements. IRIS will continue to work with Internews Georgia to design PSAs by assisting in identifying topics, mainly on sensitive human rights and anticorruption issues, in accordance with information gleaned from focus groups. Before new PSAs are designed, however, five PSAs that were designed in Year 2, which were also created based on the results of the focus group survey, will be aired in Tbilisi and other regions. Similar to Year 2, for the new PSAs in Year 3, an IRIS-hired media expert will work with Internews Georgia during the production process. IRIS will continue to monitor the public response to the PSAs and design its campaign strategy based on the results.

In addition to the PSAs, Internews Georgia will continue to produce documentaries on sensitive anticorruption and human rights issues. Internews Georgia began producing the documentaries, which replaced talk shows in Year 2, and experience has shown that unlike talk shows, the documentary format has been quite successful. IRIS was actively involved in the selection of topics for these documentaries. In addition to describing current events, the documentaries have also had an impact on the situations described therein. For example, the preparation of a documentary about guardhouses spurred the process of abolishing this unconstitutional punishment (guardhouses were abolished by a presidential decree that was issued during the preparation of the documentary). Unlike talk shows, documentaries have the advantage that they can easily be aired repeatedly. IRIS plans to rebroadcast selected films from Year 2 based upon popularity and the importance of the topic.

This year, IRIS plans to produce documentaries on a variety of success stories, in addition to other relevant topics. IRIS will hire a media expert to work on the production process of the documentaries in order to ensure the production of high quality products.

The broadcasting schedule for the documentaries will also be modified during the year. Instead of airing one documentary each month, documentaries will be divided into two parts. This will attract more people to the documentaries, as they will be broadcast as a series rather than as separate monthly films, which has resulted in increased interest in the past. In addition, IRIS will purchase airtime during popular viewing times and advertise prior to broadcasts in order to attract a larger audience. (PSAs and documentaries will not be broadcast during the summer period since the TV audience is quite low due to the holidays.)

In summary, next year, Internews Georgia will:

- Broadcast the five PSAs produced in Year 2 with purchased airtime and continue intensive lobbying efforts to secure free airtime, which should be provided according to legislation.
- Produce rapid response PSAs addressing the immediate needs of current events. Five PSAs will be produced and approval by USAID for the subject matter is required.

- Produce rule of law and anticorruption-related TV programs and broadcast them on one of the national TV channels. Eight to ten programs will be prepared for Year 3 and approval of USAID for the subject matter is required.
- Rebroadcast select documentaries produced in Year 2.

Other grantees

Three grants competitions were held last year, with winners selected from one of the competitions, entitled “Human Rights are a Part of the Georgian Culture.”³ A total of five proposals from this competition were selected to receive awards.⁴ Georgian society is not indifferent towards its culture and traditions and experience shows that for many people, tradition and human rights are viewed as incompatible. This grant competition was the first of its kind and IRIS believes that using culture to promote human rights is an important untapped area.

One of the five new grantees, Radio Green Wave, plans to broadcast 48 thematic radio programs and 60 radio clips over 12 months via six regional stations on the country’s free radio network. The programs will present the work of Georgian cultural icons and historical political developments that highlight the principles of tolerance and human rights.

Another grantee, The International Center for Civil Culture (ICCC) will broadcast 12 radio performances that explore the aspects of human rights in Guram Dochanashvili’s well-known novel *Samoseli Pirveli*. In addition, ICCC will produce 50 audio clips, lasting from three to five minutes, which refer to the 12 radio performances and compare works of Georgian literature and specific articles of the Universal Declaration of Human Rights. Famous Georgian actors will be involved in the creation of the clips and radio programs, and records included in the “Golden Fund” of the Georgian Radio will be used. Well-known members of Georgian society will participate in post-program discussions.

The organization Alfami will use their award to present concepts of individual liberty through the eyes of Georgian artists. Through imagery and sometimes irony, artists will promote ethical standards and address the concepts of individuality and community. Interaction with citizens through public performances and exhibitions will involve the public and help them appreciate ideas presented in the accompanying artwork. This project also highlights the role of painters, artists and other cultural actors in solving important social issues. Painters, designers, actors and photographers will create media projects and present their work in person to the public in different regions of Georgia. Print media and dramatic representations depicting concepts of individual liberty will also be presented in various regions where the population is often isolated from the country’s socio-political life and cultural sphere.

The Pluralism Center plans to work with a group of professionals in academia, library science, political science, human rights and film to conduct research for seven critical articles presenting aspects of human rights ideals in Georgian history and culture. The articles will

³ The titles of these competitions were, “Public Officials for Human Rights and Anti-Corruption,” “Journalists for Human Rights and Anti-Corruption,” and “Human Rights are a Part of the Georgian Culture.”

⁴ “Society and Art-images” by Alfami, “Human Rights as a Natural and Inseparable Part of Georgian Culture” by the Center for Development and Cooperation/Center for Pluralism, “Georgian Prose and Human Rights” by the International Center for Civic Culture, “Georgian Cultural Traditions and Modern Liberal Values” by Association “Green Wave,” and “Ancestors and Predecessors Protecting Children’s Rights” by Ozurgeti Young Teachers Union.

be published together as a book and a documentary film will be produced on each article. A regional working group will reach citizens in outlying areas.

Lastly, the Ozurgeti Young Teachers Union aims to explain and popularize children's rights in Georgian society through interpretation of well-known national literature and art. The Union recognizes that a medium accessible to all citizens can best facilitate the message of children's rights. The project will include dramatic performances, Karl Popper debates, literary courts, concerts, films based on original literary sources, and exhibitions. One of the chief goals of the project is to show that the protection of human rights is not a newly initiated campaign, and that luminaries of Georgian culture and public figures, present and past, have long striven to protect these values.

IRIS

Under Task 1, IRIS does not plan to limit its activities to the coordination and monitoring of grantees, but rather will also execute its own activities in this field. Apart from the activities described below, IRIS will remain flexible and will support interesting initiatives that emerge during the year as much as is feasible.

Survey

In Year 3, the 4th Annual Household Survey will be conducted. IRIS will consider the new USAID/Caucasus - Georgia Country Strategy in the planning of the survey instrument.

New Grants Program

The grants program under Task 1 was an important component of IRIS's Year 2 Work Plan. Since IRIS Georgia had no prior experience in conducting a grants competition, the Horizonti Foundation was selected to conduct the competition. Building on our experience from last year, IRIS now intends to direct the entire process of selecting grant applications in the future. Due to the changing objectives of USAID's strategy and the resulting delay in approval of our work plan for Year 3, IRIS will not conduct an open grants competition this year. Instead, a modified procedure will be used to solicit proposals on specific topics as needed from a variety of NGOs specializing in a specific area. (USAID procurement regulations will be closely followed.) Final topics will be approved by USAID.

Outdoor Poster Campaign

IRIS will continue its outdoor poster campaign during Year 3. Pre-election campaigns prevented IRIS from launching a large-scale public awareness campaign using outdoor posters last year. Despite this obstacle, 36 billboards were posted in three cities for one month.⁵ Four styles of posters⁶ were used during this campaign, and another three were designed for future use.⁷ Five of the posters were based on the PSAs produced during Year 1, and two of them were created based on the PSAs produced in Year 2.

⁵ Tbilisi, Kutaisi and Poti

⁶ "Illegal Search", "Right to Silence", "I Am a Citizen of Georgia" and "Rights to Counsel."

⁷ "Fingerprints," "Right to Silence," "Book Shelf," "Road Signs," "I Am a Citizen of Georgia," "Illegal Search," and "Right to Counsel."

This year, the campaign will also employ stickers posted in subway cars in Tbilisi and IRIS will explore the possibility of using light-boxes for advertisements. The billboards will be placed in three major Georgian cities: Tbilisi, Kutaisi and Poti and the PSAs created in Year 2 will be launched in coordination with the poster campaign. During Year 3, IRIS will ensure that, in addition to the new products, the campaign includes posters produced in previous years to reinforce their messages.

Pocket cards

In the coming year, IRIS intends to begin a public awareness campaign in a new format. IRIS will produce pocket cards with the images that have already been depicted on billboards. Specifically, the billboards entitled *Bookshelf* and *Road Signs* will be used as models. Additionally, one topic related to socio-economic issues will be selected in coordination with USAID for placement on pocket cards.

Deliverables to USAID (includes English translations of critical Georgian material)

- Report on the number of flyers, posters, and other notices published and distributed.
- Agendas, speaker lists, reports on the number of attendees of workshops, roundtables, the Public Awareness Bus Tour, debates and training sessions and copies of critical training materials;
- Titles of newspaper articles, inserts and supplements along with the names of newspapers and dates of publication;
- Copies of leaflets, books, booklets and other publications, along with the dates of publication, numbers printed and distribution details;
- Copies of the survey report and evaluation studies;
- Report on the number of newsletters published, including dates of publication and numbers printed;
- Copies of television programs, public service announcements, radio programs and other announcements with the airdates and markets served reported.

Task 2. Support for Legal Services and Human Rights Organizations

IRIS will continue providing support to various legal assistance entities and human rights organizations, with the goal of providing legal assistance for the most serious human rights abuses and publicizing other cases so that they can be addressed either through legal action or by public and political scrutiny.

Overview

During the last year, IRIS conducted research on the status of legal aid in the country. The objective of the research was to provide an overview of the legislation and practice in the area of free legal services provided by the government. The results of the research, as expected, were not positive. A brief outline of the results follows:

1) **Assessment of the legislative environment:** The legislative guarantees in criminal cases are very broad; insolvency of a person, without any additional conditions, may serve as grounds for requesting the appointment of a lawyer. Administrative and civil legislation,

although to a limited degree, also provide the possibility of appointment of a lawyer. In addition, the Law on the Bar, which mandates the adoption of the Law on State-funded Lawyers, is not yet enforced and the Law on State-funded Lawyers has not been adopted. Since neither law is functioning, the various norms on legal services that are scattered in different laws do provide certain guarantees, but they do not provide, on the legislative level, procedures for their implementation that would form the foundation for a well functioning and effectively managed system of free legal assistance.

2) *Assessment of the actual situation:* The system, which would fully manage and control this area, including financial and other matters, does not exist (and has not existed) in practice. As a result, there is no mechanism that would ensure that the appointment of an attorney is not dependent on the arbitrary decision of the procuracy or the court. Even more importantly, a mechanism that would ensure that the quality of legal services provided is in compliance with well-established standards of qualified representation does not exist. This liberal approach for the appointment of a lawyer results in placing a burden on the government, which cannot be met with the limited resources available. The number of appointments of lawyers in civil and administrative cases is very low (five or six cases per year), and as a rule, this mechanism is applied only in cases of certain categories (e.g. those involving war veterans). The existing model of legal aid fails to provide the required quality of legal service. Due to low salaries, the lawyers are not motivated to remain independent and provide their clients with competent service. They enter into illegal agreements with other parties involved in the case, which encourages corruption in this area and strengthens public distrust in the legal system.

IRIS's assessment of the system indicates the special role that the non-governmental sector plays in this area. NGOs sensed the existing situation and frequently undertook to provide free legal advice to fill the vacuum. IRIS grantees have replaced governmental mechanisms in the implementation of this important function. This service is provided by a number of organizations, but GYLA's service is the largest, both in areas of law and geographic coverage. It is much easier for the NGO sector, with competitive salaries, to keep independent and qualified personnel, which increases the quality of service. It would be impossible for NGOs to implement such an important activity without the financial support of foreign donors. IRIS/USAID has been GYLA's major source of funds in this field for two years. Article 42's project at Tbilisi District Court is relatively small-scale, but entirely funded by IRIS.

IRIS plans to renew grant agreements with all of its grantees under Task 2 and to thoroughly monitor their activities in Year 3. The grantees will rearrange their activities to various degrees, yet the grant agreements will still include case selection criteria, which, if necessary, will be updated.

Last year was remarkable in terms of the provision of IRIS-funded legal service to the population. Four hundred forty criminal and civil cases were litigated by IRIS-funded legal aid centers; 14,156 consultations were provided by telephone, through mobile legal aid visits, face-to-face consultations in the offices and using postal services.

In Year 2, a US expert was invited by IRIS to spend two months in Georgia. During this period, the expert studied various aspects of the operation of the IRIS-funded legal aid centers and provided training to the lawyers working in the centers. IRIS will incorporate the recommendations designed by the expert in the planning of next year's activities. As

necessary, IRIS will continue to involve experienced human rights and public defense experts from the US and other countries to provide training for selected lawyers and the human rights network coordinators.

IRIS believes that implementation of such projects, regardless of the importance for a transitional country, still results in only short-term solutions, with the exception of strategic litigation. Therefore, based on various pieces of research, IRIS planned to design (with other donors, such as the World Bank) and propose to the Government an alternative concept for a legal aid system. However, this project was not implemented in order to avoid duplication of a similar effort by GYLA. Currently, GYLA is pursuing this effort with funding not provided by IRIS. Nevertheless, IRIS will continue to monitor the developments in this area and cooperate with various interested parties to plan its efforts according to emerging needs.

We agree that the ultimate goal of USAID assistance in this field needs to be targeted to achieve goals that lead to an improvement in the legal environment and the capacity of Georgian legal institutions. For that reason, specific case selection criteria were developed last year for our grantees, ensuring that extended legal assistance and representation would be provided only to certain categories of the population and only on certain categories of cases. Case selection criteria were developed in line with the priorities of dealing with the most serious violations of fundamental rights and of the inability of potential clients to afford legal services on their own. Strategic, high impact cases were defined as a separate category. Therefore, with the exception of phone consultations, where initial legal consultations are provided to all, extended personal consultations, and if found necessary, subsequent court representations are provided only to those whose cases meet the established case selection criteria (both personal and material criteria).

As for improving the breakdown of cases, we agree that more specificity is necessary primarily for internal management purposes. Additionally, the information is necessary for our own knowledge and understanding of their activities and the impact they have on our legal and social environment. This was one of the primary objectives of sending legal aid expert Mr. Joe Dailing to evaluate our grantees in the fall of 2003. In his final report, Mr. Dailing's primary recommendation focused on the development of special data management information software. All information requested by USAID will be included in this system, which will enable these organizations to keep information and produce reports. The development of the software, its installation and training of the staff all require time. Therefore it would be unrealistic to require and expect that our grantees will be able to produce the requested detailed information immediately. This will be set as a goal and USAID will be kept informed throughout the development of the system.

Partners

GYLA

Liberty Institute

Union Article 42 of the Constitution

Public Defender's Office

GYLA

GYLA's legal aid centers will handle both routine and strategic cases. The routine cases will be those which commonly target corruption in the legal system. Strategic cases are expected to have a direct, significant impact on the system itself, ensuring changes not only in the

practice of judicial or state agencies, but perhaps also in legislative institutions. Constitutional Court cases serve as the best example. The purpose of the legal aid centers, in addition to assisting indigent, vulnerable parts of the population including minorities in defending their rights from the abuse of power by the state, is to have a positive impact on ensuring better respect of constitutional rights by state agencies, decreased levels of corruption and overall a better functioning legal system. Due to their importance, the degree of IRIS's involvement in strategic cases is expected to increase. Economic and social rights will become one of the main priorities for GYLA in the case selection criteria.

GYLA provides the largest legal aid service among IRIS grantees; therefore, successful operation of this organization is of utmost important to IRIS. In addition to its traditional activities in the area of legal aid, GYLA will broaden the types of services offered. Next year, GYLA will begin providing radio-based consulting managed by their Tbilisi office and will select radio channels with the broadest coverage zones to air these programs.⁸ Innovative methods will also be employed in the regional offices, such as in Kutaisi and Gori, where GYLA will start offering TV-based consultations. These legal aid services will all be aggressively advertised.

The anticorruption focus in the activities of GYLA's legal aid centers will also be strengthened. Advertisement of their legal aid services will contain specific information on this aspect of their work enabling relevant persons to avail themselves of the legal assistance provided. Cases related to anticorruption objectives will form a separate subject matter selection criteria in case they do not meet established personal or other categories of subject matter criteria. High impact cases in this field will be considered strategic.

Legal assistance and, when necessary, court representation will be provided to NGOs working in the field of anticorruption who do not have the sufficient human resource capacity within their organizations. Flexibility will be provided in the case selection criteria, enabling representation of anticorruption cases initiated by NGOs if permitted by relevant changes in the existing legislation.

Activity summary for GYLA on legal aid for human rights issues in Tbilisi, Kutaisi, Gori, Rustavi, Telavi, Ozurgeti and Dusheti:

- Hot-line consultations (in the regions);
- Private consultations;
- Mobile legal aid to villages (18 field visits per month);
- Radio consultations (once a month);
- TV consultations in Kutaisi and Gori (once a month in each region);
- Court representation;
- Representation before investigative agencies; and
- Representation before administrative bodies.

Liberty Institute

Based on recent experience, the Liberty Institute (LI) will be implementing significant changes to its fact-finding program for the next year. The present component of fact-finding will be transformed into the Civil Liberties News Service. They will collect facts regarding human rights violations and anticorruption through LI staff resources and the press and

⁸ The State Radio or Radio Imedi.

immediately disseminate them through online services in Georgian and English. The journal of the Liberty Institute, *Human Rights Review*, currently published quarterly and containing only factual information, will become more analytical.

The Liberty Institute will also create a website for its news service (discussed in Task 5). One of the objectives of the website will be to provide online legal aid service. No other IRIS grantee has provided such a service before. LI will address specific categories of rights, including freedom of speech, the right to privacy, freedom of religion, minority rights, and freedom of assembly.

Summary of the Liberty Institute's activities for this year:

- Set up the Civil Liberties News Service and ensure its effective functioning;
- Set up an Alert Network;
- Provide on-line legal aid service; and
- Prepare and publish the *Human Rights Review*

Union Article 42 of the Constitution

For the most part, Article 42's project will continue in its current form. The purpose of the project is to provide legal services in the second instance appeals court of Tbilisi. This project focuses more narrowly on criminal representation for rural citizens without access to legal help and vulnerable residents of Tbilisi such as disabled persons, internally displaced persons (IDPs), single mothers, members of minority groups and others. In case of an appeal on strategic cases, the lawyers of Article 42 will represent the party in the Supreme Court as well. Article 42 has gained a credible reputation both in courts and in prisons and their lawyers have been receiving an increasing number of requests for assistance from prisoners who have learned about the project from other prisoners.

This year cases handled by Article 42 having an anticorruption dimension will be given special attention. Since legal services provided by Article 42 are restricted to criminal law and primarily cover court representation before the district court of Tbilisi, the main focus of anticorruption activities will consist of providing consultations and assistance in initiating anticorruption cases. Administrative and civil law cases brought up by those approaching the center will be referred to GYLA's legal aid centers for court representation. Relevant information will be provided by Article 42 to the Liberty Institute as well. As in the case of GYLA's legal aid centers, flexibility will be provided in the selection criteria, which will enable representation of anticorruption cases initiated by NGOs if permitted by relevant changes in the existing legislation.

An innovation in the activities of Article 42 is the publication of a monthly newsletter and brochure. The newsletter will illustrate cases handled by Article 42 attorneys and highlight problematic issues and interesting and debatable topics. The newsletter will also expose violations of the rights of defendants by investigative and judicial organs and provide advice to the broader population. The newsletter will have a diverse audience, including practicing lawyers, parties to trials, defendants and the general public. In addition to printed copies, it will also be posted on the Internet and sent via e-mail. The brochure will focus on the role of motions in criminal trials, rules of procedure related to the submission and consideration of motions by courts and the actual practice of their implementation. It will contain sample cases and templates of various types of motions.

Summary of Article 42's legal aid activities at the Tbilisi Appellate Court:

- The office will provide assistance in criminal cases to the rural population of Eastern Georgia who come to the Second Instance Court in Tbilisi and lack proper legal services/information in their home villages;
- Legal services for criminal cases will also be offered to certain groups of Tbilisi citizens (disabled persons, pensioners, families with many children, single mothers, IDPs, members of minority groups, etc.);
- Legal services provided will include face-to-face legal consultation, preparation of legal documents and court representation;
- Article 42 will provide representation on critical criminal cases that are sent to the Supreme Court of Georgia; and
- Article 42 will publish monthly newsletters and a brochure on the role of the motions in criminal trials and effective strategies and methods of their utilization by attorneys and defendants.

Cooperation with the Public Defender's Office

Explaining human rights to people is only one way of fighting legal nihilism and establishing the rule of law. To establish a rule of law-based state, proper cooperation from the government is also needed. In order to encourage the government's participation, IRIS Georgia provides technical and material support to governmental entities. As part of this task, IRIS Georgia will provide support to the Public Defender's Office. Under the law, the Public Defender possesses broad powers, including the unique right to bring cases to the Constitutional Court as public claims. (Unlike a natural person that must prove her/his rights were violated or are likely to be violated, the Public Defender is authorized to speak generally to the unconstitutionality of specific acts.) The fact that the Public Defender's Office has not fully utilized this ability is not the result of a lack of political will, but rather stems from a lack of resources. Accordingly, support to assist the effective operation of the office of the Public Defender is a key element in protecting human rights in Georgia. IRIS will provide support to the Public Defender's Office through our grantees.

Unlike in previous years, the Public Defender's Office became quite active this year. The office filed several lawsuits in the Constitutional Court. A good example of the Office's recent efforts is the joint lawsuits brought by the Public Defender's Office, GYLA and Article 42, some of which were filed under the IRIS-funded project. IRIS hopes that with the appointment of the new public defender, development of this institution and its role in Georgian society will be continued and reinforced. Should the environment change over the course of the year, IRIS will design a response and seek USAID approval for implementation.

Support for developing a legal aid system for the poor

Consultants will be hired to design and initiate implementation of Joe Dailing's recommendations for legal aid case management.

IRIS will continue to monitor development of an effective system of legal aid in close cooperation with ABA/CEELI, the Council of Europe, the World Bank, the Soros Foundation Network, GYLA and other interested parties.

Deliverables to USAID (includes English translations of critical Georgian material)

- Copies of critical training materials;
- Reports on the number of citizens provided with legal advice, which also include the location and the number and nature of contacts (for instance, telephone, office etc);
- Reports on the number of citizens represented in courts and before administrative and investigative agencies;
- Reports on the number of court decisions, including the number of cases won and lost and brief written summaries of the most important cases;
- Reports on the number of decisions made by administrative and investigative agencies;
- Copies of publications;
- Reports;
- Agendas, speaker lists, number of attendees of workshops and roundtables; and
- Copies of television programs, radio programs and announcements with airdates.

Task 3. More Open and Transparent Government or Administrative Process

The combined efforts of public awareness, reformed laws and technical assistance to willing government actors will facilitate the formation of a more transparent and accountable government, which is a powerful tool in fighting corruption.

*“If men were angels, no government would be necessary.
If angels were to govern men, neither external,
nor internal controls on government would be necessary.”*
(Federalist papers #51)

Overview

Creation of an effective, transparent and accountable system of governance should be a matter of constant concern to a government that aspires to achieve democracy. Although Georgia gained its independence more than 10 years ago, it still has not succeeded in arranging its governance system in a manner that ensures protection of human rights and accomplishes tasks of national importance. Corruption remains the traditional method of government administration. Corruption is often linked to economic problems, but the latter do not emerge as a separate and isolated event—such problems themselves arise from all-encompassing corruption. The primary and most effective way to systematically fight corruption is enforcement of laws based on the principles of liberal democracy and a commitment to the introduction of a civilized system of governance. The purpose of Task 3 is to facilitate enforcement of such laws.

Georgia has a number of reasonable, western-style laws, most of which exist on paper but are not put into practice. Often Soviet-style rules are actually practiced instead, meaning that decisions made are not based on the law, but according to the narrow interests of elites. The government administration is reluctant to follow new rules of the game, while the population fails to force the government to obey laws. It is much cheaper, quicker and easier to get things done through bribes and friends. Eventually, this adverse system becomes associated

with the natural and acceptable rules of governance. Such a concept of governance, as well as a nihilist attitude towards law and justice, is rooted in the Soviet period. Under such conditions, the public fails to perform its primary function; to consistently hold the government accountable. Therefore, a fight against corruption has typically appeared to be a show masterminded by the government and is accompanied by total indifference on the part of the public, which ultimately dooms any campaign against corruption to failure. In terms of the fight against corruption, IRIS regards Tasks 1 and 3 as inseparable components.

Under this task, IRIS will continue to focus heavily on the implementation of the Freedom of Information provisions of the General Administrative Code. The General Administrative Code, with Chapter 3 covering Freedom of Information (FOI), is progressive and provides the foundation for governmental transparency, but it is currently not being implemented properly. Consequently, one of the most effective tools against corruption is not being fully utilized. Often, despite the best efforts of many, enforcement of a separate progressive law is almost impossible. This is because, good or bad, the system is operating as a whole, and each agency has its own rules of operation. Therefore, implementation of any innovation naturally necessitates reform of the whole system, which is impossible to achieve under any single project. Nevertheless, IRIS will continue with strenuous efforts to facilitate the enforcement of FOI provisions and the entire General Administrative Code.

Several years ago, IRIS made it a priority to increase the knowledge of civil service employees regarding the freedom of information provision, based upon the belief that awareness in the NGO sector alone would not produce the results desired. IRIS is proud to report that the civil service employees who were trained by IRIS several years ago dramatically changed their attitudes regarding the handling of public information and many still maintain contact with IRIS staff. IRIS continues to train FOI officers through a regional project carried out by UNAG and through a small project component implemented by GYLA.

In previous years IRIS implemented a number of activities to encourage activation of the freedom of information provision, ranging from initiating legislative changes to preparing various publications and organizing trainings, workshops and conferences. Noting that the issue of freedom of information attracts the interest of many donor organizations and many initiatives in this area had already been funded, in Year 2 IRIS organized such events primarily when specific requests were submitted. This did not mean that IRIS was inactive; IRIS employees actively took part in the events arranged by other organizations. In addition, two meetings were organized at the initiative of IRIS for the staff of the Chamber of Control and a number of meetings were arranged for the representatives of the Antimonopoly Service and several ministries.

In Year 2, IRIS prepared various legal materials for the enforcement of the General Administrative Code, including checklists on a) administrative acts and b) normative regulations. The checklists were published and distributed to a number of agencies. The checklists were also posted on the IRIS website and on a number of mailing lists. IRIS updated the Freedom of Information Guide, which was initially published several years ago and regularly used for training programs. In the coming year IRIS will continue to promote its FOI-related activities.

IRIS recognizes that access to and release of information cannot be ensured without appropriate material resources. In Year 2, IRIS provided technical assistance to the FOI

offices of the Rustavi Mayor's office and the Ministry of Finance. IRIS will continue providing similar assistance to the FOI offices of other administrative agencies.

IRIS Georgia continues to serve as a resource for other USAID partners, providing both advice and materials related to FOI. During Year 2, IRIS cooperated with NDI and the Urban Institute on their FOI-related publications. Assuming continued FOI and Open Meeting implementation by other USAID contractors, IRIS Georgia will focus on providing technical assistance for the implementation of laws, particularly those dealing with administrative law.

Efforts in the area of freedom of information are directed not only by IRIS, but also through its grantee, the UN Association of Georgia (UNAG). The latter has been implementing an IRIS-funded project on the enforcement of freedom of information provisions in administrative agencies for a year. During Year 1 (the first stage) UNAG's project covered 10 areas in seven regions. In addition to regularly working in cooperation with FOI offices, UNAG monitored implementation, drafted and lobbied for a number of model documents and printed educational posters. The posters were designed based on popular cartoon characters and gained great support among various organizations. The competition organized by UNAG on freedom of information aimed to encourage administrative agencies, NGOs and journalists to implement freedom of information provisions of the General Administrative Code. Next year, UNAG will expand its regional activities in the second stage of project implementation,⁹ while placing an emphasis on activities in Tbilisi. UNAG will also continue working on legal acts concerning freedom of information, which, considering current events, may become part of Task 4. IRIS will continue to provide UNAG with regular consultations throughout the implementation of its project and IRIS will also continue to coordinate meetings between UNAG and GYLA for the purpose of establishing a unified practice concerning provisions of the Freedom of Information Chapter of the General Administrative Code.

The project supporting implementation of licensing, which is managed by the Association of Young Economists of Georgia (AYEG), is also a strong focus of IRIS's anticorruption activities due to the importance of the procedure in Administrative Law. Ideally, the majority of this project would have been carried out during Year 2. However, implementation was postponed due to the failure of the Parliament to adopt laws regulating the issuance of licenses and permits for various activities. Therefore, the major part of the AYEG project will be implemented in Year 3. AYEG has already selected three agencies¹⁰ that will research the situation in the area of licensing and take specific actions. AYEG will also conduct research in five areas subject to licensing and permits, which are not affected by the process of implementation. The activities under IRIS's current grant agreement with AYEG should be carried out by June 2004. Accordingly, during this year IRIS will consider renewal of the grant agreement based on the results of the current project.

Research indicates that citizens seldom file administrative complaints when their requests for public information are denied. In order to encourage citizens to resort to this legal mechanism, GYLA will organize workshops for the heads of administrative agencies. The workshops will be followed by monitoring that will help to estimate the number of Freedom of Information (FOI) cases and the quality of the decisions made by administrative agencies on these matters.

⁹ These sites will be selected from the following areas: Sagarejo, Marneuli, Vale, Adigeni, Khashuri, Zugdidi, Chokhatauri, Gachiani, Koda, Kirdznisi, Maghlaki.

¹⁰ These are: 1) Health care and pharmaceutical; 2) Food product; and 3) Veterinary

While IRIS is fully confident in the successful implementation of other tasks, certain obstacles are expected in the implementation of Task 3 primarily due to recent changes within the Government, rapid personnel changes in key government offices and continuing restructuring within the Government. Administrative law reform, unlike judicial reform, is a relatively new activity for USAID and its implementing partners. At first glance, there is no considerable link between these two reforms, but upon further examination, this is not the case. For example, last year problems with the transparency of the judiciary led to a disagreement between the judiciary and the NGO sector. The judiciary may not be required to follow the same form of transparency as other branches of government, but public accountability should not be the norm for only the legislative and executive branches. This year IRIS will focus attention on the matter of transparency in the judiciary (the Administrative Law training program for the representatives of the judiciary is outlined in Task 5).

In addition, the Liberty Institute will conduct a comparative study of legislation and practices in foreign countries related to the use of amicus curiae in their legal systems, as well as the relevant provisions and practices of international tribunals. The study will encompass research into Georgian legislation as well. The main purpose of the study will be to analyze whether or not the introduction of this practice is desirable and feasible in the Georgian legal system for the purpose of curbing corruption in the judiciary, raising the quality of judgments especially on high impact cases, enabling greater participation of the public in court proceedings and ensuring better defense of constitutional rights and freedoms. Research will provide recommendations on the above-mentioned questions and on appropriate means for their implementation, if found to be necessary. The Liberty Institute's research on this subject will also become part of the larger IRIS project on judicial transparency.

IRIS intends to continue to modify its methodology and experiment with new ways to implement activities in spite of the instability currently facing the Georgian government.

Partners

Association of Young Economists of Georgia (AEYG)
United Nations Association of Georgia (UNAG)
Georgian Young Lawyers Association (GYLA)
Liberty Institute

Counterparts

State Department on Informatization
State Chancellery/ President's Administration and Cabinet of Ministers
Ministry of Finance
Ministry of Justice
Georgian Training Center for Justice
Ministry of Health
Mayor's Office of Rustavi/Tbilisi
State Antimonopoly Service of Georgia
State Procurement Agency
Ministry of Education
Council of Justice
Judiciary
Other Agencies, subject to USAID approval

Programs

Implementation of the General Administrative Code

Promote awareness of the General Administrative Code within Parliament, ministries, and other government agencies during the preparation of new or revised regulatory laws and normative acts:

- Conduct workshops as needed for staff members with drafting responsibility to educate them about the Code and its requirements.
- Perform other activities that will help to meet the requirements of the General Administrative Code in legislative drafting and the drafting of normative acts.

Work with selected agencies to implement the Administrative Code in their operations and practices:

- Hold workshops, trainings and consultations for ministries, other national agencies, and local government entities interested in Administrative Code implementation projects, including a review of internal regulations and procedures for consistency with the requirements of the Code as needed or as requested; and
- Organize roundtables and workshops on appeal procedures for the heads of administrative agencies.

Assist in the preparation of rules and procedures to formalize the process of appeal at the State Chancellery/President's Administration and Cabinet of Ministers:

- Prepare an assessment of the authority of the President and the Prime Minister regarding examination of administrative claims;
- Hold a workshop or conference if necessary;
- Involve foreign experts as necessary; and
- Facilitate discussions among interested parties.

Coordinate with the World Bank and EBRD to provide limited training in public procurement law as needed.

Work with courts, in cooperation with ABA/CEELI and other interested parties, on issues related to transparency of the judiciary:

- Prepare research on transparency in the judiciary based on Georgian as well as foreign, especially Eastern European, experience;
- Conduct research on the amicus curiae system;
- Collect necessary materials for the research, involve foreign experts and disseminate the results;
- Hold a workshop or conference; and
- Facilitate discussions with interested parties.

Promote awareness among NGOs and the foreign donor community regarding the Administrative Code and its applications to their regulatory projects:

- Organize workshops, as needed, for foreign advisers to the Georgian government on the Administrative Code and its applications, in consultation with USAID;
- Hold workshops, as needed, for lawyers from different USAID contractors on the Administrative Code, in consultation with USAID;

- Organize workshops for journalists, judges, and other interested parties, as needed, in cooperation with other USAID partners working in the field; and
- Provide other information/consultation as requested.

FOI implementation

Support for implementation of the FOI Chapter of the General Administrative Code (United Nations Association of Georgia - UNAG)

- Training of contact persons;
- Filling in the questionnaires by institutions targeted in the 2nd stage;
- Assessment visits to the institutions targeted in the 2nd stage;
- Seminars for institutions targeted in the 2nd stage;
- Preparation of recommendations for institutions targeted in the 2nd stage;
- Working with the head offices of various institutions located in Tbilisi;
- Preparation of recommendations to state entities on two to three fields of activity;
- Joint seminars for heads of institutions and responsible officers in Likani;
- Week-long training seminars for young civil servants.
- Three leaflets/booklets explaining different aspects of the Freedom of Information Chapter;
- Articles in regional newspapers (explaining certain provisions of the Freedom of Information Chapter, exposing precedents and providing advice for civil service employees);
- Continued work on model documents;
- Lobbying for model documents in public institutions located in Tbilisi;
- Lobbying for model documents within intercity institutions;
- Exposing contradictions between the General Administrative Code and other laws;
- Providing consultations to public institutions (institutions targeted in the 1st and 2nd stages);
- Monitoring the institutions targeted in the 1st stage;
- Monitoring implementation of the recommendations provided by UNAG to the institutions targeted in the 2nd stage;
- Desk calendar for the year 2004;
- Posters;
- An FOI competition;
- A conference; and
- A series of cartoons on various topics from the Freedom of Information Chapter of the Code.

Continue to monitor FOI offices already supported and provide additional technical assistance to those agencies already supported or to other state agencies.

Implementation of new Licensing Law and related licensing legislation

Ensure that licensing/permit agency procedures conform to the new laws and requirements of the General Administrative Code (Young Economists Association),

- a) For the staff of the three licensing/permit agencies that are involved in implementation with AYEG assistance:**

- Conduct workshops, trainings and consultations for agency staff preparing new regulations to implement changes in the licensing/permit process under the laws.
- Conduct comprehensive analyses of regulations, procedures and practices of those agencies for receiving and handling license/permit applications and the consistency of those rules with new laws and the Administrative Code. Publish desk study results.
- Complete and publish guides for entrepreneurs titled “How to get Licenses and Permits.”
- Prepare new regulations implementing changes in the licensing/permit process under the new laws.
- Conduct workshops, trainings and consultations for agency staff.
- Assist agencies in developing new draft licensing/permit procedures consistent with these laws and present them to stakeholders during a conference.
- Support the implementation of the recommendations.

b) For the staff of the other five specified licensing agencies that are not involved in the actual implementation with AYEG assistance:

- Conduct workshops, trainings and consultations for agency staff, preparing new regulations to implement changes in the licensing/permit process under the laws.
- Conduct comprehensive analyses of regulations, procedures and practices of those agencies for receiving and handling license/permit applications and the consistency of those rules with new laws and the Administrative Code. Publish desk study results.

c) Other:

- Conduct workshops, trainings and consultations for entrepreneurs interested in attaining licenses/permits.
- Publicize new laws and rules to promote full awareness and reduce opportunities for corrupt practices.

Deliverables to USAID (includes English translations of critical Georgian documents)

- Licensing/permit Guides;
- Desk study results;
- Model Rules and Procedures;
- Agendas, prepared materials and number of participants of conferences, workshops, roundtables and training sessions;
- Copies of analytical reports;
- Report on the number of flyers, posters, and other notices distributed;
- Titles of newspaper articles, inserts and supplements along with the names of newspapers and dates of publication; and
- Copies of leaflets, posters and other publications, along with the dates of publication, numbers printed and distribution details.

Task 4. Support for Legislative Drafting

Until widespread civil service reforms can be instituted, IRIS will continue direct participation in the legislative process.

Overview

This task is implemented exclusively by IRIS. Despite the reform initiatives supported by the Government under the current budgetary crisis, no possibility exists to fund many critical areas. Public service fails to attract and/or preserve qualified personnel. There is a constant drain of experienced staff to the private sector, which heavily affects the quality of public service and eventually the governance of the entire country. One consequence of this drain has been that the quality of legislative drafting continues to decline. Adopted laws tend to conform to the current situation more than to the needs of the country. In such an environment, monitoring of and involvement in the legislative processes remains one of IRIS's priorities. IRIS's ability to be effective in improving the legislative environment has been made possible by our success in establishing close and constructive relationships with major actors in the legislative process, such as Members of Parliament, officials from the Office of the President's Parliamentary Secretary, personnel from the Ministry of Justice and officials from other government agencies. Several years ago, IRIS established a relationship with staff from the Parliament's Legal Department and over the years the administration has regularly sent IRIS draft laws to be considered, thus providing IRIS with a full picture of the Parliament's plans. In addition, IRIS employs lawyers with considerable experience and expertise in the legislative process.

This task requires flexibility, especially in light of the upcoming parliamentary elections. The new Parliament should begin active work during the summer, but as is tradition Members of Parliament will most likely deal with personnel matters first. Since this process will take approximately one month, legislative activities will be delayed until September.

IRIS has proven its flexibility in responding to legislative needs as exemplified by the licensing law. Although this activity was not planned, IRIS Georgia became involved in the process upon the request of the Ministry of Justice and worked closely with the Parliament as well. As a result of IRIS's work, more than two-thirds of the original draft law was revised to ensure compatibility with the Administrative Code. This process did not end with the adoption of a single law. It was followed by the drafting of a considerable number of laws in various areas of licenses and permits. Approximately 16 of the laws adopted in this area had been developed with IRIS's support. The purpose of these laws is to facilitate the creation of a favorable business environment in the country and to curb the arbitrary and corrupt actions of public servants. Next year, IRIS will continue monitoring the law-making processes in the remaining licensing and permit fields.

IRIS remains an important resource for consultation to the Ministry of Justice, the State Chancellery and the Parliament. Officials from these institutions often request opinions from IRIS on various draft laws and where appropriate, IRIS continues to provide written comments. During this past year, IRIS provided recommendations on important issues such as the constitutional amendments for MP immunity, guarantees for freedom of speech from the standpoint of criminal law, laws on personal data and state secrets, and criminal procedures. IRIS held a number of conferences and workshops, conducted research and

drafted laws on these topics and obtained opinions from experts in the field, such as Professor Herman Schwartz, on a number of critical issues, which were later distributed to interested parties. IRIS will continue to actively work in this area during Year 3.

This year the Constitution will be a major concern for IRIS. The previous Parliament did not provide any opportunities for pressing for even minor constitutional amendments. It is possible that after the new Parliament has convened the number of such initiatives will increase; however, it is difficult to predict the scope and degree of proposed amendments and the potential results of such initiatives. Should such initiatives arise, IRIS, in close cooperation with different stakeholders, will actively participate in securing expert analysis and commentary and in preparing draft language as requested.

Due to the current situation, in which the legislative process will be suspended for the next several months, IRIS will shift all of its resources under this task towards the preparation of research. There will be one or two studies undertaken on constitutional issues. Based on current needs, the topics will be viewed from constitutional, administrative and international legal standpoints. Topics that will be examined include issues surrounding the state of emergency and executive/legislative distribution of authority according to the new constitutional amendments. The research will be used to draft legislative proposals as appropriate, which will be presented to interested parties. For this purpose IRIS will organize thematic conferences to discuss results of the research.

The Administrative Violations Code remains one of the main anticorruption activities under Task 4. The law is one of the most significant laws from the Soviet era that has remained fundamentally unchanged. It is also the law with the most pervasive impact on average citizens as well as most businesses, and is structured in such a way so as to facilitate corruption. The Code has been amended numerous times since Georgia gained independence, but its essential structure and approach remain intact. The objective is to begin the process to completely revise and restructure the Administrative Violations Code to bring it into conformity with Western legal models, and to radically reduce its potential for abuse and corruption. In previous years there was no clear political will to reform this law. Even though a special commission was established in the Ministry of Justice to develop a new administrative violations code, it has not yet begun work. However, although the commission has no clear direction, the mere fact that it was created has raised hope. IRIS will seek to work closely with the commission and assist it in legal drafting. Other government entities may be interested in this subject as well (for example, the Ministry of Internal Affairs), which could expand the number of IRIS's counterparts for this particular project. IRIS will also make an effort to involve international experts in this process, although it will be especially difficult given that experts from Western countries are not familiar with the Soviet concept of an administrative violations code.

As necessary, IRIS will also prepare commentaries to the draft Criminal Procedures Code. This would provide a forum through which IRIS could provide technical assistance. Furthermore, the legal service organizations that IRIS supports may identify deficiencies in the criminal laws. Such deficiencies would then be brought to the attention of the legal drafting committee. IRIS will coordinate its criminal law related activities with DOJ and ABA/CEELI.

Below is a list of activities that IRIS Georgia may implement under this task depending on political circumstances:

Partners

CILC

Counterparts

Parliament

Parliamentary Secretary of the President

Ministry of Justice

Ministry of Security

Ministry of Internal Affairs

NGO Community

State Chancellery/President's Administration, Cabinet of Ministers

Other Government agencies approved by USAID

Programs

Law on State Secrets

- Continue monitoring the legislation on state secrets;
- Continue reform initiatives to build consensus among government officials and the NGO community;
- Hold a workshop or conference;
- Facilitate commentary by foreign experts on proposed draft amendments/law; and
- Work with Parliament and other government officials to adopt the amendments/law.

Law on Personal Data

- Finalize the draft law on personal data;
- Arrange for foreign experts to provide comments and suggestions and participate in conferences;
- Continue initiatives to build consensus on the draft law among government officials and the NGO community; and
- Work with Parliament and other government officials to adopt the new law.

Laws on Various Licensing Regimes

- Work with Parliament and various Ministries and agencies to encourage the adoption of the remaining laws required under the new general Licensing Law;
- Continue to provide technical assistance on revising or amending drafts; and
- Provide information and consultation to Parliament to ensure full understanding of the new laws.

Law on Religious Freedom

- Continue to monitor progress and development of legislation, and
- Provide foreign expert analysis and commentary on drafts and proposals when appropriate and sponsor relevant workshops and conferences as needed.

Technical assistance for proposing new Administrative Violations Code

- Assessment of current practices under the Administrative Violations Code of Georgia, and
- Provide technical assistance for drafting the new law.

Research on constitutional issues

- Prepare one or two studies on the most unexplored constitutional topics including State of Emergency and executive/legislative distribution of authority;
- Hold conferences or workshops; and
- Facilitate discussions with interested parties.

Other laws that IRIS may provide technical assistance for during the third year based on political circumstances will include:

The criminal code and criminal procedural code

Monitor the legislative activity and provide technical assistance in selected areas of criminal law and criminal procedural law directly effecting administrative law and citizens' rights, such as:

- Criminal procedure reform limited to IRIS's portfolio in close cooperation with ABA-CEELI and DOJ;
- Defamation/slander; and
- FOI exemptions.

Law on freedom of speech

- Maintain close contacts with NGOs and USAID partners on the status of the law on freedom of speech.

Constitutional amendments

- Conduct an assessment of recent constitutional amendments;
- Secure translations of relevant materials for foreign experts;
- Prepare analyses of the Constitutional amendments from Georgian and foreign experts;
- Provide access to relevant research materials and other resources for key Georgian officials and experts; and
- Hold conferences and/or workshops as needed.

Other laws, related to Constitutional and Administrative law, which require IRIS's involvement, subject to USAID approval

- Conduct an assessment as needed;
- Secure translations of relevant materials for foreign experts as needed;
- Provide access to relevant research materials and other resources for key Georgian officials and experts; and
- Organize roundtables and workshops as needed.

Deliverables to USAID (includes English translation of critical Georgian documents)

- Copies of assessments, recommendations, final versions of draft laws, reports and research, and
- Translations of critical laws and drafts prepared within this task.

Task 5. Information and Training

IRIS's goal under Task 5 is to continue to facilitate the accessibility of high quality legal information to the public, legal profession and the government. IRIS believes that an informed and educated community of lawyers and civil society actors will become key players in the struggle against corruption in Georgia.

Overview

Development of Law Libraries

In Georgia, law libraries are still regarded as a luxury. Public and private institutions do not have the resources to develop their infrastructure. The network of existing libraries is barely maintained, and the old system of a centralized supply for public libraries no longer exists. Under these conditions, many libraries were shut down and existing libraries cannot manage to purchase even minimal amounts of current Georgian legal literature, much less foreign literature. IRIS aims to at least partially fill this void through various activities, including the provision of support to specific libraries and to publishing activities. IRIS assists not only its grantees, but also other governmental and non-governmental organizations. During Year 1, IRIS provided the Ombudswoman's office with 1,600 books and publications including 35 books published in the US and recommended by the library at the University of Maryland. These books are available in the central and regional offices of the Ombudswoman and in the public libraries of all 65 regional centers of the country, in which special "human rights corners" were created. In Year 2 IRIS shifted its attention to the libraries of the Constitutional Court and the Supreme Court. With IRIS's help, the Constitutional Court's library was entirely reorganized, the book storage area was renovated, and library facilities and equipment were procured. IRIS also provided the library of the Supreme Court with approximately 250 Georgian and foreign publications. Other court libraries were supported by IRIS through GYLA.

In Year 3, IRIS will focus its law library assistance activity on the library of the Institute of Law of the Academy of Science. The Institute has existed for several decades and its library contains a suitable stock of classic legal literature, but it cannot meet the needs of the users and readers due to the lack of an appropriate storage area and library equipment. According to the grant agreement signed between the Institute and IRIS at the end of Year 2, the reading and storage rooms of the library of the Institute will be furnished with equipment and necessary improvements in the conditions will be made. In addition, by supporting the Institute's library, IRIS seeks to achieve multiple objectives; the reading room and equipment will be used for establishing a center for constitutional law discussions mentioned in the later sections of this work plan.

IRIS will continue supplying libraries of its partner non-governmental, educational and governmental organizations with books and brochures that were published under the Rule of Law Project. Additionally, IRIS will purchase copies of *Introduction to the Law and Legal System of the United States* by William Burnham in English (and Russian, if available). Particular emphasis will be given to supplying such literature to the Public Defender's human rights corners of the regional public libraries. IRIS will also facilitate developing a system of cooperation (information and resource sharing, staff training, etc.) among law libraries of its

partner organizations. The amended Constitution and a 2nd edition of Sajo's book will be published during the year.

Publishing activities

The number of legal publications in the Georgian language has increased compared to previous years, but the quality of these publications is often questionable. Only a few Georgian authors have the knowledge and experience necessary for writing high quality legal textbooks and monographs. Therefore, in the coming years, it will be crucial to translate and publish foreign legal literature, which is included in IRIS's priorities under Task 5. IRIS focuses on literature primarily related to the principles of constitutional law and human rights. The most remarkable publication supported by IRIS from Year 1 is the translation and publication of Gaul's book, *The Constitutional Process in Georgia (1993-95)* with forward notes written by President Shevardnadze. In Year 2, IRIS's publications included *The Struggle for Constitutional Justice in Post-Communist Europe* by Herman Schwartz and *Limiting Government – An Introduction to Constitutionalism* by Andras Sajo. IRIS has designed a specific visual look for its publications, which will also be used for future publications.

In Year 3, IRIS plans to translate and publish one or two books written by internationally recognized foreign authors on anticorruption, transparency, administrative rights, transitional legal systems and the constitutional concept of an accountable government. Approval from USAID will be solicited as the titles to be translated are identified.

With the support of IRIS, the Institute of Law will prepare fundamental commentaries on the human rights provisions of the Georgian Constitution, in collaboration with leading Georgian human rights lawyers who will be working on this project. The authors will analyze each human rights related article of the constitution in light of concepts and doctrines developed by relevant international organizations including the European Court of Human Rights.

IRIS will also carry out publishing activities as specified under the various tasks. Additionally, IRIS will continue to produce rapid response commentaries. For this activity IRIS staff attorneys and/or short-term consultants will prepare explanatory notes and commentaries on the most significant, newly adopted legal acts that fall within IRIS's portfolio (For the list of specific laws, see task 4). This will enable citizens to be more aware of new laws and regulations, which often enter into effect immediately and change the legal environment without proper notice to users from the government.

As part of its anticorruption efforts, IRIS plans to cooperate with the State Antimonopoly Service of Georgia for preparation and publication of a collection of relevant normative acts containing guidelines for users. These legal acts are currently affecting a wide range of citizens and business entities who are not aware of the new regulations, and thus are extremely vulnerable vis-à-vis corrupt officials. IRIS will plan its activities under this and other tasks based on impending reforms within the executive branch.

During the year, IRIS plans to organize presentations of its publications in Tbilisi, Kutaisi and/or Telavi. Apart from distributing IRIS's publications to a wider audience, the objective of these presentations is to better inform professionals and the general public about the rule of law activities undertaken by IRIS and its partners and the materials available for interested individuals and organizations.

Website

IRIS Georgia's website <http://www.iris.ge>, which has been functioning for the last two years, provides information about IRIS's program in Georgia, news updates from IRIS grantees, links to other rule of law organizations and copies of IRIS's work plan among other documents. The website also contains IRIS-created English translations of legislative and normative acts. Most importantly, texts of the books and brochures published by IRIS are available on the website. This year the website will be maintained and expanded, providing easy access to high quality translations and other useful documents prepared by IRIS and IRIS's partners.

In addition to the development of IRIS's own website, IRIS will also focus on providing support to grantees to develop their web-based resources. Some of the grantees have not yet created web-based resources, and those that are available are still far from perfect. This year, IRIS will be involved in the development of the Liberty Institute's website, in particular, because the activities of the Liberty Institute supported by IRIS, especially under Task 2, are directly related to the creation of their website. In addition, website components are also included in the small grants programs funded under Task 1. IRIS will continuously monitor the process of creating and maintaining these Internet resources and ensure that they are all linked to IRIS Georgia's website.

Newsletter

In Year 2, IRIS Georgia began publishing a newsletter to promote its activities. The newsletter is published on a monthly basis and covers the most important events occurring during the month. The newsletter is sent to USAID partners, IRIS grantees, local NGOs and other interested parties and is posted on the IRIS Georgia website as well. IRIS will continue publishing the newsletter in Year 3 and will also dedicate resources for issuing special editions of the newsletter covering timely issues as they arise.

Workshops, conferences, trainings

Next year, IRIS will continue organizing various meetings, trainings and conferences, but such events will be arranged within the framework of the research conducted under various tasks. IRIS will thus ensure a closer link between Task 5 and other tasks, with the objective of establishing stronger connections between project components and activities. IRIS will be ready to rapidly react to various important topics and if necessary, facilitate discussions on these topics.

The coming year promises much debate over the constitutional system and many draft proposals from different political groups. As IRIS responds to these very important issues, the Institute of Law will be preparing commentaries on the Human Rights Chapter of the Constitution of Georgia and will be holding monthly roundtables with the participation of representatives from the government, non-governmental organizations, universities and political parties. At each of the roundtables, a commentary author will present his or her work and participants will consider timely issues of particular relevance to the current Georgian reality. The roundtables will also consider draft laws and constitutional amendments, which are frequently initiated by different interest groups, are based on incorrect interpretations of the constitutional norms and are directed towards restricting constitutionally guaranteed

rights and freedoms. The Institute of Law project will serve as a permanent forum ready to address the most pressing human rights related legislative issues in a timely and professional manner. After each roundtable, the authors' group will prepare and publish, in various periodicals, articles on the topics discussed.

One of the purposes of the project with the Institute of Law is to help the younger generation of lawyers gain additional post-graduate experience and education. For example, the process of constitutional drafting will involve young lawyers as assistants, in addition to experienced professionals.

Next year, IRIS will maintain the Administrative Law training program for judges. However, IRIS recognizes that judges' assistants play an important role in the judiciary and often draft court judgments, and that training of judges alone will not lead to desired results. Therefore, in Year 3 IRIS will introduce a training program for judges' assistants. Both the content and the organization of this program are innovative. For the first time, IRIS will use GYLA and the Judicial Training Center (JTC) under Task 5 in the area of training, whereas in the past these organizations have performed similar activities under Tasks 1 and 3. This year GYLA will handle trainings for judges while the project for judges' assistants will be implemented through JTC. In addition, procurement law will be added to the training curricula for both judges and judges' assistants.

During the coming year, IRIS also plans to organize a conference on the transparency of the judiciary. Concrete topics for the conference will be selected based on an analysis of the problems facing the judiciary while interacting with the public. While proper protection of personal, commercial and state secrets during the functioning of courts is an important objective, transparency and availability of non-classified information held in the court buildings is an important anticorruption and confidence building measure. IRIS plans to involve experts and judges from Eastern European countries in this project, who can share their experiences with Georgian colleagues. This part of IRIS's activities is highly dependent on counterparts.

Lastly, the current information system within the Georgian government is uncoordinated, ineffective and prone to corruption. Provided political will exists, IRIS will assist the Ministry of Justice to reorganize its central chancellery. .

Partners

GYLA
Institute of Law
Constitutional Protection League
Liberty Institute
JTC
Other grantees

Counterparts

Constitutional Court of Georgia
Common Courts of Georgia
Office of the Ombudswoman
MOJ
State Antimonopoly Service of Georgia

Programs

Electronic information dissemination:

- Improving and maintaining the IRIS Georgia website for all program related activities;
- Publishing a monthly electronic newsletter covering activities of IRIS Georgia and its grantees;
- Supporting development of web-based resources for IRIS grantees and establishing links with the IRIS Georgia website; and
- Supporting development of a virtual network and listserv where regional and international NGO's and government bodies will participate.

Ministry of Justice:

- Assist in reorganization of the central chancellery within the MOJ;
- Hold workshops and/or roundtables on reorganization of the central chancellery, training relevant staff of the Ministry as needed; and
- Facilitate discussions between interested parties.

Publishing:

- Produce rapid response commentaries (explanatory notes) on critical pieces of legislation listed in Task 4;
- Prepare and publish commentaries on the human rights chapter of the Constitution of Georgia;
- Prepare and publish a collection of antimonopoly legislative acts containing guidelines for users, subject to USAID approval;
- Organize presentations of IRIS publications in Tbilisi, Kutaisi and/or Telavi;
- Translate and publish one or two fundamental books written by recognized Western authors on theoretical bases of the modern concepts of human rights, rule of law, anticorruption, integration of legal systems in the globalization age, etc. Final selection approved by USAID;
- Publish 3,000 copies of the new Constitution; and
- Publish a 2nd edition of Andras Sajo's book, *Limiting Government: An Introduction to Constitutionalism*, as needed.

Workshops, conferences, roundtables and trainings:

- Organize various meetings, trainings and workshops based on activities under Tasks 3 and 4;
- Conduct monthly roundtables on different aspects of human rights provisions of the Constitution of Georgia and publish in legal periodicals presentations made at the meetings (Institute of Law);
- Conduct trainings for assistants of administrative law judges (JTC);
- Conduct roundtables for administrative law judges (GYLA);
- Support Western experts involved in the project to hold public lectures on relevant topics, in cooperation with NGOs and legal educational institutions.
- Upon request, participate in trainings conducted on administrative and constitutional law issues within other donor-funded programs; and
- Support legal educational programs by providing ad hoc assistance (for instance, copying teaching materials, organizing meetings, etc).

Network of law libraries:

- Assist the Institute of Law in improving its law library, and
- Supply publications to the libraries of GYLA, the Institute of Law, the Liberty Institute, the Constitutional Court, the Supreme Court, the Ombudswomen's office, human rights corners of regional libraries, law schools and other partners and counterparts.

Deliverables to USAID (includes English translations of critical Georgian documents)

- Copies of published books;
- Copies of prepared rapid response commentaries and concept papers;
- Copies of articles published in newspapers and legal journals;
- Agendas, copies of critical materials and numbers of participants of conferences, workshops, roundtables, presentations and training sessions; and
- The number of publications distributed among different organizations and agencies.

Task 6: Enforcement of Judgments

The purpose of Task 6 is to strengthen the capacity of the Department of Enforcement of Judgments of the Ministry of Justice in its enforcement of judgments through technical assistance.

Overview

Enforcement of judgments is an essential part of the rule of law process. If unsuccessful, litigants are able to ignore the decisions of courts, respect for the courts is reduced and legal rights are not enforced. While essential in the area of private disputes, enforcement of judgments is even more critical when the losing party is the government. However, this area is one of the most difficult for reform, as it challenges entrenched power groups, established patterns of corruption and political/legal inertia. IRIS has established close contacts with the Department of Enforcement of Judgments of the Ministry of Justice. During Year 2, IRIS assisted the department in preparing and printing 250,000 individually numbered forms (with three carbon paper copies) used during different stages of enforcing court judgments. Such forms will significantly increase transparency and accountability within the system and will decrease opportunities for corruption. Depending on the will of the Ministry of Justice during Year 3, IRIS plans to continue technical assistance to the Department.

Counterpart

Department of Enforcement of Judgments of the Ministry of Justice

Programs

- Provide technical assistance in drafting administrative law related provisions of the new law on enforcement of judgments;
- Conduct roundtables for the main stakeholders before and after adopting the new law; and
- Assist in training appropriate staff after adoption of the new law.

Deliverables to USAID

- Summary of assistance provided in drafting the law on Enforcement of Judgments, and
- Agendas, copies of critical training materials and the number of participants who attended the roundtables and training sessions.